



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

JUN 25 1997

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

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>ARR</u>
Time	<u>1:50 pm</u>
Date	<u>6-25-97</u>

Dear Speaker Unpingco:

Enclosed please find a copy of Bill No. 113 (COR), "AN ACT TO REPEAL AND RE-ENACT §61542 OF PART 5 OF ARTICLE 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO POSTING OF POLITICAL CAMPAIGN SIGNS.", which I have signed into law today as **Public Law No. 24-55**.

This legislation prohibits the placement of campaign signs within 100 feet of a school's entrance. In addition, the legislation contains a number of other changes to the current campaign signs law. The following are some of the changes:

old law

new law

- | | |
|--|--|
| a) deposit of \$100 required. | a) non refundable permit fee of \$100 required, plus \$200 deposit for a total of \$300. |
| b) signs have to be 8 feet from the edge of the pavement or in such a way as to not obstruct | b) signs have to be 8 feet from the pavement and in such a way as to not obstruct. |
| c) no sign can be placed on a traffic median strip | c) no sign can be placed on a traffic median strip and on a sidewalk, road, or driveway. |

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 6-25-97
Time: 12pm
Rec'd by: hugh
Print Name: Monique yvette

- | | |
|---|---|
| d) signs can be attached to utility poles if they do not create a hindrance to repair or maintenance work, and small paper, plastic, or cloth signs (18" X 24") can be stapled, taped, or glued to utility poles. | d) no signs can be put on any utility pole. |
| e) no sign can be put up more than 180 days before an election. | e) no sign can be put up more than 90 days before an election |
| f) persons who remove, knock down or take down political signs are subject to misdemeanor . | f) provision penalizing persons for removing, knocking down, or taking down signs deleted . |
| g) size of signs is regulated in §61541 of Title 21, Guam Code Annotated. | g) upper limit of size of political signs is restricted to 192 square feet. This size does not conform to other size regulations contained in §61541 of Title 21, Guam Code Annotated, which are different in some instances. |

There are some difficulties presented in the language of the legislation which will need to be clarified in either subsequent legislation or cleared up in rules and regulations. For example:


- 1) The bill uses some definitions, but the definitions are confusing because different language is used in different places. There is a definition of **Government Property** which includes "tangible and real" property. Tangible and Real property includes both **land** and **personal** property. The legislation states that "no political sign may be erected upon, on or within any government **building**, or nailed to any tree or attached to any fence on government **property**."
- 2) The definition of political sign includes "billboards, posters, banners or **displays which advocate** a candidate for political office or any matter to be presented to the electorate for vote." There is no definition for the language "display". This could possibly mean a brochure or other item.

- 3) There is ambiguity in the definition of a government building. Is a government building a building which is owned by the government, leased by the government, a building in which any personal property of the government is placed, or all of the above?
- 4) No signs can be within 100 feet of the **entrance to a school**. The definition of the "entrance to a school", or even "school", are not defined. Is the entrance to a school the doorway, the opening in a fence where a driveway leads to the property, or where? Does "school" apply to every level of school, including the University of Guam and the Guam Community College?
- 5) Signs can be put within 100 feet of the entrance of a school "after 6:00 p.m. on the day before the election date." This does not provide for the placement of signs within 100 feet of the entrance of a school on election day. Additionally, no provision is made for the existence of concurrent legislation on this same subject contained in §9113 of Title 3, Guam Code Annotated, which states:

"§9113. Electioneering at Polling Place Prohibited.
No person shall do any electioneering on election day within one hundred feet (100') of any entrance and/or exist of any polling place. In the case of the use of a school the entrance is defined as the gate to the fence, if the school is fenced."

Although this legislation provides for more restrictions on the use of campaign signs, which will assist in the beautification of our island both for our visitors and residents alike, there remain some difficulties in interpreting the specifics of situations which can be anticipated to arise.

