

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

December 31, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-12-2070
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 1/3/13
Time 4:26 PM
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 532-31 (COR) "AN ACT TO ADD NEW §§ 16201.1, 16201.2, 16201.3, 16215, 16216, 16217, 16218, 16219, 61220, 16221, AND 16222; AND TO AMEND §§ 16203, 16205 AND 16206, ALL OF ARTICLE 2 OF CHAPTER 16, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE PRESENTATION OF INITIATIVE MEASURES, AND TO BE KNOWN AS *THE INITIATIVE REFORM AND TRANSPARENCY ACT OF 2012*", which lapsed into law on December 29, 2012 as **Public Law 31-283**.

Senseramente,


EDDIE BAZA CALVO

2013 JAN -4 AM 9:42

[Handwritten initials]

Attachment: copy of Bill

2070

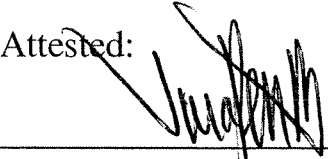
I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 532-31 (COR), "AN ACT TO ADD NEW §§ 16201.1, 16201.2, 16201.3, 16215, 16216, 16217, 16218, 16219, 16220, 16221, AND 16222; AND TO AMEND §§ 16203, 16205 AND 16206, ALL OF ARTICLE 2 OF CHAPTER 16, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE PRESENTATION OF INITIATIVE MEASURES, AND TO BE KNOWN AS *THE INITIATIVE REFORM AND TRANSPARENCY ACT OF 2012*"**, was on the 14th day of December, 2012, duly and regularly passed.


Benjamin J.F. Cruz
Acting Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'laken Guåhan* this 17 day of Nov, Dec 2012, at 11:40 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'laken Guåhan

Date: DEC 31 2012

Public Law No. 31-283

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 532-31 (COR)

As substituted by the Committee on Health
and Human Services, Senior Citizens, Economic
Development and Election Reform;
and amended on the Floor.

Introduced by:

Judith P. Guthertz, DPA
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Sam A. Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
V. C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD NEW §§ 16201.1, 16201.2, 16201.3, 16215,
16216, 16217, 16218, 16219, 16220, 16221, AND 16222; AND
TO AMEND §§ 16203, 16205 AND 16206, ALL OF ARTICLE
2 OF CHAPTER 16, TITLE 3, GUAM CODE ANNOTATED,
RELATIVE TO THE PRESENTATION OF INITIATIVE
MEASURES, AND TO BE KNOWN AS *THE INITIATIVE
REFORM AND TRANSPARENCY ACT OF 2012.***

1

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds that
2 initiatives put before the electorate *shall* contain full disclosure of genesis and intent.
3 Considering the immense expense and diligent efforts of the Guam Election
4 Commission and the processes and standards which the Commission must assume and
5 adhere to in order to entertain an initiative; the burden of transparency and
6 accountability *shall not* fall *solely* on the voting public to ascertain the origins or
7 intentions of a proposal. This should be a shared responsibility. It serves the public's
8 interest to require that proponents of any initiative placed before the people of Guam
9 be forthcoming and available; and that proponents be held accountable for any
10 initiative they offer to the people of Guam by providing accurate information about its
11 origins, intention and purpose.

12 It is the intent of *I Liheslaturan Guåhan* to clarify certain standards to ensure
13 transparency and accountability regarding matters put before the electorate by any
14 individual, organization, partnership, corporation, committee, or business. *The*
15 *Initiative Reform and Transparency Act of 2012 shall* begin the process of easily
16 identifying the origins, intention and purpose behind all future initiatives so that the
17 voters of Guam have the opportunity to be fully informed about any initiative
18 proposed for their consideration and those proposing the initiative before making their
19 determination at the polls.

20 **Section 2.** New §§ 16201.1, 16201.2, 16201.3, 16215, 16216, 16217, 16218,
21 16219, 16220, 16221 and 16222 are hereby *added*; and §§ 16203, 16205 and 16206
22 are hereby *amended*, all of Article 2, Chapter 16, Title 3, Guam Code Annotated, as
23 *repealed* and *reenacted* by overridden Bill No. 413-31 (COR), to read:

24 “§ 16201.1. Qualified Proponent.

25 § 16201.2. Initiative Author.

26 § 16201.3. Public Input.

1 § 16203. Same: Failed Initiative.

2 § 16205. Same: Presentation of.

3 § 16206. Same: Majority Required; Effective Date.

4 § 16215. Commission to Develop Registration and Disclosure Requirements
5 and Form.

6 § 16216. Financial Disclosure and Registration Requirement.

7 § 16217. Shareholder/Member Disclosure Requirement.

8 § 16218. Police and Court Clearances.

9 § 16219. Requirement of Fiscal Impact Statement.

10 § 16220. Preparation of Fiscal Impact Statement, or Waiver Thereof.

11 § 16221. Contents of Fiscal Impact Statement.

12 § 16222. Fiscal Impact Statement Circular.

13 **§ 16201.1. Qualified Proponent.** Initiative measures may *only* be proposed by
14 a bona fide resident and registered voter of Guam who was registered during the
15 preceding general election. The qualified proponent of any initiative may act
16 individually *or* on behalf of an organization, partnership, corporation, committee, *or*
17 business.

18 **§ 16201.2. Initiative Author.** The qualified proponent of the initiative and
19 officers of the organization, partnership, corporation, committee, *or* business he or she
20 represents, if applicable, must be identified.

21 **§ 16201.3. Public Input.** Prior to circulation of the initiative for signature
22 gathering, the proponent must host village meetings in *at least* ten (10) villages, to
23 include the six (6) villages with the largest number of registered voters in the previous
24 election. The meetings *shall* be documented with written minutes and a video
25 recording.

1 **§ 16203. Same: Failed Initiative.** If an initiative measure is *not* approved by
2 more than sixty percent (60%) of the voters in any election, no initiative measure
3 proposing a substantially similar or substantially related subject shall be submitted to
4 voters for at least ten (10) years after the date of such election.

5 **§ 16205. Same: Presentation of.** The Election Commission *shall* submit the
6 initiative to the electors after certification at the next regularly scheduled biennial
7 general election; provided, however, that *I Liheslatura* may call an island-wide special
8 election for the purpose of having the electors vote on an initiative measure.

9 **§ 16206. Same: Majority Required; Effective Date.** An initiative must be
10 approved by fifty percent (50%) plus one (1) of all voters who go to the polls to vote
11 in the special or biennial general election at which the initiative was placed on the
12 ballot. Any initiative so approved by fifty percent (50%) plus one (1) of all voters who
13 go to the polls to vote at said election *shall* take effect no earlier than the first (1st) day
14 of the month of February of the succeeding year after certification of its passage by
15 the Commission; and after all requisite government rules, regulations, permits
16 pertaining to the initiative are officially adopted and effectuated by relevant
17 department and agencies of the government of Guam.

18 **§ 16215. Commission to Develop Registration and Disclosure Requirements**
19 **and Form.** The Commission *shall* develop the registration requirements and rules
20 and regulations governing the information requisite for discovery of financial and
21 shareholder or member disclosure requirements contained herein that stipulate the
22 essential financial information of any person and all shareholders and/or members of
23 any organization, partnership, corporation, committee, or business which expects to
24 receive funds or make expenditures in an effort to directly support or put forward any
25 initiative.

1 The Commission *shall* adopt these rules within one hundred twenty (120) days
2 of the enactment of this Act. The Commission may revisit and amend these rules as
3 deemed necessary by the Commission every three (3) years thereafter.

4 **§ 16216. Financial Disclosure and Registration Requirement.** Any person,
5 and all individual shareholders *or* members of any organization, partnership,
6 corporation, committee, *or* business, which receives funds *or* makes expenditures in
7 an effort to directly support *or* put forward any initiative must register and file
8 financial disclosure reports with the Commission.

9 **§ 16217. Shareholder/Member Disclosure Requirement.** Financial disclosure
10 reports *shall* list all individual shareholders *or* members of any organization,
11 partnership, corporation, committee, *or* business which receives funds *or* makes
12 expenditures in an effort to directly support *or* put forward any initiative.

13 **§ 16218. Police and Court Clearances.** At the time of filing of an initiative,
14 any person, and all shareholders and or members of any organization, partnership,
15 corporation, committee, or business, which receives funds or makes expenditures in an
16 effort to directly support or put forward any initiative must be registered with the
17 Commission and *shall* submit:

- 18 (a) a clearance from the Guam Police Department;
19 (b) a clearance from the Judiciary of Guam;
20 (c) a clearance from United States District Court; and
21 (d) a signed affidavit attesting that the proponent, shareholder or member of any
22 organization, partnership, corporation, committee, or business, has *not* been convicted
23 of a felony or misdemeanor, as described herein, in any state or territory of the United
24 States or foreign country.

25 Notwithstanding any other provision of law, in order to put forward an
26 initiative, any person, and all shareholders and or members of any organization,

1 partnership, corporation, committee, or business must *not* have been convicted of a
2 felony, and must *not* have been convicted of a misdemeanor involving criminal sexual
3 conduct or crime of moral turpitude. Initiatives forwarded by proponents listed with
4 such crimes herein *shall* be disqualified from further action by the Commission.

