

I MINA' TRENTE NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

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Bill No. 383-30 (LS)

Introduced by:

Rory J. Respicio
Judith P. Guthertz

AN ACT TO REPEAL AND REENACT § 8101 OF
CHAPTER 8 OF TITLE 2 OF THE GUAM CODE
ANNOTATED, RELATIVE TO REGISTRATION
AND REGULATION OF LEGISLATIVE LOBBYISTS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. § 8101 of Chapter 8 of Title 2 of the Guam Code Annotated, is repealed and
3 reenacted to read:

4 “§ 8101. Lobbying. (a) Definitions. (1) “Lobbyist” means any person who engages for
5 pay in an amount above One Thousand Dollars (\$1,000), or engages for any in-kind consideration,
6 which may include expenses, in a value above One Thousand Dollars (\$1,000), for the purpose of
7 attempting to influence the passage or defeat of any legislation by i Liheslaturan Guahan.

8 (2) “Lobbying” means any activity by a lobbyist which is reasonably designed to
9 influence the passage or defeat of any legislation, including:

10 (A) meeting with legislators or employees of legislators.

11 (B) providing information and draft legislation to legislators or employees of
12 legislators.

- 1 (C) publishing any articles or editorials in favor of the passage or defeat of any
2 legislation.
- 3 (D) organizing groups of members of the public to engage in activities described
4 in this Subsection (2) of § 8101.
- 5 (E) paying for any amenities or expenses for legislators in an amount above
6 \$1,000 per year in toto.
- 7 (F) procuring goods and services from vendors in exchange for the passage or
8 defeat of any legislation.
- 9 (3) “Lobbyist” and “lobbying” does **not** apply to:
- 10 (A) a member of the public appearing before a committee of the Legislature in
11 support of or opposition to legislation.
- 12 (B) a member of the public who contacts their elected officials.
- 13 (C) government officials acting in their official capacity.
- 14 (D) government employees providing information on legislation or responding to
15 requests for information.
- 16 (E) reporters, employees or owners of publications engaged in regularly reporting
17 on news items, editorials or other commentaries concerning legislation;
18 provided, that the reporter, employee, or owner does not engage in further or
19 other activities in connection with the passage or defeat of legislation other
20 than appearing before a committee and submitting testimony.
- 21 (F) paid advertisements which contain a disclosure of the entity paying for the
22 advertisement and entity interested in the issue lobbied.

1 (G) campaign contributions within the limits allowed by law, made to a senator or
2 senator's campaign committee.

3 (H) volunteers.

4 (b) **Registration.** Any person engaged as a lobbyist, before engaging in activities that
5 constitute lobbying, shall register with the Legislative Secretary by providing the following
6 information:

7 (1) name,

8 (2) business address,

9 (3) name and address of person by whom they are employed,

10 (4) interest in which the person appears,

11 (5) duration of employment,

12 (6) amount of pay or in-kind compensation including expenses,

13 (7) names of any papers, periodicals, magazines or other publications wherein lobbyist
14 caused to be published articles or editorials in favor or opposition of pending
15 legislation.

16 The information provided to the Legislative Secretary shall be updated quarterly on or before
17 the tenth day of the first month of each quarter. All information provided by a lobbyist to the
18 Legislative Secretary shall be either sworn to under oath or submitted as an unsworn declaration
19 under penalty of perjury under the provisions of § 4308 of Title VI of the Guam Code Annotated,
20 the Evidence Code of Guam. All information submitted to the Legislative Secretary shall be placed
21 on i Liheslaturan Guahan's website.

1 **(c) Commissions prohibited.** No person engaged as a lobbyist shall receive pay or in-
2 kind compensation as a commission for lobbying based upon a favorable outcome of a lobbying
3 effort.

4 **(d) False statements prohibited.** No person engaged as a lobbyist shall circulate false
5 statements concerning the issue or legislation being lobbied for or against, either to officials,
6 employees of officials, or to the public.

7 **(e) Public funds prohibited.** No public funds of any government entity can be
8 expended to engage in lobbying

9 **(f) Former legislators as lobbyists.** No person who is a former legislator shall
10 engage as a lobbyist for Two (2) years after the end of the last term held by the former legislator as a
11 legislator.

12 **(g) Penalty.** Any person who violates the provisions of this Section by failing to
13 register, update their registry, accepts a commission for lobbying, issues false statements in
14 lobbying, uses public funds for lobbying, or as a former legislator lobbies within the prohibited time
15 period for former legislators, shall, upon conviction, be guilty of a misdemeanor, and be prohibited
16 from engaging as a lobbyist for a period of Three (3) years from the date of conviction.”