Very truly yours,


Carl T. C. Gutierrez
Governor of Guam


Attachment **00306**

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


TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

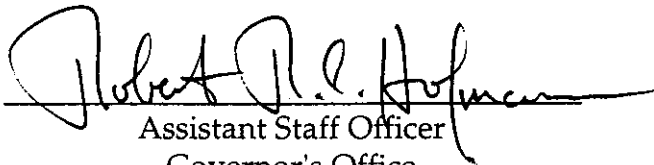
This is to certify that Bill No. 113 (COR), "AN ACT TO REPEAL AND RE-ENACT §61542 OF PART 5 OF ARTICLE 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE POSTING OF POLITICAL CAMPAIGN SIGNS," was on the 7th day of June, 1997, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker


Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 13th day of June, 1997, at
8:10 o'clock A.M.


Assistant Staff Officer
Governor's Office

APPROVED:


CARL T. C. GUTIERREZ
Governor of Guam

Date: 6-25-97

Public Law No. 24-55

**TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session**

Bill No. 113 (COR)

As amended by the Committee on Rules,
Government Reform and Federal Affairs, and
as amended on the Floor.

Introduced by:

A. C. Lamorena, V
E. Barrett-Anderson
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
M. C. Charfauros
E. J. Cruz
Mark Forbes
L. F. Kasperbauer
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 REPEAL AND RE-ENACT §61542 OF
PART 5 OF ARTICLE 5 OF CHAPTER 61 OF TITLE
21 OF THE GUAM CODE ANNOTATED,
RELATIVE TO THE POSTING OF POLITICAL
CAMPAIGN SIGNS.**

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

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

2 **Section 1. Legislative Findings and Intent.** The Guam Legislature
3 finds that the safety of the children of Guam is its highest priority and that
4 practices that may jeopardize this priority should be prohibited. The Guam
5 Legislature further finds that the safety of the children may be comprised by
6 the posting of signs within one hundred (100) feet of a school's entrance.
7 Billboards, signs, posters, banners and other informational postings may
8 obstruct traffic by blocking the view of motorists, including bus drivers,
9 creating an accident laden scenario. The Guam Legislature intends to take a
10 proactive position by prohibiting the posting of billboards, signs, posters,
11 banners and other paraphernalia within one hundred (100) feet of a school's
12 entrance.

13 **Section 2.** Section 61542 of Part 5 of Article 5 of Chapter 61 of Title 21
14 of the Guam Code Annotated is repealed and re-enacted to read:

15 **"Section 61542. Regulation of Political Signs.** Candidates for
16 public office or other persons having an interest in an election may place
17 political signs which advocate voting for or against candidates, or other
18 matters to be considered by the electorate, on government property in
19 accordance with the following provisions

20 **(a) Definitions.**

21 (1) "Candidate" means a person seeking public office.

22 (2) "Government property" means any tangible or real
23 property held by the government of Guam.

24 (3) "Organization" means any political organization or
25 political action group advocating an issue in a special or general

1 election.

2 (4) "Political sign" means all billboards, posters, banners
3 or displays which advocate a candidate for political office or any
4 matter to be presented to the electorate for vote.

5 (5) "Utility pole" means any pole erected for street
6 lighting, power lines, and cable television lines.

7 (b) **Permit: Fee; Deposit.** Any candidate or organization may
8 apply for a permit to post campaign signs with the Department of Public
9 Works. The Director of Public Works is authorized to charge a non-
10 refundable permit fee of One Hundred Dollars (\$100.00) and a deposit
11 of Two Hundred Dollars (\$200.00), or as increased from time to time by
12 rules and regulations promulgated by the Director of Public Works in
13 accordance with the Administrative Adjudication Law. Such rules and
14 regulations shall provide for procedures governing approval or rejection
15 of permits, manner and location of posting, maintenance of sign and
16 surrounding area, procedures for notification, removal of signs,
17 forfeiture of deposit of any sign found in violation of this Section, and
18 any other rules or regulations necessary to ensure the safety of the
19 public.

20 (c) **Restrictions on Posting of Political Signs.**

21 (1) No political sign may be erected or posted upon the
22 shoulder of any roadway unless it is eight (8) feet from the paved
23 portion of the roadway and in such a manner that would not
24 impede traffic or a driver's visibility, or erected upon any traffic
25 median strip, sidewalk, road, or driveway.

