

10/21



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

312-1017

June 18, 2012

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 6/19/12
Time: 4:37 PM
Received by: [Signature]

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

Dear Madame Speaker:

Transmitted herewith is Bill No. 419-31 (COR) "AN ACT TO AMEND §§ 5102, 5103, AND 5105 OF CHAPTER 5 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AN UPDATE AND REVISION OF PERMITTED AND PROHIBITED POLITICAL ACTIVITY BY GOVERNMENT EMPLOYEES, AND INVESTIGATIONS BY THE CIVIL SERVICE COMMISSION", which I signed into law on June 15, 2012 as **Public Law 31-217**.

Senseramente,

RAY TENORIO
I Maga'lahaen Guåhan para pa'go
Acting Governor of Guam

2012 JUN 19 PM 5:03

Attachment: copy of Bill

1617

4

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. 419-31 (COR), "AN ACT TO AMEND §§ 5102, 5103, AND 5105 OF CHAPTER 5 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AN UPDATE AND REVISION OF PERMITTED AND PROHIBITED POLITICAL ACTIVITY BY GOVERNMENT EMPLOYEES, AND INVESTIGATIONS BY THE CIVIL SERVICE COMMISSION"**, was on the 4th day of June, 2012, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this _____ day of _____, 2012, at _____ o'clock _____.M.

Assistant Staff Officer
Maga'laha's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date: _____

JUN 15 2012

Public Law No. 31-217



Castro, Jessa J
6/5/12
6:35 pm

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

Bill No. 419-31 (COR)

As substituted by the Committee on Youth, Cultural Affairs,
Procurement, General Government Operations, and Public Broadcasting;
and amended on the Floor.

Introduced by:

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

**AN ACT TO *AMEND* §§ 5102, 5103, AND 5105 OF
CHAPTER 5 OF TITLE 4, GUAM CODE ANNOTATED,
RELATIVE TO AN UPDATE AND REVISION OF
PERMITTED AND PROHIBITED POLITICAL
ACTIVITY BY GOVERNMENT EMPLOYEES, AND
INVESTIGATIONS BY THE CIVIL SERVICE
COMMISSION.**

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

2 **Section 1.** §5102 of Chapter 5 of Title 4, Guam Code Annotated, is hereby
3 *amended* to read:

4 “§ 5102. **Permitted Activity.**

1 (a) An employee may engage in political activity to the fullest
2 extent consistent with the restrictions set forth in § 5103, so long as such
3 activity does not materially compromise his efficiency or integrity as an
4 employee, or the neutrality, efficiency or integrity of his department or
5 agency. Each employee specifically retains the right to register and vote in
6 an election and, while not on duty and while not in a uniform identifying
7 him as an employee, to:

8 (1) Express his opinion as an individual citizen privately and
9 publicly on political issues and candidates;

10 (2) Display a political picture, sticker or badge or button;

11 (3) Participate in the non-partisan political activities of a
12 civic community, social labor, professional or similar organization;

13 (4) Be a member, officer, or delegate of a political party or
14 other political organization and participate in its activities to the
15 fullest extent consistent with § 5103;

16 (5) Attend a political convention, rally, fund-raising
17 function, or other gathering;

18 (6) Sign a political petition as an individual citizen;

19 (7) Make, as an individual citizen, a contribution to or
20 expenditure on behalf of a political party or organization or
21 candidate;

22 (8) Be free from any obligation to contribute to any political
23 fund or to render any political service;

24 (9) Participate in political activity in connection with a
25 question not specifically identified with a political party: for example,

1 soliciting signatures for petition relative to changing working
2 conditions or campaigning for an issue in a referendum; and

3 (10) Serve as member of a precinct board or other election
4 official who performs duties under Title 3 GCA.

5 (b) Employees of the following government entities are prohibited
6 from taking an active part in political management or political campaigns:

7 (1) the Guam Election Commission;

8 (2) the Civil Service Commission;

9 (3) the Office of Public Accountability;

10 (4) the Criminal Investigation Unit of the Tax Enforcement
11 Division of the Department of Revenue and Taxation;

12 (5) the Sworn police officer; and

13 (6) the Prosecution Division of the Office of the Attorney
14 General. For the purposes of this Section, the term “active part in
15 political management or in a political campaign” means to campaign
16 for or against candidates, or otherwise engage in political activity in
17 concert with a political party, a candidate for partisan political office,
18 or a partisan political group.”

19 **Section 2.** §5103 of Chapter 5 of Title 4, Guam Code Annotated, is hereby
20 *amended* to read:

21 “**§ 5103. Prohibited Activity.**

22 (a) An employee *shall not* use his official authority or influence for
23 the purpose of interfering with or affecting the result of an election.