5 The cost for the police clearance and the court clearances required by this
6 Section *shall* be borne by the person/s seeking to propose the initiative.

7 **§ 16219. Requirement of Fiscal Impact Statement.** A fiscal impact statement
8 *shall* be required for all initiatives that have an effect upon the revenues or the
9 expenditure of any funds of the government of Guam. A waiver of a fiscal impact
10 statement *shall* be required for all measures that do *not* have an effect upon the
11 revenues or the expenditure of any funds of the government of Guam. No initiative
12 shall be presented to the electorate by the Commission, *unless* a fiscal impact
13 statement or waiver thereof is submitted.

14 **§ 16220. Preparation of Fiscal Impact Statement, or Waiver Thereof.** The
15 fiscal impact statement, or waiver thereof, *shall* be prepared by the Director of the
16 Bureau of Budget and Management Research (BBMR), in coordination with the
17 director of the department, agency or appropriate government instrumentality, affected
18 by the initiative. The fiscal impact statement *or* waiver thereof prepared by BBMR
19 *shall* be considered as the official document required for fulfillment of this Section.

20 The proponents of an initiative may commission an independent accounting
21 firm to conduct a fiscal impact statement of its own for informational purposes, but
22 proponents of any initiative measure *may not* present a waiver of its own of said fiscal
23 impact statement.

24 **§ 16221. Contents of Fiscal Impact Statement.** A fiscal impact statement
25 *shall* contain the best estimate of the fiscal impact of an initiative for the fiscal year in
26 which it would become effective, *if* enacted, and for the next four (4) succeeding fiscal

1 years. *If* the fiscal impact of the measure is *not* expected to occur within the operating
2 fiscal year, the estimate *shall* be for the first fiscal year in which it is expected to be
3 fully effective, and for the next four (4) succeeding fiscal years.

4 **§ 16222. Fiscal Impact Statement Circular.** The fiscal impact statement *shall*
5 be attached to any voter information pamphlet circulated by the Commission.
6 Proponents *shall* assume the costs associated with printing their independent fiscal
7 impact statement and reimburse the Commission for costs it incurs in appending the
8 independent fiscal impact statement to any pamphlet commissioned by the
9 Commission.”

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (SECOND) Regular Session

Date: 12/14/12

VOTING SHEET

SBill No. 532-31(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony		✓			
BLAS, Frank F., Jr. III		*			
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M. II	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam					EA
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.		✓			
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana I	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

11 3 0 0 1

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guahan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

December 10, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guahan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report – Bill No. 532-31(COR), as Substituted

Dear Speaker Won Pat:

Transmitted herewith, for your consideration, is the **Committee Report** on **Bill 532-31(COR) –An act to add subsections 14201.1, 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 and 17215; and amend subsections 17203 and 17204 of Article 2 of Chapter 17, Title 3, Guam Code Annotated, relative to the presentation of initiative measures. This act shall be known as *The Initiative Reform and Transparency Act of 2012*; Bill No. 532-31 (COR) was referred to the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform. Bill No. 532-31(COR), as introduced was publicly heard on November 29, 2012.**

Committee votes are as follows:

8 TO PASS
____ NOT TO PASS
____ ABSTAIN
1 TO REPORT OUT ONLY
____ TO PLACE IN INACTIVE FILE

Senseramente,


Senator Dennis G. Rodriguez, Jr.
Chairman

Attachments

2012 DEC 11 AM 9:19



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE REPORT
ON
Bill 532-31 (COR)
As Substituted

Bill 532-31(COR) –An act to *add* subsections 14201.1, 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 and 17215; and *amend* subsections 17203 and 17204 of Article 2 of Chapter 17, Title 3, Guam Code Annotated, relative to the presentation of initiative measures. This act *shall* be known as *The Initiative Reform and Transparency Act of 2012*.



Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

November 30, 2012

MEMORANDUM

To: **ALL MEMBERS**
Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform.

From: **Senator Dennis G. Rodriguez, Jr.** 
Committee Chairperson

Subject: **Committee Report on Bill no. 532-31(COR), as Subsited**

Transmitted herewith, for your consideration, is the Committee Report on **Bill 532-31(COR) –An act to add subsections 14201.1, 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 and 17215; and amend subsections 17203 and 17204 of Article 2 of Chapter 17, Title 3, Guam Code Annotated, relative to the presentation of initiative measures. This act shall be known as *The Initiative Reform and Transparency Act of 2012*.** Bill No. 532-31 (COR) was referred to the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform. This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative/Digest
- Copy of Bill No. 532-31 (COR)
- Copy of Substitute Bill No. 532-31 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of Bill No. 532-31 (COR)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'!

Attachments



Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE VOTING SHEET

Substitute Bill 532-31(COR) –An act to *add* subsections 14201.1, 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 and 17215; and *amend* subsections 17203 and 17204 of Article 2 of Chapter 17, Title 3, Guam Code Annotated, relative to the presentation of initiative measures. This act shall be known as *The Initiative Reform and Transparency Act of 2012*. Introduced by Sen. Judith P. Guthertz, DPA

	SIGNATURE	TO PASS	NOT TO PASS	ABSTAIN	REPORT OUT ONLY	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, Jr. Chairman		✓ 12/10				
ADOLPHO B. PALACIOS, Sr. Vice Chairman		✓ 12/10				
JUDITH T. WON PAT, Ed.D. Speaker		✓ 12/10/12				
BENJAMIN J. F. CRUZ Vice-Speaker		✓ 12/10/12				
TINA ROSE MUÑA BARNES Legislative Secretary		✓ 12/10/12				
THOMAS C. ADA		12/10/12				
VICENTE C. PANGELINAN						
RORY J. RESPICIO		12/10/12 ✓				
JUDITH P. GUTHERTZ, DPA		✓				
FRANK F. BLAS, Jr.						
V. ANTHONY ADA						
ALINE A. YAMASHITA, Ph.D.					12/10/12	
SAM MABINI, Ph.D.						
MANA SILVA TALJERON						
CHRISTOPHER M. DUENAS						



Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE REPORT DIGEST

Bill No. 511-31 (COR)

- I. OVERVIEW:** The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform conducted a public hearing on November 29, 2012. The hearing convened at 10:09AM in I Liheslatura's Public Hearing Room. Among the items on the agenda was the consideration of **Bill 532-31(COR) –An act to add subsections 14201.1, 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 and 17215; and amend subsections 17203 and 17204 of Article 2 of Chapter 17, Title 3, Guam Code Annotated, relative to the presentation of initiative measures. This act shall be known as *The Initiative Reform and Transparency Act of 2012*; introduced by Sen. Judith P. Guthertz, DPA; and referred to the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform.**

Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on November 21, 2012 (5-day notice), and again on November 27, 2012 (48-hour notice).

Senators Present

Senator Dennis G. Rodriguez, Jr.	Chairman
Senator Judith P. Guthertz, DPA	Committee Member
Senator Aline A. Yamashita	Committee Member

The public hearing on agenda item Bill No. 532-31(COR) was called to order at 10:09AM.

II. SUMMARY OF TESTIMONY & DISCUSSION.

Chairman Dennis G. Rodriguez, Jr., convened the Public Hearing on Bill 532-31(COR).

The Committee on Health and Human Services, Economic Development, Senior Citizens and Election Reform convened the public hearing on Thursday, November, 29, 2012 at 10:09 a.m.

Public Notices were given:

- Wednesday, November 21, 2012
- Tuesday, November 27, 2012

Mr. Chairman: I will now ask Senator Guthertz to provide a brief synopsis.