1 (2) No political sign may be erected upon , on or within
2 any government building, or nailed to any tree or attached to any
3 fence on government property.

4 (3) No political sign may be erected or posted within one
5 hundred (100) feet of any entrance to a public school, or upon any
6 public school property, including school fences and gates, except
7 after 6:00 p.m. on the day before the election date.

8 (4) No political sign may be posted upon any utility pole.

9 (5) No political signs may be posted upon any public park
10 within the jurisdiction of the Department of Parks and Recreation,
11 the Department of Public Works, or the village Mayors.

12 (6) No political sign may be erected or posted within one
13 hundred (100) feet of any intersection.

14 **(d) Period for Posting of Political Signs.** Political signs shall
15 not be erected any earlier than ninety (90) days before any special or
16 primary election.

17 **(e) Size Restriction.** No political sign may exceed one hundred
18 ninety-two (192) square feet in gross sign surface area. Any sign which
19 exceeds one hundred ninety-two (192) square feet shall be removed
20 immediately by the Department of Public Works, and all sign materials
21 and any deposit made shall be automatically forfeited to the
22 government of Guam.

23 **(f) Maintenance of Political Signs.** It shall be the responsibility
24 of every candidate or organization to maintain their sign in a manner
25 which does not impede the safety of the public, and which complies

1 with applicable rules and regulations as adopted by the Department of
2 Public-Works. Failure of a candidate or any organization to maintain
3 campaign signs shall be grounds for forfeiture of any deposit and all
4 sign materials.

5 (g) **Removal of Signs.** Any sign in violation of any of the
6 provisions of Subsections (c), (d), (e) or (f) shall be removed within
7 forty-eight (48) hours by the candidate or organization after notification
8 by the Department of Public Works or a Mayor of the village in which
9 the sign is located. A sign not removed within forty-eight (48) hours of
10 notification may be removed immediately by the Department of Public
11 Works or the village Mayor. Failure to remove any political sign in
12 violation of this Section shall be grounds for forfeiture of any deposit.
13 Every political sign shall be removed no later than fifteen (15) calendar
14 days after the conclusion of any general or special election. Failure to
15 remove any political sign within fifteen (15) days after the conclusion of
16 any general or special election shall be grounds for forfeiture of any
17 deposit.”

24-55 24185 ✓

24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs

Senator Mark Forbes, Chairman



MAY 27 1997

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

Dear Mr. Speaker:

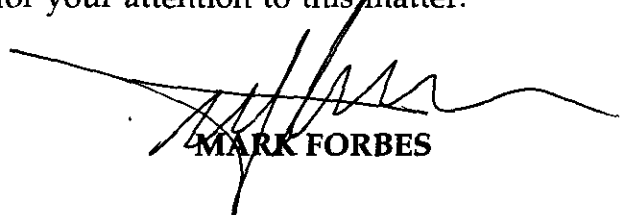
The Committee on Rules, Government Reform and Federal Affairs, to which Bill No. 113 was referred, wishes to report back to the Legislature its recommendation **TO DO PASS BILL NO. 113**, as amended by the Committee, "An act to amend section 61542 of 21, Guam Code Annotated, relative to campaign signs."

The voting record is as follows:

TO PASS	<u>7</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



MAY 27 1997

MEMORANDUM

TO: Committee Members

FROM: Chairman 

SUBJECT: Committee Report - Bill No. 113, as amended by the Committee, "An act to amend section 61542 of 21, Guam Code Annotated, relative to campaign signs.

Transmitted herewith for your information and action is the report on Bill No. 113, as amended, from the Committee on Rules, Government Reform and Federal Affairs.

The Committee Report is accompanied by the following:

1. Bill No. 113, as amended by the Committee
2. Committee Voting Sheet
3. Testimony
4. Sign-in Sheet
5. Fiscal Note/ Fiscal Note Waiver
6. Public Hearing Notice

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

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

Thank you and si Yu'os ma'ase.