24 (b) Specific activities in which employees are prohibited from
25 participating include, but are *not* limited to:

1 (1) soliciting, collecting, handling, disbursing or accounting
2 for assessments, contributions or other funds for a political party,
3 partisan political organization or candidate;

4 (2) organizing, selling tickets to, seeking support for or
5 actively participating in a fund-raising activity of a political party,
6 partisan political organization or candidate;

7 (3) taking an active part in managing the political campaign
8 of a candidate;

9 (4) being a candidate;

10 (5) discharging, promoting, demoting or changing the
11 compensation of any other employee or promising or threatening to
12 do so, because said other employee advocates or fails to advocate
13 through contribution, voting or otherwise, a candidate; and

14 (6) using government travel allowances, government
15 transportation, government supplies or government facilities for the
16 benefit of any political party, partisan political organization or
17 candidate.”

18 **Section 3.** §5105 of Chapter 5 of Title 4, Guam Code Annotated, is hereby
19 *amended* to read:

20 “**§ 5105. Investigations by Civil Service Commission.**

21 When any person has reason to believe that an employee has violated
22 § 5103, he may report the matter to the Civil Service Commission. On
23 receipt of a written report which seems to the Commission to warrant an
24 investigation, the Commission may investigate the matter in accordance
25 with the provisions of the rules and procedures, if any, established by the
26 Civil Service Commission and the following:

1 (a) All hearings *shall* be conducted before the entire
2 Commission; and

3 (b) The decision of the Commission *shall* include a
4 determination of whether a violation of § 5103 has occurred and
5 whether a violation warrants the removal of the employee from his
6 employment. Should the Commission determine that removal is
7 *not* warranted but that a violation of § 5103 did occur, a penalty of
8 *not more than* thirty (30) days' suspension without pay *shall* be
9 imposed at the direction of the Commission.”

6

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

Date: 6/4/12

VOTING SHEET

Bill No. 419-31(COR)

Resolution No. _____

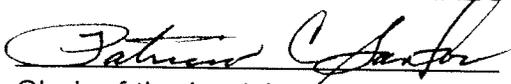
Question: _____

<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.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera					EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



MAY 23 2012
MAY 23 2:44

May 23, 2012

The Honorable Judith T. Won Pat
Speaker
I Mina' Trentai Unu Na Liheslatuaran Guahan
31st Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

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

RE: Committee Report on Bill No. 419-31 (COR) –As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Report on Bill No. 419-31(COR) B.J.F, Cruz “An act to amend § 5102, and § 5103 of Chapter 5 of Title 4 of the Guam Code Annotated; relative to an update and revision of approved political activity by government employees. ” substituted by the Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting.

Committee votes are as follows:

<u> 3 </u>	TO DO PASS
<u> </u>	TO NOT PASS
<u> 3 </u>	TO REPORT OUT ONLY
<u> </u>	TO ABSTAIN
<u> </u>	TO PLACE IN INACTIVE FILE

Sincerely,

BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE REPORT

ON

Substitute

Bill No. 419-31 (COR)

**Substitute Bill No. 419-31(COR) “An act to amend § 5102,
and § 5103 of Chapter 5 of Title 4 of the Guam Code
Annotated; relative to an update and revision of approved
political activity by government employees.”**



May 24, 2012

MEMORANDUM

TO: All Members
Committee on Youth, Cultural Affairs, Procurement, General
Government Operations and Public Broadcasting

FROM: Vice Speaker Benjamin J.F. Cruz

SUBJECT: Committee Report on Bill No. 419-31(COR)-As Substituted

Transmitted herewith for your consideration is the Committee Report on Substitute Bill No. 419-31(COR) BJFCruz—"An Act To Amend § 5102, And § 5103, And § 5105 Of Chapter 5 Of Title 4 Of The Guam Code Annotated; Relative To An Update And Revision Of Approved Political Activity By Government Employees And Investigations By The Civil Service Commission."

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 419-31(COR)
- Substitute Bill No. 419-31 (COR)
- Written Testimony
- Public Hearing Sign-in Sheet
- COR Referral of Bill No. 419-31(COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda

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.

Very truly yours,

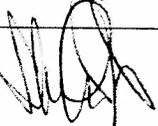
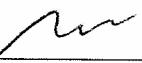
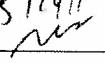
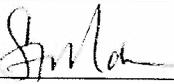
A handwritten signature in black ink, appearing to read "Benjamin J.F. Cruz".