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Senator Guthertz: Thank you Mr. Chair BILL 532-31(COR): AN ACT TO ADD SUB SECTIONS 17201.1., 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 AND 17215; AND AMEND SUB SECTIONS 17203 AND 17204 OF ARTICLE 2 OF CHAPTER 17, TITLE 3, GUAM CODE ANNOTATED RELATIVE TO THE PRESENTATION OF INITIATIVE MEASURES. THIS ACT SHALL BE KNOWN AS THE INITIATIVE REFORM AND TRANSPARENCY ACT OF 2012. This measure is simply about accountability. In 2008 I authored a law that allows initiatives similar to previously defeated ones to take place only every three years and this has slowed the flow. This is a next step. There have been real flamboyant attempts with loads of cash paraded around the island and promises of an economic boom and then there have been others which have left voters in the dark till the very last minute about exactly what an initiative is about. The common denominator in all recent initiatives is that it costs our people money and divides our community in an unhealthy way. And though there are campaign disclosure requirements in other chapters and sections of our code, it is somewhat difficult to discern exactly the elements that drive an initiative. Initiatives motives and purpose should be completely transparent. Bill 532-31 (COR) – The Initiative Reform and Transparency Act of 2012 - will simplify and place upfront the expectations of our island community from persons pushing initiatives. Now if we want to limit the disclosures contained herein to gaming or casino measures, I am fine with that – Many other jurisdictions have a separate threshold for those types of initiatives – but in crafting this measure, I wanted to be general about the process and simply require information from groups pushing proposals. The full disclosure I am seeking will provide the Guam Election Commission a task to come up with a quick sheet of sorts to have listed: “Any person and all individual shareholders or members of any organization, partnership, corporation, committee, or business, which receives funds or makes expenditures in an effort to directly support or put forward any initiative must register and file financial disclosure reports with the Commission.” This legislation adds a bunch of sub sections to chapter 17 of title 3 and amends slightly a couple more. First off- the initiative process should be driven by persons that live in Guam and are from Guam so this measure requires the Proponent be an actual resident of Guam and currently registered voter via the most recent election. We also task the Commission to Develop Registration and Disclosure Requirements and Form and have the parties involved disclose financial interests and we add a shareholder/member disclosure requirement. As well, just as is required of candidates, we shall require a full set of police and local and federal court clearances from those listed as proponents of an initiative. Also new is a requirement of Fiscal Impact Statement. This is currently required for all legislation put forward by the legislature. It makes sense to require the same for initiatives. The burden of transparency and accountability shall not fall solely on the voting public to ascertain the origins or intentions of a proposal. This should be a shared responsibility. It serves the public’s interest to require that proponents of any Initiative placed before the people of Guam be forthcoming, available and that proponents be held accountable for any initiative they offer to the people of Guam by providing accurate information about its origins, intention and purpose. The intent of this measure is to clarify certain standards to ensure transparency and accountability regarding matters put before the electorate by any individual, organization, partnership, corporation, committee, or business. The Initiative Reform and Transparency Act of 2012 shall begin the process of easily identifying origins, intention and purpose behind all future initiatives so that the voters of Guam have the opportunity to be fully informed about any initiative proposed for their consideration and those proposing the initiative before making their determination at the polls. Now what’s interesting about this bill, I actually wrote this before the election and it was ready before the election but I thought it would be unfair to me to introduce it before the election. So I held it back and waited until the election results were over and the initial votes were counted and then I introduced it because I felt that that was



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ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

the fairest thing to do. To do it before that I think I would have been looked at as political and unfair and I didn't want to politicalize this matter because this matter is too important to do that. So that's the history behind that bill and the intent of the bill and of course Mr. Chairman's proposal, in being improved upon, and I want to remind everybody that for this to pass it requires eight votes. I am hoping that with our good Chairman that we will have it ready by our last session, which will be in early December. So we'll see how far we can go with this. Thank you Mr. Chairman.

Mr. Chairman: Thanks Senator, may I ask Mr. Duenas, Uncle joey.

Joseph T. Duenas: WRITTEN TESTIMONY

Mr. Rodger K. Pollock IV- WRITTEN TESTIMONY

Dr. Jose Q. Cruz- My name is Jose Q. Cruz and I'm resident of Tumon and I have been a long proponent againsts organized gambling on Guam. I do want to give credit to you know the late Senator Elizabeth Arriola was really a matron and who really did fight for the family. So its really on behalf of families that I am here really to visit with you. I think the initiatives cover well of what you call transparency. The reform I hope is not just taking a one time reform. It has to evolve because we see a lot of other dangers that we see come forward. One of the dangers that I see is really more projected for the future was the experience when I was working against poker machines. An 18 year old girl actually approached me at payless and mentioned thank you for working on this but I want you to know that I lost my childhood because of gambling. I did not experience really what I should have really experience that I should have in regards to really being a child, living like a child, living a youth and living real like youth because I had to take care of my siblings. That stuck to me and really gambling is an addiction and gambling not only addicts it actually affects the one that's actually being addicted but what do you call the neighbors. And what more important the neighbors when the child is really right next door to you. So I really commend Dr. Guthertz for presenting this. I have a possible issue in regard to the gambling initiative itself, there is a section in this last initiative where they ask for a special GRT for whatever bingo what have you and when I did some calculation, it looks as if the expenditures that they could put out are expenditure that they can actually keep raising okay the amount of money that they give out because they know that it can be credited to them. It can be credited and it wont be taxable but the lure is there but when the lure happens they actually have a lure benefit because they don't have to pay any taxes. So the people of Guam would have to in a sense actually have to bore that and I think that's an unfair GRT and that is one that actually stuck in my mind with the last aspect in the initiative. So my position is that you know I hope the reform just doesn't stop here, that the reform actually be continued to be examined maybe and one of the sections maybe this bill whether it should become law that it be reviewed every 5 years kind of like where you have instead of a sunset but actually a review set up so that we can actually look at it and not wait until you know we encounter worst alternatives with worst impact. So those are my position and I hope you take it into consideration.

Mr. Chairman: Thank you Mr. Cruz, Mrs. Marati?

Mr. Chairman: Thank you very much Ms. Marati, Senator Guthertz do you have any comments or questions?

Senator Guthertz: Thank you Mr. Chairman, I want to thank those who are here today and those who testified, your testimonies were very moving and also very helpful and I'm hopeful that our good chairman will see fit to include these amendments in the bill, I support them. I think that it would help strengthen the bill. I do have a question,



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

maybe if any of the panel members can answer this because I have not heard a word about the proponents of the initiative since it failed I don't even think they've made a statement. Has anyone heard anything?

Ms. Marati: You know Senator I would just like to add to that, this has happened every single time. You know this is the fifth time in eight years and every time it's defeated, they vanish. The last time they vanished with great publicity because not only did they get rid of all the employees at Guam Greyhound within days after their defeat but they only released all of the dogs which gained Guam horrible publicity around the world. For the abuse that the dogs took, how they were let go, how irresponsible the release was in terms of not assuring that they went to caring owners. So this happens all the time you know they even just recently released their financial statements at the Guam Election Commission. I noticed but in previous reports that there was always a detail of where the monies went, this time they grouped attorney's fees into just attorneys and then the final item was an item over \$60,000 paid to supporters with no identification with no transparencies. And so once again after a emotionally divisive fight after this initiative, this is really one of the reasons why were looking for a more extended moratorium. This divides the communities so deeply and so painfully that people are tired of it and they just don't want to hear it anymore. They've spoken and they don't want to be asked anymore.

Senator Guthertz: Right, I have heard from one of the folks that circulated the petitions, that they were actually paid per signature. Did you hear that?

Ms. Marati: Yes, there was an add, and they were paid \$5 per signature and I understand that even for waving and being at the polling places on Election Day, that they were also paid and for attending meetings. That \$60,000 was the group or was the lump sum paid to people who supported them.

Senator Guthertz: I see. It seems that there is a lot of money behind it in the effort obviously. Thank you very much Jackie

Mr. Chairman: Thank you Senator, Senator Yamashita? Is there anyone else who wishes to testify? If not we will continue to keep the record open and thank you very much for your attendance this morning and thank you very much for your continuous efforts on this issue and just like I had committed to the author that we will make sure that we get this out before the next session. Which is supposed to be the last session.

Ms. Marati: I will be following very closely, thank you.

Fiscal Note: Requested by Committee on Rules on September 21, 2012

III. FINDINGS AND RECOMMENDATIONS

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform, hereby reports out Bill No. 532-31(COR), as Substituted with the recommendation to pass.

AI MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 532-31 (COR)

*As substituted by the Committee on Health
and Human Services, Senior Citizens, Economic
Development and Election Reform.*

Introduced by:

Judith P. Guthertz, DPA

AN ACT TO ADD SUB SECTIONS 17201.1, 17201.2, 17201.3, 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 AND 17215; AND AMEND SUB SECTIONS 17202.2, 17203 AND 17204 OF ARTICLE 2 OF CHAPTER 17, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE PRESENTATION OF INITIATIVE MEASURES. THIS ACT SHALL BE KNOWN AS THE INITIATIVE REFORM AND TRANSPARENCY ACT OF 2012.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Finding and Intent: *I Liheslaturan Guåhan* finds that

Initiatives put before the electorate shall contain full disclosure of genesis and intent. Considering the immense expense and diligent effort of the Guam Election Commission and the processes and standards which the Commission must assume and adhere to in order to entertain an initiative; the burden of transparency and accountability *shall not* fall *solely* on the voting public to ascertain the origins or intentions of a proposal. This should be a shared responsibility. It serves the public's interest to require that proponents of any Initiative placed before the people of Guam be forthcoming, available and that proponents be held accountable for any initiative they offer to the people of Guam by providing accurate information about its origins, intention and purpose.

1 It is the intent of *I Liheslaturan Guåhan* to clarify certain standards to ensure
2 transparency and accountability regarding matters put before the electorate by any
3 individual, organization, partnership, corporation, committee, or business. *The*
4 *Initiative Reform and Transparency Act of 2012* shall begin the process of easily
5 identifying origins, intention and purpose behind all future initiatives so that the voters
6 of Guam have the opportunity to be fully informed about any initiative proposed for
7 their consideration and those proposing the initiative before making their
8 determination at the polls.