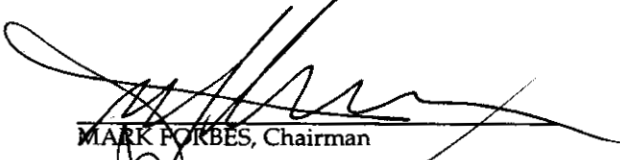
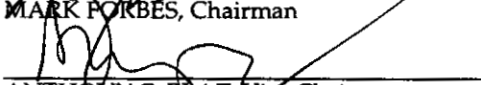
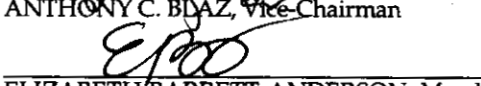
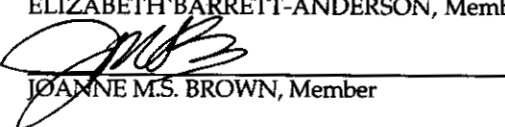
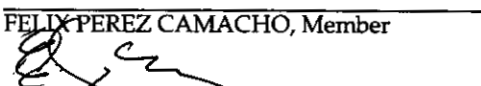
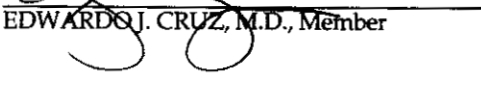
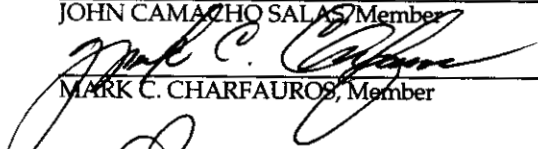
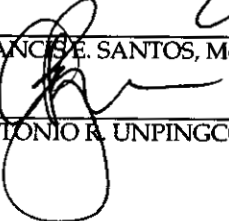
MARK FORBES

Attachments

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

Voting Record

**Bill No. 113, as amended by the Committee, "An act to amend section 61542
of 21, Guam Code Annotated, relative to campaign signs."**

	<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 PEREZ CAMACHO, Member	✓			
 EDUARDO J. CRUZ, M.D., Member				
LAWRENCE F. KASPERBAUER, Member				
ALBERTO A.C. LAMORENA V, Member				
CARLOTTA A. LEON GUERRERO, Member				
JOHN CAMAZHO SALAS, Member				
 MARK C. CHARFAUROS, Member	✓			
FRANCIS E. SANTOS, Member	✓			
 ANTONIO R. UNPINGCO, Ex-Officio Member				

TWENTY-FOURTH GUAM LEGISLATURE
COMMITTEE ON RULES,
GOVERNMENT REFORM & FEDERAL AFFAIRS
SENATOR MARK FORBES, CHAIRMAN

Committee Report
on
Bill No. 113, as amended by the Committee
"An act to amend section 61542 of 21, Guam Code
Annotated, relative to campaign signs."

I. OVERVIEW

On March 19, 1997 the Committee on Rules, Government Reform and Federal Affairs conducted a public hearing on Bill No. 113, "An act to amend section 61542 of 21, Guam Code Annotated, relative to campaign signs." The hearing took place at 9:00 a.m. in the Public Hearing Room of the Guam Legislative Building. Public notice was given through an announcement in the March 13, 1997 issue of the Pacific Daily News.

Senators in attendance were:

- Senator Mark Forbes, Chairman
- Senator Joanne Brown, Member
- Senator Edwardo Cruz, Member
- Senator Larry Kasperbauer, Member
- Senator John Salas, Member
- Senator Mark Charfauros, Member
- Senator Tom Ada
- Senator Judith Won Pat-Borja

Providing written testimony to the Committee on the bill:

- Senator Alberto A. C. Lamorena V(attached)

II. SUMMARY OF TESTIMONY

Senator Alberto A. C. Lamorena V, provided written testimony **in favor** of Bill No. 113. Senator Lamorena stated that Bill 113 provides deterrent measures to ensure the prompt removal of campaign signs. Bill 113 also proposes to require candidates to maintain the landscape around the area in which their signs are posted, as well as establishing guidelines to improve the safety standards of such signs when being placed near roads or intersections.