BENJAMIN J.F. CRUZ



COMMITTEE VOTING SHEET

Substitute Bill No.419-31(COR) -“An Act To Amend § 5102, And § 5103, And § 5105 Of Chapter 5 Of Title 4 Of The Guam Code Annotated; Relative To An Update And Revision Of Approved Political Activity By Government Employees And Investigations By The Civil Service Commission.”

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		✓ 5/24/12				
MUÑA BARNES, TINA ROSE Vice-Chairperson		✓				
WON PAT, JUDITH T. Speaker and Ex-Officio Member						
ADA, THOMAS C. Member				✓ 2		
GUTHERTZ, JUDITH P. Member						
RESPICIO, RORY J. Member		5/24/12 				
RODRIGUEZ, DENNIS G. JR. Member						
ADA, V. ANTHONY Member						
DUENAS, CHRISTOPHER Member						
MABINI, SAM Member				✓ 5/24/12		
YAMASHITA, ALINE Member				5/24/12		



Committee Report Digest

I. OVERVIEW

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting convened a public hearing on April 17th, 2012 at 9:00 a.m. in the Public Hearing Room of *I Liheslatura*. Among the items on the agenda was the consideration was Substitute Bill No.419-31(COR) B.J.F, Cruz "An Act To Amend § 5102, And § 5103, And § 5105 Of Chapter 5 Of Title 4 Of The Guam Code Annotated; Relative To An Update And Revision Of Approved Political Activity By Government Employees And Investigations By The Civil Service Commission."

Bill No. 419-31 would allow the Government of Guam employees to participate in some political activities. This bill would align Guam's Mini Hatch Act with that of the Federal Government.

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all senators on April 10th, 2012 and April 15th, 2012 via email. Copies of the hearing notices are appended to the report.

Senators Present

Vice Speaker Benjamin J.F. Cruz, Chairperson
Senator Rory Respicio Committee Member
Senator Thomas Ada, Committee Member
Senator Chris Duenas, Committee Member
Senator V. Anthony Ada Committee Member
Senator Mana Silva Taijeron Committee Member

The public hearing was called to order at 9:00 a.m.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Testifying in support of the measure was Assistant Attorney General Phil Tydingco who said he agreed with the intent of the Bill, but agreed with Executive Director Lamorena of the Civil Service Commission that a substitute version should include a tiered system. Executive Director Lamorena also read his testimony into the record, this testimony has been appended to this report.

III FINDINGS AND RECOMMENDATIONS



- The short title has been amended to reflect the inclusion of language which provides greater discretion related to Hatch Act Investigations. The original short title read:

AN ACT TO AMMEND § 5102, AND § 5103 OF CHAPTER 5 OF TITLE 4 OF THE GUAM CODE ANNOTATED; RELATIVE TO AN UPDATE AND REVISION OF APPROVED POLITICAL ACTIVITY BY GOVERNMENT EMPLOYEES.

The short title now reads:

AN ACT TO AMEND § 5102, ~~AND § 5103~~, AND § 5105 OF CHAPTER 5 OF TITLE 4 OF THE GUAM CODE ANNOTATED; RELATIVE TO AN UPDATE AND REVISION OF APPROVED POLITICAL ACTIVITY BY GOVERNMENT EMPLOYEES AND INVESTIGATIONS BY THE CIVIL SERVICE COMMISSION.

- Item (b) of section 1 was amended at the request of the Civil Service Commission. The amendments are intended to limit the partisan political activity of those government employees who serve in an enforcement capacity. The CSC also requested that the discretion held by agency directors to “prohibit” allowable political activities as it creates an environment in which a conflict of interest may arise.

The original Item (b) read:

(b) The head of a department or agency may prohibit or limit the participation of an employee of his department or agency in an activity permitted by Paragraph (a) of this Section if such participation would interfere with the efficient performance of official duties or create a conflict or apparent conflict of interests.

Item (b) now reads:

(b) Employees of the following government entities are prohibited from taking an active part in political management or political campaigns:

(1) the Guam Election Commission;

(2) the Civil Service Commission;



(3) the Office of the Public Auditor;

(4) the Criminal Investigation Unit of the Tax Enforcement Division of the Department of Revenue and Taxation;

(5) the Guam Police Department and

(6) the Prosecution Division of the Office of the Attorney General.

For purposes of this section, the term "active part in political management or in a political campaign" means to campaign for or against candidates or otherwise engage in political activity in concert with a political party, a candidate for partisan political office, or a partisan political group. The head of a department or agency may prohibit or limit the participation of an employee of his department or agency in an activity permitted by Paragraph (a) of this Section if such participation would interfere with the efficient performance of official duties or create a conflict or apparent conflict of interests.