9 **Section 2.** Subsections 17201.1, 17201.2, 17201.3, 17212, 17212.1, 17212.2,
10 17213, 17214, 17214.1, 17214.2, 17214.3 and 17215 are hereby *added*; and
11 subsection 17202.2, 17203 and 17204 all of Article 2, Chapter 17, Title 3, Guam Code
12 Annotated, are hereby *amended* to Read:

13 **“ARTICLE 2 INITIATIVE**

14 **§ 17201.1. Qualified Proponent.**

15 **§ 17201.2. Initiative Author.**

16 **§ 17201.3. Public Input.**

17 **§ 17202.2 Same: [Untitled].**

18 **§ 17203. Same: Presentation of.**

19 **§ 17204. Same: Majority Required; Effective Date.**

20 **§ 17212. Commission to Develop Registration and Disclosure Requirements**
21 **and Form.**

22 **§ 17212.1 Financial Disclosure and Registration Requirement.**

23 **§ 17212.2 Shareholder/Member Disclosure Requirement.**

24 **§ 17213. Police and Court Clearances.**

25 **§ 17214. Requirement of Fiscal Impact Statement.**

26 **§ 17214.1 Preparation of Fiscal Impact Statement, or Waiver Thereof.**

1 **§ 17214.2. Contents of Fiscal Impact Statement.**

2 **§ 17214.3. Fiscal Impact Statement Circular.**

3 **§ 172125. Special Single-Site Elections.**

4 **§ 17201.1. Qualified Proponent.** Initiative measures may only be proposed by
5 a bona fide resident and registered voter of Guam who was registered during the
6 preceding general election. The qualified proponent of any initiative may act
7 individually or on behalf of an organization, partnership, corporation, committee, or
8 business.

9 **§ 17201.2. Initiative Author.** The qualified proponent of the initiative, and
10 organization, partnership, corporation, committee, or business he or she represents, if
11 applicable, must be identified.

12 **§ 17201.3. Public Input.** Prior to circulation of the initiative for signature
13 gathering, the proponent must host village meetings in at least ten (10) villages, to
14 include the six (6) villages with the largest number of registered voters in the previous
15 election. The meetings shall be documented with written minutes and a video
16 recording.

17 **§ 17202. Same: [Untitled].** If an initiative measure is not approved by voters in
18 any election, no initiative measure proposing a substantially similar or substantially
19 related subject shall be submitted to voters for at least ~~three (3)~~ ten (10) years after the
20 date of such election.

21 **§ 17203. Same: Presentation of.** The Election Commission shall submit the
22 initiative to the electors after certification at the next regularly scheduled general
23 ~~election held at least ninety (90) days after it qualifies or at a territory-wide special~~
24 ~~election held at least ninety (90) days after certification,~~ provided however that *I*
25 *Liheslatura* may call a territory-wide special election for the purpose of having the
26 electors vote on an initiative measure.

1 **§ 17204. Same: Majority Required; Effective Date.** An initiative must be
2 approved by fifty percent (50%) plus one (1) of all voters who go to the polls to vote
3 in the special or general election at which the initiative was placed on the ballot. Any
4 initiative so approved by fifty percent (50%) plus one (1) of all voters who go to the
5 polls to vote at said election shall take effect ~~sixty (60) days after the date on which~~
6 ~~the Commission certifies that the initiative has been passed, no earlier than the First~~
7 (1st) day of the month of February of the succeeding year after certification of its
8 passage by the Commission; and after all requisite government rules, regulations,
9 permits pertaining to the initiative are officially adopted and effectuated by relevant
10 department and agencies of the government of Guam. Any language in contravention
11 of this Section that calls for an earlier date of implementation shall be disallowed by
12 the Commission

13 **§ 17212. Commission to Develop Registration and Disclosure Requirements**
14 **and Form.** The Commission *shall* develop the registration requirements and Rules
15 and Regulations governing the information requisite for discovery of Financial and
16 Shareholder or member disclosure requirements contained herein that stipulate the
17 essential financial information of any person and all shareholders and or members of
18 any organization, partnership, corporation, committee, or business which expects to
19 receive funds or make expenditures in an effort to directly support or put forward any
20 initiative.

21 a) The Commission *shall* adopt these rules within one hundred and twenty
22 (120) days of the passage of this Act. The Commission may revisit and amend
23 these rules as deemed necessary by the Commission every three (3) years thereafter.

24 **§ 17212.1 Financial Disclosure and Registration Requirement.** Any person,
25 and all individual shareholders *or* members of any organization, partnership,
26 corporation, committee, *or* business, which receives funds *or* makes expenditures in

1 an effort to directly support *or* put forward any initiative must register and file
2 financial disclosure reports with the Commission.

3 **§ 17212.2 Shareholder/Member Disclosure Requirement.** Financial
4 disclosure reports *shall* list all individual shareholders *or* members of any
5 organization, partnership, corporation, committee, *or* business which receives funds *or*
6 makes expenditures in an effort to directly support *or* put forward any initiative.

7 **§ 17213. Police and Court Clearances.** At the time of filing of an initiative,
8 any person, and all shareholders and or members of any organization, partnership,
9 corporation, committee, or business, which expects to receive funds or make
10 expenditures in an effort to directly support or put forward any initiative must be
11 registered with the Commission and *shall* submit:

12 (1) a clearance from the Guam Police Department;

13 (2) a clearance from the Judiciary of Guam;

14 (3) a clearance from United States District Court;

15 (4) a signed affidavit attesting that the proponent, shareholder or member of
16 any organization, partnership, corporation, committee, or business, has *not* been
17 convicted of a felony or misdemeanor, as described herein, in any State or Territory
18 of the United States or foreign country.

19 Notwithstanding any other provision of law, in order to put forward an
20 initiative, any person, and all shareholders and or members of any organization,
21 partnership, corporation, committee, or business must *not* have been convicted of a
22 felony, and must *not* have been convicted of a misdemeanor involving criminal
23 sexual conduct or crime of moral turpitude. Initiatives forwarded by proponents
24 listed with such crimes herein shall be disqualified from further action by the
25 Commission.

1 The cost for the police clearance and the court clearances required by this
2 Section shall be borne by the person/s seeking to propose the Initiative.

3 **§ 17214. Requirement of Fiscal Impact Statement.** A Fiscal Impact
4 Statement *shall* be required for all initiatives that have an effect upon the revenues
5 or the expenditure of any funds of the government of Guam. A waiver of a Fiscal
6 Impact Statement *shall* be required for all measures that do *not* have an effect upon
7 the revenues or the expenditure of any funds of the government of Guam. *No*
8 initiative *shall* be presented to the electorate by the Commission, unless a Fiscal
9 Impact Statement or waiver thereof is submitted.

10 **§ 17214.1 Preparation of Fiscal Impact Statement, or Waiver Thereof.**
11 The Fiscal Impact Statement, or waiver thereof, *shall* be prepared by the Director of
12 Bureau of Budget and Management Research (BBMR), in coordination with the
13 Director of the department, agency or appropriate government instrumentality,
14 affected by the initiative. The Fiscal Impact Statement *or* waiver thereof prepared
15 by BBMR *shall* be considered as the official document required for fulfillment of
16 this Section.

17 a) The proponents of an initiative may commission an independent
18 accounting firm to conduct a Fiscal Impact Statement of its own for informational
19 purposes, but proponents of any initiative measure may not present a waiver of their
20 own of said Fiscal Impact Statement.

21 **§ 17214.2. Contents of Fiscal Impact Statement.** (a) A Fiscal Impact
22 Statement *shall* contain the best estimate of the fiscal impact of an initiative for the
23 fiscal year in which it would become effective, *if* enacted, and for the next four (4)
24 succeeding fiscal years. *If* the fiscal impact of the measure is *not* expected to occur
25 within the operating fiscal year, the estimate *shall* be for the first fiscal year in

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5 operating fiscal year, the estimate shall be for the first fiscal year in which it to is
6 expected to be fully effective, and for the next four (4) succeeding fiscal years.

7 **§ 17214.3. Fiscal Impact Statement Circular.** The Fiscal Impact Statement
8 shall be attached to any voter information pamphlet circulated by the Commission.
9 Proponents shall assume the costs associated with printing their independent Fiscal
10 Impact Statement and reimburse the Commission for costs it incurs in appending
11 the independent Fiscal Impact Statement to any pamphlet commissioned by the
12 Commission.

13 **§ 172125. Special Single-Site Elections.**”

AI MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 532-31 (COR)

*As substituted by the Committee on Health
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Introduced by:

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16 **§ 17201.3. Public Input.**

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18 **§ 17203. Same: Presentation of.**

19 **§ 17204. Same: Majority Required; Effective Date.**

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21 **and Form.**

22 **§ 17212.1 Financial Disclosure and Registration Requirement.**

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§ 17215. Special Single-Site Elections.

AI MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 532-31 (over)

Introduced by:

Judith P. Guthertz, DPA

AN ACT TO ADD SUB SECTIONS 17201.1., 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 AND 17215; AND AMEND SUB SECTIONS 17203 AND 17204 OF ARTICLE 2 OF CHAPTER 17, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE PRESENTATION OF INITIATIVE MEASURES. THIS ACT SHALL BE KNOWN AS THE INITIATIVE REFORM AND TRANSPARENCY ACT OF 2012.

