

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session
VOTING RECORD

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	√					
Senator Frank Blas Jr.	√					
Senator Joanne Brown	√					
Senator Christopher M. Dueñas	√					
Senator James C. Moylan	√					
Vice Speaker Tina Rose Muña Barnes	√					
Senator Telen Cruz Nelson	√					
Senator Sabina Flores Perez	√					
Senator Clynton E. Ridgell	√					
Senator Joe S. San Agustin	√					
Senator Amanda L. Shelton	√					
Senator Telo T. Taitague	√					
Senator Jose "Pedo" Terlaje	√					
Speaker Therese M. Terlaje	√					
Senator Mary Camacho Torres	√					

Speaker Antonio R. Unpingco Legislative Session Hall
Guam Congress Building
May 28, 2021

Bill No. 85-36 (COR)
As substituted; and amended on the Floor.

TOTAL

15

0

Aye

Nay

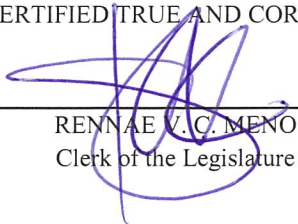
Not Voting/
Abstained

Out During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:


RENNAE V.C. MENO
Clerk of the Legislature

I = Pass

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2021 (FIRST) Regular Session

Bill No. 85-36 (COR)

As substituted and amended on the Floor.

*

Introduced by:

Joe S. San Agustin
Tina Rose Muña Barnes
Clynton E. Ridgell
Amanda L. Shelton
V. Anthony Ada
Telo T. Taitague
Frank Blas, Jr.
Jose “Pedo” Terlaje
James C. Moylan
Telena Cruz Nelson

**AN ACT TO AMEND § 15301 OF ARTICLE 3 AND § 15407
OF ARTICLE 4, CHAPTER 15, TITLE 4, GUAM CODE
ANNOTATED, RELATIVE TO REAFFIRMING THE
INDEPENDENCE OF THE GUAM ETHICS
COMMISSION.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there is a need to reaffirm the Guam Ethics Commission as an independent body
4 that is able to adequately receive, hear, and render opinions on allegations of
5 violations as authorized under Chapter 15 of Title 4, Guam Code Annotated.

6 The Ethics Commission was first established by Public Law 23-105, but was
7 not an active entity of the government of Guam until it was reactivated via Executive
8 Order 2019-06. *I Liheslaturan Guåhan* appropriated funds to the Guam Ethics

1 Commission in Fiscal Year 2021, which initiated the process for the Commission to
2 hire essential personnel to support its functions and secure an office location.

3 Many community members desire a government whose officials maintain a
4 standard of conduct as defined by law, and value an Ethics Commission empowered
5 to receive complaints, conduct investigations, and enter judgments, free from any
6 potential influence or interference by government officials.

7 Therefore, it is the intent of *I Liheslaturan Guåhan* to update Articles 3 and 4
8 of Chapter 15, Title 4, Guam Code Annotated, to reaffirm the independence of the
9 Guam Ethics Commission.

10 **Section 2.** § 15301 of Article 3, Chapter 15, Title 4, Guam Code Annotated,
11 is hereby *amended* to read as follows:

12 **“§ 15301. Guam Ethics Commission Established; Composition.**

13 There shall be within the government of Guam, an autonomous and
14 independent commission to be known as the ‘Guam Ethics Commission.’ The
15 Commission shall consist of seven (7) members to be appointed by *I*
16 *Maga’håga*. Each appointee shall be a United States citizen and a bona fide
17 resident of Guam. No person who has ever been convicted of a felony shall
18 be eligible to serve on the Commission. Members of the Commission shall
19 not be an employee, as defined herein, or have any member of their immediate
20 family employed by the government of Guam. All appointments to the Guam
21 Ethics Commission shall be confirmed by *I Liheslatura*.

22 The Chair of the Commission shall be elected by the majority of the
23 Commission. The term of office of each member shall be for four (4) years,
24 provided that of the original members, two (2) shall hold office for two (2)
25 years, two (2) shall hold office for three (3) years, and one (1) shall hold office
26 for four (4) years. The determination of these members’ length of office shall
27 be by lot drawn by the members at their initial meeting. No person shall be

1 appointed consecutively to more than two (2) terms as a member of the
2 Commission.