- A new section 3 has been added at the request of the Civil Service Commission to grant it greater discretion in Hatch related investigations and provide for the possibility of suspension where a violation does occur. Under present law, removal is the only allowable punishment for a Hatch violation.

The new section 3 reads:

Section 3. §5105 of Chapter 5 of Title 4 of the Guam Code Annotated is hereby *amended* to read:

“§5105. Investigations by Civil Service Commission.

When any person has reason to believe that an employee has violated § 5103 he *shall* may report the matter to the Civil Service Commission. On receipt of ~~such report or on receipt of such other information~~ a written report which seems to the Commission to warrant an investigation, the Commission *shall* may investigate the matter in accordance with the provisions of the rules and procedures, if any, established by the Civil Service Commission and the following:

- (a) All hearings *shall* be conducted before the entire Commission; and



- (b) The decision of the Commission *shall* include a determination of whether a violation of § 5103 has occurred and whether a violation warrants the removal of the employee from his employment. Should the Commission determine that removal is not warranted but that a violation of § 5103 did occur, a penalty of not less than thirty (30) days' suspension without pay shall be imposed at direction of the Commission.

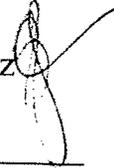
Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting to which was referred Bill No. 419-31(COR)--B.J.F. Cruz, "An Act To Amend § 5102, And § 5103, And § 5105 Of Chapter 5 Of Title 4 Of The Guam Code Annotated; Relative To An Update And Revision Of Approved Political Activity By Government Employees And Investigations By The Civil Service Commission." Received hereby submits these findings to *I Mina' Trentai Unu na Liheslaturan Guahan* and reports out Substitute Bill No. 419-31(COR) with a recommendation **TO REPORT OUT ONLY.**

2012 FEB 16 11:11 AM
2-35

MINA' TRENTAI UNU NA LIHESLATURAN GUÁHAN
2012 (Second) Regular Session

Bill No. 419,31 (cor)

Introduced by:

B.J.F. Cruz 

**AN ACT TO AMMEND § 5102, AND § 5103 OF
CHAPTER 5 OF TITLE 4 OF THE GUAM CODE
ANNOTATED; RELATIVE TO AN UPDATE AND
REVISION OF APPROVED POLITICAL ACTIVITY BY
GOVERNMENT EMPLOYEES.**

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

2 **Section 1.** §5102 of Chapter 5 of Title 4 of the Guam Code Annotated
3 is hereby *amended* to read:

4 **“§ 5102. Permitted Activity.**

5 (a) An employee may engage in political activity to the
6 fullest extent consistent with the restrictions set forth in § 5103, so
7 long as such activity does not materially compromise his efficiency or
8 integrity as an employee or the neutrality, efficiency or integrity of his
9 department or agency. Each employee specifically retains the right to
10 register and vote in an election and, while not on duty and while not in
11 a uniform identifying him as an employee, to:

12 (1) Express his opinion as an individual citizen privately
13 and publicly on political issues and candidates;

14 (2) Display a political picture, sticker or badge or button;

1 (3) Participate in the non-partisan political activities of a
2 civic community, social labor, professional or similar
3 organization;

4 (4) Be a member, officer, or delegate of a political party
5 or other political organization and participate in its activities to
6 the fullest extent consistent with § 5103;

7 (5) Attend a political convention, rally, fund-raising
8 function or other gathering;

9 (6) Sign a political petition as an individual citizen;

10 (7) Make, as an individual citizen, a contribution to or
11 expenditure on behalf of a political party or organization or
12 candidate;

13 (8) Be free from any obligation to contribute to any
14 political fund or to render any political service;

15 (9) Participate in political activity in connection with a
16 question not specifically identified with a political party: for
17 example, soliciting signatures for petition relative to changing
18 working conditions or campaigning for an issue in a
19 referendum; and

20 (10) Serve as member of a precinct board or other
21 election official who performs ~~non-partisan~~ duties under Title 3
22 GCA.

23 (b) The head of a department or agency may prohibit or limit
24 the participation of an employee of his department or agency in an
25 activity permitted by Paragraph (a) of this Section if such participation
26 would interfere with the efficient performance of official duties or
27 create a conflict or apparent conflict of interests.”

1 **Section 2.** §5103 of Chapter 5 of Title 4 of the Guam Code Annotated
2 is hereby *amended* to read:

3 **“§ 5103. Prohibited Activity.**

4 (a) An employee *shall* not use his official authority or influence
5 for the purpose of interfering with or affecting the result of an
6 election.