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8 17214.1, 17214.2, 17214.3, and 17215 are hereby *added*; and subsection 17203 and
9 17204 all of Article 2, Chapter 17, Title 3, Guam Code Annotated, are hereby
10 *amended* to Read:

11 **“ARTICLE 2 INITIATIVE**

12 **§ 17201.1. Qualified Proponent.**

13 **§ 17203. Same: Presentation of.**

14 **§ 17204. Same: Majority Required; Effective Date.**

15 **§ 17212. Commission to Develop Registration and Disclosure Requirements**
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17 **§ 17212.1 Financial Disclosure and Registration Requirement.**

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21 **§ 17214.1 Preparation of Fiscal Impact Statement, or Waiver Thereof.**

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10 *Liheslatura* may call a territory-wide special election for the purpose of having the
11 electors vote on an initiative measure.

12 **§ 17204. Same: Majority Required; Effective Date.** An initiative must be
13 approved by fifty percent (50%) plus one (1) of all voters who go to the polls to vote
14 in the special or general election at which the initiative was placed on the ballot. Any
15 initiative so approved by fifty percent (50%) plus one (1) of all voters who go to the
16 polls to vote at said election shall take effect ~~sixty (60) days after the date on which~~
17 ~~the Commission certifies that the initiative has been passed, no earlier than the First~~
18 (1st) day of the month of February of the succeeding year after certification of its
19 passage by the Commission; and after all requisite government rules, regulations,
20 permits pertaining to the initiative are officially adopted and effectuated by relevant
21 department and agencies of the government of Guam. Any language in contravention
22 of this Section that calls for an earlier date of implementation shall be disallowed by
23 the Commission

24 **§ 17212. Commission to Develop Registration and Disclosure Requirements**
25 **and Form.** The Commission shall develop the registration requirements and Rules
26 and Regulations governing the information requisite for discovery of Financial and

1 Shareholder or member disclosure requirements contained herein that stipulate the
2 essential financial information of any person and all shareholders and or members of
3 any organization, partnership, corporation, committee, or business which expects to
4 receive funds or make expenditures in an effort to directly support or put forward any
5 initiative.

6 a) The Commission shall adopt these rules within one hundred and twenty
7 (120) days of the passage of this Act. The Commission may revisit and amend
8 these rules as deemed necessary by the Commission every three (3) years thereafter.

9 **§ 17212.1 Financial Disclosure and Registration Requirement.** Any person,
10 and all individual shareholders or members of any organization, partnership,
11 corporation, committee, or business, which receives funds or makes expenditures in
12 an effort to directly support or put forward any initiative must register and file
13 financial disclosure reports with the Commission.

14 **§ 17212.2 Shareholder/Member Disclosure Requirement.** Financial
15 disclosure reports shall list all individual shareholders or members of any
16 organization, partnership, corporation, committee, or business which receives funds or
17 makes expenditures in an effort to directly support or put forward any initiative.

18 **§ 17213. Police and Court Clearances.** At the time of filing of an initiative,
19 any person, and all shareholders and or members of any organization, partnership,
20 corporation, committee, or business, which expects to receive funds or make
21 expenditures in an effort to directly support or put forward any initiative must be
22 registered with the Commission and shall submit:

23 (1) a clearance from the Guam Police Department;

24 (2) a clearance from the Judiciary of Guam;

25 (3) a clearance from United States District Court;

1 (4) a signed affidavit attesting that the proponent, shareholder or member of
2 any organization, partnership, corporation, committee, or business, has *not* been
3 convicted of a felony or misdemeanor, as described herein, in any State or Territory
4 of the United States or foreign country.

5 Notwithstanding any other provision of law, in order to put forward an
6 initiative, any person, and all shareholders and or members of any organization,
7 partnership, corporation, committee, or business must *not* have been convicted of a
8 felony, and must *not* have been convicted of a misdemeanor involving criminal
9 sexual conduct or crime of moral turpitude. Initiatives forwarded by proponents
10 listed with such crimes herein shall be disqualified from further action by the
11 Commission.

12 The cost for the police clearance and the court clearances required by this
13 Section *shall* be borne by the person/s seeking to propose the Initiative.

14 **§ 17214. Requirement of Fiscal Impact Statement.** A Fiscal Impact
15 Statement *shall* be required for all initiatives that have an effect upon the revenues
16 or the expenditure of any funds of the government of Guam. A waiver of a Fiscal
17 Impact Statement *shall* be required for all measures that do *not* have an effect upon
18 the revenues or the expenditure of any funds of the government of Guam. *No*
19 initiative *shall* be presented to the electorate by the Commission, unless a Fiscal
20 Impact Statement or waiver thereof is submitted.

21 **§ 17214.1 Preparation of Fiscal Impact Statement, or Waiver Thereof.**
22 The Fiscal Impact Statement, or waiver thereof, *shall* be prepared by the Director of
23 Bureau of Budget and Management Research (BBMR), in coordination with the
24 Director of the department, agency or appropriate government instrumentality,
25 affected by the initiative. The Fiscal Impact Statement *or* waiver thereof prepared

1 by BBMR shall be considered as the official document required for fulfillment of
2 this Section.

3 a) The proponents of an initiative may commission an independent
4 accounting firm to conduct a Fiscal Impact Statement of its own for informational
5 purposes, but proponents of any initiative measure may not present a waiver of their
6 own of said Fiscal Impact Statement.

7 **§ 17214.2. Contents of Fiscal Impact Statement.** (a) A Fiscal Impact
8 Statement shall contain the best estimate of the fiscal impact of an initiative for the
9 fiscal year in which it would become effective, if enacted, and for the next four (4)
10 succeeding fiscal years. If the fiscal impact of the measure is not expected to occur
11 within the operating fiscal year, the estimate shall be for the first fiscal year in
12 which it is expected to be fully effective, and for the next four (4) succeeding fiscal
13 years. The cost of the proposed initiative to the government for the fiscal year in
14 which it would become effective, if enacted, and for the next four (4) succeeding
15 fiscal years. If the fiscal impact of the initiative is not expected to occur within the
16 operating fiscal year, the estimate shall be for the first fiscal year in which it is
17 expected to be fully effective, and for the next four (4) succeeding fiscal years.

18 **§ 17214.3. Fiscal Impact Statement Circular.** The Fiscal Impact Statement
19 shall be attached to any voter information pamphlet circulated by the Commission.
20 Proponents shall assume the costs associated with printing their independent Fiscal
21 Impact Statement and reimburse the Commission for costs it incurs in appending
22 the independent Fiscal Impact Statement to any pamphlet commissioned by the
23 Commission.

24 **§ 172125. Special Single-Site Elections.”**



PUBLIC HEARING DATE / TIME: Thursday, November 29, 2012

10am

- **AGENDA ITEM Bill 532-31(COR)** –An act to *add* subsections 14201.1, 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 and 17215; of Chapter 17, Title 3, Guam Code Annotated, relative to the presentation of initiative measures. This act *shall* be known as *The Initiative Reform and Transparency Act of 2012*. Introduced by Sen. Judith P. Guthertz, DPA.

[illegible]

**Joseph T. Duenas
P.O. Box FX
Hagatna, Guam 96932**

November 29, 2012

**Senator Dennis Rodriguez Jr., Chairman
Committee on Health and Human Services,
Senior Citizens, Economic Development,
and Election Reform
31st Guam Legislature
155 Hesler Place
Hagatna, Guam 96932**

Good Morning, Mr. Chairman and Members of the Committee,

My name is Joseph T. Duenas and I am here today to testify in SUPPORT of Bill 532-31.

Bill 532-31 seeks to place additional requirements on any individual or groups who would propose an initiative to be voted on by the voters of Guam, requiring greater Transparency and more information to allow the voters of Guam to make a better informed decision.

This Bill is needed because our current initiative law and process has become a buyer-beware system in which proponents with enough money can place virtually any issue on the ballot. All initiatives should be held to a higher standard because unlike a law passed legislatively, in the initiative process there are no committee meetings held, no legislative analysts or study of law, no floor debates, no amendments, no executive official who can wield a veto pen and reviews the proposed law under that authority, and it is far more difficult for the people to "reconvene" to amend or clarify the law if a court interprets it contrary to the voters' intent. In short the initiative process was that was begun to fight special-interest strangleholds over public policy has in reality been strangled by special interest.

Thank you for the opportunity testify on Bill 532-31.



Joseph T. Duenas

TESTIMONY
IN FAVOR OF BILL 532-31
INITIATIVE REFORM AND TRANSPARENCY ACT

Hafa adai and good morning, Mr. Chairman and Honorable Senators.

My name is Roger K. Pollock IV and I have been a continuous resident and registered voter of Guam since 1980. I am here to testify in favor of Senator Guthertz' Bill Number 532-31.

I congratulate the Senator for submitting this Bill but I feel it does not go far enough. The bill requires that an individual submitting an initiative be a registered voting person from Guam. What I would like inserted in this bill is a comprehensive coverage of gambling aspects. The voter requirements of this bill, although helpful, fails to stop a surrogate of someone, such as Mr. Baldwin, from submitting an initiative. A sure way of preventing this loophole, at least for a period of time, is to provide a moratorium of any gambling initiative for a period of 10 years. A period of years should be used versus a certain number of elections between gambling initiatives. The desired moratorium period could be diminished because of possible "special" elections.

Motivation is a wonderful vehicle to drive ourselves toward accomplishments. I have been motivated to fight against organized casino gambling of any type for the last several years. Once it gets its foot in the door, even for-profit bingo, it becomes a disease that will permeate and destroy many parts of our society.