3 Members shall serve without compensation, except that they shall
4 receive a stipend of Fifty Dollars (\$50.00) per meeting not to exceed four (4)
5 meetings per calendar month, and shall be compensated for all normal
6 expenses of travel, and for the cost of meals while in session.

7 Vacancies shall be filled for the remainder of the unexpired term in the
8 same manner as the original appointments. *I Maga'håga* may remove or
9 suspend any member of the Commission for cause, upon the filing of a written
10 finding with the Commission and upon service of a copy of the written
11 findings on the member removed or suspended.”

12 **Section 3.** § 15407 of Article 4, Chapter 15, Title 4, Guam Code Annotated,
13 is hereby *amended* to read as follows:

14 **“§ 15407. Executive Director and Guam Ethics Commission**
15 **Staff.**

16 (a) The Guam Ethics Commission may employ such persons as it
17 deems necessary for the performance of its functions. It shall submit an annual
18 budget request to the Legislature for its required operations.

19 (1) The Executive Director shall submit an annual fiscal year
20 budget to the Guam Ethics Commission for its review and approval no
21 later than January 31 of each calendar year.

22 (2) The Guam Ethics Commission shall review and approve a
23 fiscal year budget necessary to meet all of the Commission’s statutory
24 requirements and abide by all policies and procedures set forth in this
25 Chapter and corresponding rules and regulations.

26 (3) The Guam Ethics Commission’s Executive Director shall
27 submit to *I Liheslatura* an approved annual budget for each fiscal year,

1 no later than the date prescribed by *I Liheslaturan Guåhan*, and shall
2 include a detailed breakdown of the funding level necessary to meet all
3 of the Commission’s statutory requirements and abide by all policies
4 and procedures set forth in corresponding rules and regulations.

5 (4) The annual Guam Ethics Commission budgetary
6 appropriations approved by *I Liheslaturan Guåhan* and signed into law
7 by the Governor of Guam shall be exempt from the Bureau of Budget
8 and Management Research, Office of the Governor of Guam, budgetary
9 allotment control as generally provided in 5 GCA § 1303.

10 (5) The Guam Ethics Commission may draw against its
11 respective appropriations as needed to meet its obligations in
12 accordance with a drawdown schedule that the Guam Ethics
13 Commission submits to the Director of Administration. If the Guam
14 Ethics Commission fails to submit its drawdown schedule by October
15 31, the Director of Administration may withhold a drawdown request
16 for the current fiscal year until such time the Commission submits its
17 drawdown schedule for the entire fiscal year. The Director of
18 Administration shall not, for any reason, withhold any amount
19 appropriated by *I Liheslaturan Guåhan* to the Guam Ethics
20 Commission.

21 (b) The Commission shall appoint an Executive Director who shall:

22 (1) administer the laws under this Chapter and all
23 Commission policies, and ensure that investigations and subsequent
24 hearings are held in accordance with the procedures outlined in this
25 Chapter;

1 (2) manage the daily operations of the Commission and
2 perform duties as assigned by the Commission or specified by law or
3 rule or regulation;

4 (3) be the ex-officio secretary for the Commission but shall
5 not be a voting member thereof. As such secretary, the Executive
6 Director shall keep the minutes of the Commission's proceedings,
7 preserve all reports made to it, keep a record of all examinations held
8 under its direction, and perform such other duties as the Commission
9 shall prescribe; and

10 (4) be a member of the unclassified service and shall receive
11 an annual salary within a range of compensation to be prescribed by the
12 Commission in accordance with the laws of Guam. Said Executive
13 Director shall serve at the pleasure of the Commission; provided,
14 however, that the Executive Director may not be removed unless that
15 person's removal is ratified by a vote of four (4) or more Commission
16 members.

17 (c) Staffing for the Guam Ethics Commission.

18 (1) With the consent of the Guam Ethics Commission, the
19 Executive Director is authorized to hire and dismiss staff to support the
20 operations of the Guam Ethics Commission.

21 (2) The Executive Director shall be supervised by the
22 Commission, and staff of the Commission shall be under the direct
23 supervision of the Executive Director.

24 (3) The Executive Director is responsible for developing,
25 initiating, and implementing workplace policies.”

26 **Section 4. Severability.** If any provision of this Act or its application to any
27 person or circumstance is found to be invalid or contrary to law, such invalidity shall

1 not affect other provisions or applications of this Act that can be given effect without
2 the invalid provision or application, and to this end the provisions of this Act are
3 severable.

4 **Section 5. Effective Date.** This Act shall be effective upon enactment.