

*I Mina'trentai Singko Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
263-35 (COR)	Jose "Pedro" Terlaje	AN ACT TO ADD A NEW § 13106(a) OF CHAPTER 13, TITLE 3, GUAM CODE ANNOTATED TO CREATE A TEMPORARY VACANCY SHOULD A MAYOR BE UNABLE TO PERFORM THE DUTIES OF HIS OFFICE FOR REASONS OTHER THAN THOSE EXPLICITLY PRESCRIBED IN 3 GCA § 13106 CHAPTER 13.	1/3/20 3:47 p.m.					1/13/20	

Senator Régine Biscoe Lee,  
Chair

Senator Amanda L. Shelton,  
Vice Chair

Speaker Tina Rose Muña Barnes,  
Member

Vice Speaker Telen Cruz Nelson,  
Member

Senator Kelly Marsh (Taitano), PhD,  
Member

Senator Sabina Flores Perez,  
Member



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

January 13, 2020

Senator Clynton E. Ridgell,  
Member

Senator Joe S. San Agustin,  
Member

Senator Jose "Pedo" Terlaje,  
Member

Senator Therese M. Terlaje,  
Member

Senator James C. Moylan,  
Member

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

# MEMO

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

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

**Re:** Fiscal Notes

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*Buenas yan Håfa adai.*

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

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

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

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

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research**  
**Fiscal Note of Bill No. 263-35 (COR)**

**AN ACT TO ADD A NEW § 13106(a) OF CHAPTER 13, TITLE 3, GUAM CODE ANNOTATED TO CREATE A TEMPORARY VACANCY SHOULD A MAYOR BE UNABLE TO PERFORM THE DUTIES OF HIS OFFICE FOR REASONS OTHER THAN THOSE EXPLICITLY PRESCRIBED IN 3 GCA § 13106 CHAPTER 13.**

Department/Agency Appropriation Information	
Dept./Agency Affected: <b>Guam Election Commission</b>	Dept./Agency Head: <b>Maria Pangelinan, Executive Director</b>
Department's General Fund (GF) appropriation(s) to date:	\$1,399,414
Department's Other Fund appropriation(s) to date:	\$0
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$1,399,414</b>

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

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2020 (if applicable)	FY 2021	FY 2022	FY 2023	FY 2024
General Fund	1/	\$0	\$0	\$0	\$0	\$0
Special Fund	1/	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	1/	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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 / X/ 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? / X/ N/A / / Yes / / 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: / X/ Yes / / No  
 / / Requested agency comments not received by due date / / Other:

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

BUREAU OF BUDGET AND MANAGEMENT RESEARCH  
COMMENTS ON BILL NO. 263-35 (COR)

The proposed legislation intends to establish “Temporary Vacancy” in the Municipal Offices of Mayor. By adding a new § 13106(a) to Chapter 13 of 3 GCA, the proposed legislation allows the Governor to appoint an Acting Mayor, with advisement from the Municipal Planning Council of the affected village and the consent of the Legislature, within 30 days should a temporary vacancy be identified. Temporary vacancy is defined in this proposed legislation as the inability of the Mayor to perform his official duties and responsibilities, as enumerated in § 40112 of Chapter 40 of 5 GCA, for more than forty-five (45) consecutive days for reasons not already specified in the existing § 13106 of Chapter 13 of 3 GCA. The appointed Acting Mayor is to serve in such capacity until the elected Mayor returns, or a new Mayor is duly elected in a general election.

This proposed legislation does not specify the funding mechanism for the acting appointment such as the appropriate remuneration and funding source. Further, the proposed legislation does not clarify if the incumbent Mayor will still have the ability to draw from accrued annual leave and continue to be paid while the Acting Mayor is also receiving compensation. Considering a current situation with one of the incumbent Mayors, compensation is still ongoing as of the most recent pay period ending January 4, 2020 due to the availability of accrued annual leave, per the AS400. It needs to be clarified if the incumbent Mayor will still get paid, using over 100 hours of remaining annual leave, while the Acting Mayor is appointed.

Given the uncertainties aforementioned, a fiscal impact cannot be fully determined.