I want to share with you my personal experience about why I am against all forms of gambling, especially casino gambling. In the early 1980s, the island had many mini-casinos of which I would visit. At that time, I was single and did not have any family responsibilities. My favorite was on Marine Drive, close to what is now BankPacific and the old Tony Romas. The casino was on the second floor. One morning at about 3AM, I was ready to go home but was hungry so I prepared a ham and cheese

sandwich to go. I took my first bite about half way down the stairway leading to the parking lot when I heard what sounded like a child crying. It was a nice night but still hot. I went to see what was going on and as I neared this car all the windows were rolled down. In the back seat was a little boy about 2 years old sleeping. The car smelled of urine and here was a little girl in a dirty dress, hair uncombed standing crying and looking at me. I thought she was holding her hand out to me but what she was doing was reaching for my sandwich. I let her take a bite, she stopped crying, smiled at me, then I started crying and gave her the rest of my sandwich as she needed it more than me.

My honorable senators, once you have been through one of these experiences, it is easy to do the right thing. Please use your power and position to protect your constituents as so many of them are unable to protect themselves.

Amend this bill to provide a 10 or more year moratorium on all types of gambling initiatives.

Thank you.

A handwritten signature in black ink, reading "Roger Pollock IV". The signature is written in a cursive, flowing style with a large, stylized "R" and "P".

ROGER POLLOCK IV

BILL 532-31

TESTIMONY

Hafa Adai, and Buenas, Mr. Chairman and honorable members of the 31st Guam Legislature.

My name is Jackie Arriola Marati and I am here to submit testimony in support of Bill 532-31. These opinions are my personal views and do not represent those of my employer.

I represent KEEP GUAM GOOD, a coalition of civic, academic, business, legal, religious and cultural interests who have reviewed the last FIVE (5) gambling initiatives since 2004. We have critically analyzed these initiatives, adopted a position and organized outreach efforts to inform the community about the substance of these initiatives.

We have successfully defeated all five initiatives, nearly all of which were financed by multi-million dollar campaigns funded by off-island interests.

Our ground game effort in 2012 defeated the gambling initiative by its largest margin ever, 65%. We won every single village.

Since 2004 as a member of the KEEP GUAM GOOD coalition, I have seen many poorly written initiatives come before Guam's voters, but the Proposal A version 2012 is by far one of the worst written in favor of the proponent and Guam Greyhound with few realizable benefits to Guam's electorate.

In addition to the lack of financial clarity, the lack of consistency and clarity in the regulatory language points to an entire lack of regulation for an unknown industry.

Perhaps most disturbing is the lack of openness about the sponsors this year. Admittedly, the lawyers for the proponents:

- Could not tell Guam's voters who wrote the initiative;
- Could not tell Guam's voters who the specific financial backers were (as earlier reported, \$361,000 - \$190,000 for Inspire Ad Agency, \$69,000 for legal fees and \$60,000 for supporters) for the initiative;

The self-proclaimed proponent himself:

- Vanished from a public forum to discuss the merits of the initiative;
- Flooded Guam's printed, audio and visual media round the clock with the benefits of Proposal A;

We must stop nameless/faceless initiatives. Such initiatives do not justice to being called "people's initiatives."

We learned a few things this year. It is easier to get an initiative on a Guam ballot than to open a checking account. It is easier to get an initiative on a Guam ballot than to run for elected office; It is

easier to get a gambling initiative on a Guam ballot than to go through extensive application processes and investigative scrutiny to get gambling licenses in states where gambling is legal.

We agree with Bill 532's requirements for identification. If this is a people's bill, then like legislators, supporters should be identifiable and be local residents. As prospective lawmakers, background information should be provided, as well as financial information.

We agree with the need for fiscal impact statements. Many of the recent initiatives have made unproven claims of millions in benefits going to the people of Guam. Outside assessments must be included.

These elements make the initiative process better.

As you know, we attended all the village meetings, forums, civic organization meetings, in addition to appearing on television and radio programs. Here are the issues identified by the many voters to improve the initiative process even more.

PUBLIC INPUT #1: Why do we have to vote yet again on a gambling initiative when we've already voted down four initiatives since 2004? Voters feel these voices don't count and aren't being heard.

RECOMMENDED AMENDMENT: Increase the moratorium on defeated initiatives of substantially the same subject so that those initiatives defeated 5 times in 10 years may not come before the people of Guam for another 10 years.

PUBLIC INPUT #2: We know nothing about this proposal. Why wasn't public input solicited?

RECOMMENDED AMENDMENT: Include the requirement that prior to circulating the initiative for signature gathering, the proponent must host village meetings in at least 10 villages to include the 6 villages with the largest voter registrations as of the previous elections. The meetings shall be documented with written minutes and video tapes of the meetings.

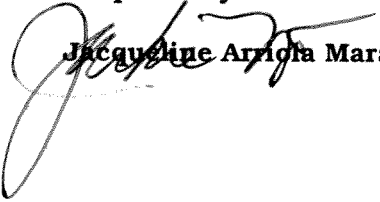
PUBLIC INPUT #3: Who wrote this initiative? If this is indeed a "people's law," we are entitled to know the author.

RECOMMENDED INPUT: Include a provision so that the writer of the initiative is identified and is a registered voter from the previous election

We have already learned these lessons. Now is the time to make changes to assure they do not occur again.

Si Yu'os Ma'ase for this opportunity.

Respectfully submitted,


Jacqueline Arriola Marati

TESTIMONY IN FAVOR OF

BILL 532 – Initiative Reform and Transparency

Hafa Adai and Buenas, Mr. Chairman and Members of Guam's 31st Legislature:

Much has been discussed about the flaws of our current election laws which allowed an initiative to be placed on Guam's ballot without full disclosure and discussion of the initiative.

Bill 532-31 is an excellent start to sharing the responsibility for providing complete and accurate information about initiatives that purport to provide financial benefit to Guam's electorate.

Additionally, the initiative should be available for review and discussion (at the proponents' expense) PRIOR to being circulated for signature. That way, local input is provided.

Finally, the moratorium on defeated initiatives should also be extended. When initiatives of substantially the same subject are defeated 5 times in 10 years, no initiative of similar subject may be brought before Guam's electorate for another 10 years.

Respectfully submitted.

Sister Mary Cecilia Gamacho, RSM
Sister Mary Stephen Torres, R.S.M.
Sister Mary Guille Cabuhat, RSM
Sister Mary Concepcion Mino, R.S.M.
Sister Agnes Palacios, RSM
Sister Jeanette Leon Guerrero, R.S.M.
SM Callisto Camacho
Sister Mary Mark Martinez, RSM
Sister Mary Brigid Perez, R.S.M.
Sister Doris Sanluis, RSM
Sister M. Bertrude Quintana, R.S.M.
Sister M. Angelica Perez, R.S.M.
Sister M. David Richard, R.S.M.

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Respectfully submitted.

Sr. Imine Pangelinan

SE. Barbara Augustu

Sr. McKinley Paulino

Sister Mary Emeline Otero

Sister Francis Marie Blas

Sister Imelda Marie Paulino

Sister Orlan Pereda

TESTIMONY IN FAVOR OF

BILL 532 – Initiative Reform and Transparency

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Bill 532-31 is an excellent start to sharing the responsibility for providing complete and accurate information about initiatives that purport to provide financial benefit to Guam's electorate.

Additionally, the initiative should be available for review and discussion (at the proponents' expense) PRIOR to being circulated for signature. That way, local input is provided.

The writer of the initiative should be identified, and he/she/the group should also have been registered Guam voters in the previous election.

Finally, the moratorium on defeated initiatives should also be extended. When initiatives of substantially the same subject are defeated 5 times in 10 years, no initiative of similar subject may be brought before Guam's electorate for another 10 years.

Respectfully submitted.

Ana San Nicolas Flores
Jaime S. Ullora



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

2012 NOV 26 AM 10:28

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

November 26, 2012

Memorandum

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

To: Pat C. Santos
Clerk of the Legislature

MAJORITY
MEMBERS:

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Speaker
Judith T. Won Pat

Subject: Fiscal Notes

Vice Speaker
Benjamin J. F. Cruz

Hafa Adai!

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Attached please find the fiscal notes for the bill numbers listed below.
Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Bill No.:	461-31 (COR)	523-31 (COR)
	518-31 (COR)	528-31 (COR)
	521-31 (COR)	532-31 (COR)

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
vicente c. pangelinan

MINORITY
MEMBERS:

Si Yu'os ma'åse'!

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

STEPHEN J. GUERRERO
DEPUTY DIRECTOR

NOV 23 2012

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 461-31(COR), 518-31(COR), 521-31(COR), 523-31(COR), 528-31(COR), and 532-31(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 532-31 (COR)**

AN ACT TO ADD SUB SECTIONS 17201.1., 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 AND 17215; AND AMEND SUBSECTIONS 17203 AND 17204 OF ARTICLE 2 OF CHAPTER 17, TITLE 3, GUAM CODE ANNOTATED RELATIVE TO THE PRESENTATION OF INITIATIVE MEASURES. THIS ACT SHALL BE KNOWN AS THE INITIATIVE REFORM AND TRANSPARENCY ACT OF 2012.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Election Commission	Dept./Agency Head: Maria Pangelinan
Department's General Fund (GF) appropriation(s) to date:	756,027
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	\$756,027

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ /x/ N/A
3. Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /x/ No*
/ / Requested agency comments not received by due date / / Other:

*Due to the impending deadline and other budgetary deadlines, the Bureau was unable to coordinate with affected agency.