III. FINDINGS AND RECOMMENDATIONS

The Committee finds that Bill 113, which proposes an increase in the deposit fee for those candidates for public office wishing to place political signs on government property, would help ensure that such signs are removed within the time limitations, as set forth by the law.

In addition, Bill 113 addresses the safety of school children by prohibiting the posting of political signs within one hundred feet of any school entrance. Bill 113 also prohibits such political signs from being placed within one hundred feet from any intersection. Bill 113 also limits the size of such signs to no larger than one hundred ninety-two square feet. The Committee finds that these specific provisions of Bill 113 are commendable, as they are aimed at improving the level of safety for our island's motorists.

Accordingly, the Committee on Rules, Government Reform and Federal Affairs, to which Bill No. 113 was referred, does hereby submit its findings and recommendations to the Twenty-Fourth Guam Legislature **TO DO PASS BILL NO. 113, as amended by the Committee, "An act to amend Section 61542 of 21, Guam Code Annotated relative to campaign signs."**

Senator Alberto A.C. Lamorena V.
Testimony on Bill 113

Committee on Rules, Government Reform
and Federal Affairs

Public Hearing
Wednesday, March 19, 1997

“An act to amend Section 61542 Part 5, Article 5 of 21,
Guam Code Annotated relative to Campaign Signs.”

Dear Mr. Chairman and Members of the Committee on Rules, Government Reform and Federal Affairs. As I am presently off-island, I ask that the Committee include my testimony as part of the official proceedings of this hearing on Bill 113.

Mr. Chairman, Bill 113 proposes to:

- increase the deposit fee from One Hundred Dollars to Two Hundred dollars;
- mandate that no signs may be posted within one hundred feet from any intersection;
- limits the size of a sign to no larger than one hundred ninety-two square feet or six pieces of plywood;
- requires that candidates must maintain the landscape around the area where their signs are situated; and
- authorizes the Department of Public Works, the Guam Power Authority and the Guam Telephone Authority to charge a fine of Ten Dollars a day if a person violates certain provisions of the law.

Mr. Chairman, a technical correction needs to be made on page 5, line 3: “...Telephone Authority, shall [be] charge a fine....” The word [be] should be deleted from this line.

Senator A.C. Lamorena V.
Testimony on Bill 113
March 19, 1997
Page Two of Two Pages

Mr. Chairman, I understand that my colleague Senator Barrett-Anderson has introduced similar legislation that has been designated as Bill No. 164. As both pieces of legislation are somewhat similar I would be amenable to incorporating some of the proposals that are outlined in Bill 164, into Bill 113. I would be willing to work with my colleague during the Committee's mark-up of Bill 113 to work out any differences that the Bills may have.

Thank you Mr. Chairman for hearing Bill 113.



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Agaña, Guam 96910

CARL T.C. GUTIERREZ
GOVERNOR

MADELEINE Z. BORDALLO
LT. GOVERNOR

JOSEPH E. RIVERA
DIRECTOR

FRANCES J. BALAJADIA
DEPUTY DIRECTOR

MAR 27 1997

The Bureau requests that Bill No(s). 113 be granted a waiver pursuant to Public Law 12-229 for the following reasons:

The proposed legislation, an act to amend Section 61542 Part 5, Article 5 of 21, Guam Code Annotated relative to "Campaign Signs," does not present any fiscal impact to the Department of Public Works. Monitoring of the placement of these signs will not require additional manpower since current work activities of highway and roadway maintenance personnel will accommodate such monitoring.

Deposits required for the placement of signs on government property does not constitute any form of revenue for the government. In most instances, campaign signs have been removed immediately after the election and consequently, deposits have been returned to the candidates.

Joseph Rivera
JOSEPH E. RIVERA
BBMR DIRECTOR, ACTING