Analyst: <u>Dina R. Rivera</u>	Date: <u>11/23/12</u>	Director: <u>John A. Rios, Director</u>	Date: _____
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Footnotes:

The Bill has a potential for additional funding impact. However, in its present form, that impact cannot be determined at this time.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature

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Senator
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Senator
vicente c. pangelinan

MINORITY
MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

November 15, 2012

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Judith P. Guthertz, DPA
Acting Chairperson, Committee on Rules

Subject: Referral of Bill No. 532-31 (COR)

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 532-31 (COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(1) Attachment

I Mina'Trentai Unu Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
532-31 (COR)	Judith P. Guthertz, DPA	AN ACT TO ADD SUB SECTIONS 17201.1, 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 AND 17215; AND AMEND SUB SECTIONS 17203 AND 17204 OF ARTICLE 2 OF CHAPTER 17, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE PRESENTATION OF INITIATIVE MEASURES. THIS ACT SHALL BE KNOWN AS THE INITIATIVE REFORM AND TRANSPARENCY ACT OF 2012.	11/14/2012 1:49 pm	11/15/12		Committee on Health & Human Services, Senior citizens, Economic Development, and Election Reform			



SENATOR DENNIS G. RODRIGUEZ, JR.

Chairman,
Committee on
Health & Human
Services,
Senior Citizens,
Economic
Development,
& Election Reform

Member,
Committee on
Public Safety, Law
Enforcement,
& Judiciary

Member,
Committee on
Youth, Cultural Affairs,
Procurement, General
Government
Operations, & Public
Broadcasting

Member,
Committee on
Municipal Affairs,
Tourism,
Housing & Recreation

Member,
Committee on Rules,
Federal, Foreign &
Micronesian
Affairs, & Human &
Natural Resources

Member,
Committee on the
Guam Military Buildup
& Homeland Security

Member,
Committee on
Appropriations,
Taxation,
Public Debt, Banking,
Insurance,
Retirement, & Land

Member,
Committee on Utilities,
Transportation, Public
Works,
& Veterans Affairs

Assistant Majority Whip

November 21, 2012

TO: ALL SENATORS

FROM: SENATOR DENNIS G. RODRIGUEZ, JR. 
CHAIRPERSON

SUBJECT: 1st NOTICE OF PUBLIC HEARING

1st NOTICE OF HEARING
Thursday, November 29, 2012 10:00AM

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting a hearing on Thursday, November 29, 2012, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

10:00AM

- **Bill No. 532-31(COR)-** An act to *add* sub sections 14201.1, 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 and 17215; of Chapter 17, Title 3, Guam Code Annotated, relative to the presentation of initiative measures. This act *shall* be known as *The Initiative Reform and Transparency Act of 2012.* (Introduced by J.P. Guthertz, DPA)
- The Confirmation Hearing of **Dr. Maria Melinda Sangalang**, to serve as a member (Podiatrist), **Guam Board of Allied Health Examiners**

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact Clifton Herbert at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)



SENATOR DENNIS G. RODRIGUEZ, JR.

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING

Thursday, November 29, 2012 10:00AM

Chairman,
Committee on
Health & Human
Services,
Senior Citizens,
Economic
Development,
& Election Reform

Member,
Committee on
Public Safety, Law
Enforcement,
& Judiciary

Member,
Committee on
Youth, Cultural Affairs,
Procurement, General
Government
Operations, & Public
Broadcasting

Member,
Committee on
Municipal Affairs,
Tourism,
Housing & Recreation

Member,
Committee on Rules,
Federal, Foreign &
Micronesian
Affairs, & Human &
Natural Resources

Member,
Committee on the
Guam Military Buildup
& Homeland Security

Member,
Committee on
Appropriations,
Taxation,
Public Debt, Banking,
Insurance,
Retirement, & Land

Member,
Committee on Utilities,
Transportation, Public
Works,
& Veterans Affairs

Assistant Majority Whip

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting a Public Hearing **on Thursday, November 29 2012, 10:00 A.M.**, at / *Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

10:00AM

- **Bill No. 532-31(COR)-** An act to *add* sub sections 14201.1, 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 and 17215; of Chapter 17, Title 3, Guam Code Annotated, relative to the presentation of initiative measures. This act *shall* be known as *The Initiative Reform and Transparency Act of 2012.* *(Introduced by J.P. Guthertz, DPA)*
- **The Confirmation Hearing of Dr. Maria Melinda Sangalang,** to serve as a member (Podiatrist), **Guam Board of Allied Health Examiners**

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact our office at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

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E-mail: senatordrodriguez@gmail.com



Joseph Anthony Mesngon <jmesngon.senatorrodriguez@gmail.com>

1st Notice of Public Hearing

2 messages

Clifton Herbert <cherbert.senatorrodriguez@gmail.com>
To: "phnotice@guamlegislature.org" <phnotice@guamlegislature.org>

Wed, Nov 21, 2012 at 12:02 PM

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Dear Senators,

Buenas yan Hafa Adai!

Please see attached notice of Public Hearing. Should you have any questions feel free to contact this office at anytime.

Best Regards,
Clifton Herbert
176 Serenu Avenue Suite 107 Tamuning, Guam 96931
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Website: www.toduguam.com

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Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Wed, Nov 21, 2012 at 12:03 PM

Listserv: phnotice@guamlegislature.org

As of Oct. 25, 2012

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jtenorio@guamcourts.org	wilcastro671@gmail.com
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Bcc: jmesngon.senatorrodriguez@gmail.com

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Hafa Adai All Media!

Please see attached 1st notice of Public Hearing.

Should you have any questions or concerns, please feel free to contact this office at anytime.

Best Regards,
Clifton Herbert

[Quoted text hidden]

2 attachments



Public Hearing 1st Notice Nov. 29, 2012.pdf
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Public Hearing 1st Notice Nov. 29, 2012.doc
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SENATOR DENNIS G. RODRIGUEZ, JR.

Chairman,
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Member,
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Taxation,
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Member,
Committee on Utilities,
Transportation, Public
Works,
& Veterans Affairs

Assistant Majority Whip

November 26, 2012

TO: ALL SENATORS

FROM: SENATOR DENNIS G. RODRIGUEZ, JR. 
CHAIRPERSON

SUBJECT: 2nd NOTICE OF PUBLIC HEARING

2nd NOTICE OF HEARING
Thursday, November 29, 2012 10:00AM

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting a hearing on Thursday, November 29, 2012, at / *Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

10:00AM

- **Bill No. 532-31(COR)-** An act to *add* sub sections 14201.1, 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 and 17215; of Chapter 17, Title 3, Guam Code Annotated, relative to the presentation of initiative measures. This act *shall* be known as *The Initiative Reform and Transparency Act of 2012*.
(Introduced by J.P. Guthertz, DPA)
- The Confirmation Hearing of **Dr. Maria Melinda Sangalang**, to serve as a member (Podiatrist), **Guam Board of Allied Health Examiners**

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact Clifton Herbert at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

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176 Serenu Avenue, Suite 107, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520
E-mail: senatordrodriguez@gmail.com



Joseph Anthony Mesngon <jmesngon.senatorrodriguez@gmail.com>

2nd Notice of Public Hearing

1 message

Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Mon, Nov 26, 2012 at 3:03 PM

To: "phnotice@guamlegislature.org" <phnotice@guamlegislature.org>

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Dear Senators,

Buenas yan Hafa Adai!

Please see attached notice of Public Hearing. Should you have any questions feel free to contact this office at anytime.

Best Regards,

Clifton Herbert

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: 671.649.8638

Email: Cherbert.senatorrodriguez@gmail.com

Website: www.toduguam.com

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Senators 2nd Notice Public Hearing Nov. 29, 2012.pdf

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SENATOR DENNIS G. RODRIGUEZ, JR.

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Committee on
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Senior Citizens,
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Retirement, & Land

Member,
Committee on Utilities,
Transportation, Public
Works,
& Veterans Affairs

Assistant Majority Whip

PUBLIC HEARING AGENDA

Thursday, November 29, 2012

10am

Public Hearing Room, *I Liheslatura*

I. Call to order

II. Items for public consideration:

- **Bill 532-31(COR)** –An act to *add* subsections 14201.1, 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 and 17215; of Chapter 17, Title 3, Guam Code Annotated, relative to the presentation of initiative measures. This act *shall* be known as *The Initiative Reform and Transparency Act of 2012*. Introduced by Sen. Judith P. Guthertz, DPA.
- The Executive Appointment of Dr. Maria Melinda Sangalang, DPM, as a Member of the Guam Board of Allied Health Examiners.
- **Adjournment**

Thank you for your participation in today's hearing.

AI MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 532-31 (cor)

Introduced by:

Judith P. Guthertz, DPA

AN ACT TO ADD SUB SECTIONS 17201.1., 17212, 17212.1, 17212.2, 17213, 17214, 17214.1, 17214.2, 17214.3 AND 17215; AND AMEND SUB SECTIONS 17203 AND 17204 OF ARTICLE 2 OF CHAPTER 17, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE PRESENTATION OF INITIATIVE MEASURES. THIS ACT SHALL BE KNOWN AS THE INITIATIVE REFORM AND TRANSPARENCY ACT OF 2012.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Finding and Intent: *I Liheslaturan Guåhan* finds that Initiatives put before the electorate shall contain full disclosure of genesis and intent. Considering the immense expense and diligent effort of the Guam Election Commission and the processes and standards which the Commission must assume and adhere to in order to entertain an initiative; the burden of transparency and accountability *shall not* fall *solely* on the voting public to ascertain the origins or intentions of a proposal. This should be a shared responsibility. It serves the public's interest to require that proponents of any Initiative placed before the people of Guam be forthcoming, available and that proponents be held accountable for any initiative they offer to the people of Guam by providing accurate information about its origins, intention and purpose.

It is the intent of *I Liheslaturan Guåhan* to clarify certain standards to ensure transparency and accountability regarding matters put before the electorate by any

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1 individual, organization, partnership, corporation, committee, or business. *The*
2 *Initiative Reform and Transparency Act of 2012* shall begin the process of easily
3 identifying origins, intention and purpose behind all future initiatives so that the voters
4 of Guam have the opportunity to be fully informed about any initiative proposed for
5 their consideration and those proposing the initiative before making their
6 determination at the polls.

7 **Section 2.** Subsections 17201.1., 17212, 17212.1, 17212.2, 17213, 17214,
8 17214.1, 17214.2, 17214.3, and 17215 are hereby *added*; and subsection 17203 and
9 17204 all of Article 2, Chapter 17, Title 3, Guam Code Annotated, are hereby
10 *amended* to Read:

11 **“ARTICLE 2 INITIATIVE**

12 **§ 17201.1. Qualified Proponent.**

13 **§ 17203. Same: Presentation of.**

14 **§ 17204. Same: Majority Required; Effective Date.**

15 **§ 17212. Commission to Develop Registration and Disclosure Requirements**
16 **and Form.**

17 **§ 17212.1 Financial Disclosure and Registration Requirement.**

18 **§ 17212.2 Shareholder/Member Disclosure Requirement.**

19 **§ 17213. Police and Court Clearances.**

20 **§ 17214. Requirement of Fiscal Impact Statement.**

21 **§ 17214.1 Preparation of Fiscal Impact Statement, or Waiver Thereof.**

22 **§ 17214.2. Contents of Fiscal Impact Statement.**

23 **§ 17214.3. Fiscal Impact Statement Circular.**

24 **§ 17212~~5~~. Special Single-Site Elections.**

1 **§ 17201.1. Qualified Proponent.** Initiative measures may only be proposed by
2 a bona fide resident and registered voter of Guam who was registered during the
3 preceding general election. The qualified proponent of any initiative may act
4 individually or on behalf of an organization, partnership, corporation, committee, or
5 business.

6 **§ 17203. Same: Presentation of.** The Election Commission shall submit the
7 initiative to the electors after certification at the next regularly scheduled general
8 election ~~held at least ninety (90) days after it qualifies or at a territory wide special~~
9 ~~election held at least ninety (90) days after certification,~~ provided however that *I*
10 *Liheslatura* may call a territory-wide special election for the purpose of having the
11 electors vote on an initiative measure.

12 **§ 17204. Same: Majority Required; Effective Date.** An initiative must be
13 approved by fifty percent (50%) plus one (1) of all voters who go to the polls to vote
14 in the special or general election at which the initiative was placed on the ballot. Any
15 initiative so approved by fifty percent (50%) plus one (1) of all voters who go to the
16 polls to vote at said election shall take effect ~~sixty (60) days after the date on which~~
17 ~~the Commission certifies that the initiative has been passed,~~ no earlier than the First
18 (1st) day of the month of February of the succeeding year after certification of its
19 passage by the Commission; and after all requisite government rules, regulations,
20 permits pertaining to the initiative are officially adopted and effectuated by relevant
21 department and agencies of the government of Guam. Any language in contravention
22 of this Section that calls for an earlier date of implementation shall be disallowed by
23 the Commission

24 **§ 17212. Commission to Develop Registration and Disclosure Requirements**
25 **and Form.** The Commission *shall* develop the registration requirements and Rules
26 and Regulations governing the information requisite for discovery of Financial and

1 Shareholder or member disclosure requirements contained herein that stipulate the
2 essential financial information of any person and all shareholders and or members of
3 any organization, partnership, corporation, committee, or business which expects to
4 receive funds or make expenditures in an effort to directly support or put forward any
5 initiative.

6 a) The Commission shall adopt these rules within one hundred and twenty
7 (120) days of the passage of this Act. The Commission may revisit and amend
8 these rules as deemed necessary by the Commission every three (3) years thereafter.

9 **§ 17212.1 Financial Disclosure and Registration Requirement.** Any person,
10 and all individual shareholders or members of any organization, partnership,
11 corporation, committee, or business, which receives funds or makes expenditures in
12 an effort to directly support or put forward any initiative must register and file
13 financial disclosure reports with the Commission.

14 **§ 17212.2 Shareholder/Member Disclosure Requirement.** Financial
15 disclosure reports shall list all individual shareholders or members of any
16 organization, partnership, corporation, committee, or business which receives funds or
17 makes expenditures in an effort to directly support or put forward any initiative.

18 **§ 17213. Police and Court Clearances.** At the time of filing of an initiative,
19 any person, and all shareholders and or members of any organization, partnership,
20 corporation, committee, or business, which expects to receive funds or make
21 expenditures in an effort to directly support or put forward any initiative must be
22 registered with the Commission and shall submit:

23 (1) a clearance from the Guam Police Department;

24 (2) a clearance from the Judiciary of Guam;

25 (3) a clearance from United States District Court;

1 (4) a signed affidavit attesting that the proponent, shareholder or member of
2 any organization, partnership, corporation, committee, or business, has *not* been
3 convicted of a felony or misdemeanor, as described herein, in any State or Territory
4 of the United States or foreign country.

5 Notwithstanding any other provision of law, in order to put forward an
6 initiative, any person, and all shareholders and or members of any organization,
7 partnership, corporation, committee, or business must *not* have been convicted of a
8 felony, and must *not* have been convicted of a misdemeanor involving criminal
9 sexual conduct or crime of moral turpitude. Initiatives forwarded by proponents
10 listed with such crimes herein shall be disqualified from further action by the
11 Commission.

12 The cost for the police clearance and the court clearances required by this
13 Section shall be borne by the person/s seeking to propose the Initiative.

14 **§ 17214. Requirement of Fiscal Impact Statement.** A Fiscal Impact
15 Statement shall be required for all initiatives that have an effect upon the revenues
16 or the expenditure of any funds of the government of Guam. A waiver of a Fiscal
17 Impact Statement shall be required for all measures that do *not* have an effect upon
18 the revenues or the expenditure of any funds of the government of Guam. No
19 initiative shall be presented to the electorate by the Commission, unless a Fiscal
20 Impact Statement or waiver thereof is submitted.

21 **§ 17214.1 Preparation of Fiscal Impact Statement, or Waiver Thereof.**
22 The Fiscal Impact Statement, or waiver thereof, shall be prepared by the Director of
23 Bureau of Budget and Management Research (BBMR), in coordination with the
24 Director of the department, agency or appropriate government instrumentality,
25 affected by the initiative. The Fiscal Impact Statement or waiver thereof prepared

1 by BBMR shall be considered as the official document required for fulfillment of
2 this Section.

3 a) The proponents of an initiative may commission an independent
4 accounting firm to conduct a Fiscal Impact Statement of its own for informational
5 purposes, but proponents of any initiative measure may not present a waiver of their
6 own of said Fiscal Impact Statement.

7 **§ 17214.2. Contents of Fiscal Impact Statement.** (a) A Fiscal Impact
8 Statement shall contain the best estimate of the fiscal impact of an initiative for the
9 fiscal year in which it would become effective, if enacted, and for the next four (4)
10 succeeding fiscal years. If the fiscal impact of the measure is not expected to occur
11 within the operating fiscal year, the estimate shall be for the first fiscal year in
12 which it is expected to be fully effective, and for the next four (4) succeeding fiscal
13 years. The cost of the proposed initiative to the government for the fiscal year in
14 which it would become effective, if enacted, and for the next four (4) succeeding
15 fiscal years. If the fiscal impact of the initiative is not expected to occur within the
16 operating fiscal year, the estimate shall be for the first fiscal year in which it to is
17 expected to be fully effective, and for the next four (4) succeeding fiscal years.

18 **§ 17214.3. Fiscal Impact Statement Circular.** The Fiscal Impact Statement
19 shall be attached to any voter information pamphlet circulated by the Commission.
20 Proponents shall assume the costs associated with printing their independent Fiscal
21 Impact Statement and reimburse the Commission for costs it incurs in appending
22 the independent Fiscal Impact Statement to any pamphlet commissioned by the
23 Commission.

24 **§ 172125. Special Single-Site Elections.”**