7 ~~(b) An employee shall not participate in activity in connection~~
8 ~~with political management or a political campaign, except as~~
9 ~~permitted by § 5102. Specific activity in which employees are~~
10 ~~prohibited from participating include but are not limited to:~~

11 ~~(1) Serving as an officer of a political party, a member of~~
12 ~~a committee of a political party, an officer or member of a~~
13 ~~committee of a partisan political organization or being a~~
14 ~~nominee for such positions;~~

15 ~~(2) Organizing or reorganizing a political party, partisan~~
16 ~~political organization or committee thereof;~~

17 (1) ~~(3)~~ Soliciting, collecting, handling, disbursing or
18 accounting for assessments, contributions or other funds for a
19 political party, partisan political organization or candidate;

20 (2) ~~(4)~~ Organizing, selling tickets to, seeking support for
21 or actively participating in a fund-raising activity of a political
22 party, partisan political organization or candidate;

23 (3) ~~(5)~~ Taking an active part in managing the political
24 campaign of a candidate;

25 (4) ~~(6)~~ Being a candidate;

1 ~~(7) Taking an active part in an organized solicitation of~~
2 ~~votes in support of or in opposition to a candidate, including~~
3 ~~distributing campaign literature, badges or buttons;~~

4 ~~(8) Acting as recorder, watcher, challenger or similar~~
5 ~~officer at the polls on behalf of a political party, partisan~~
6 ~~political organization or candidate;~~

7 ~~(9) Driving voters to the polls on behalf of a political~~
8 ~~party, partisan political organization or candidate;~~

9 ~~(10) Endorsing or opposing a candidate in a political~~
10 ~~advertisement, a broadcast, campaign literature, a letter or~~
11 ~~article in a newspaper (signed or unsigned) or similar material;~~

12 ~~(11) Serving as a delegate, alternate or proxy to a~~
13 ~~political party convention;~~

14 ~~(12) Addressing a convention caucus, rally or similar~~
15 ~~gathering of a political party in support of or in opposition of a~~
16 ~~candidate or on a partisan political question;~~

17 ~~(13) Initiating or circulating a nominating petition for a~~
18 ~~candidate;~~

19 ~~(5) (14) Discharging, promoting, demoting or changing~~
20 ~~the compensation of any other employee or promising or~~
21 ~~threatening to do so, because said other employee advocates or~~
22 ~~fails to advocate through contribution, voting or otherwise, a~~
23 ~~candidate; and~~

24 ~~(6) (15) Using government travel allowances,~~
25 ~~government transportation, government supplies or government~~
26 ~~facilities for the benefit of any political party, partisan political~~
27 ~~organization or candidate.”~~

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

Bill No. 419-31 (COR)

As substituted by the Committee on
Youth, Cultural Affair, Procurement,
General Government Operations, and Public
Broadcasting

Introduced by:

B.J.F. Cruz

**AN ACT TO AMEND § 5102, ~~AND~~ § 5103, AND § 5105 OF
CHAPTER 5 OF TITLE 4 OF THE GUAM CODE ANNOTATED;
RELATIVE TO AN UPDATE AND REVISION OF APPROVED
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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

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8 integrity as an employee or the neutrality, efficiency or integrity of his
9 department or agency. Each employee specifically retains the right to
10 register and vote in an election and, while not on duty and while not in
11 a uniform identifying him as an employee, to:

12 (1) Express his opinion as an individual citizen privately
13 and publicly on political issues and candidates;

14 (2) Display a political picture, sticker or badge or button;

1 (3) Participate in the non-partisan political activities of a
2 civic community, social labor, professional or similar
3 organization;

4 (4) Be a member, officer, or delegate of a political party
5 or other political organization and participate in its activities to
6 the fullest extent consistent with § 5103;

7 (5) Attend a political convention, rally, fund-raising
8 function or other gathering;

9 (6) Sign a political petition as an individual citizen;

10 (7) Make, as an individual citizen, a contribution to or
11 expenditure on behalf of a political party or organization or
12 candidate;

13 (8) Be free from any obligation to contribute to any
14 political fund or to render any political service;

15 (9) Participate in political activity in connection with a
16 question not specifically identified with a political party: for
17 example, soliciting signatures for petition relative to changing
18 working conditions or campaigning for an issue in a
19 referendum; and

20 (10) Serve as member of a precinct board or other
21 election official who performs ~~non-partisan~~ duties under Title 3
22 GCA.

23 (b) Employees of the following government entities are
24 prohibited from taking an active part in political management or
25 political campaigns:

26 (1) the Guam Election Commission;

27 (2) the Civil Service Commission;

1 (3) the Office of the Public Auditor;

2 (4) the Criminal Investigation Unit of the Tax Enforcement
3 Division of the Department of Revenue and Taxation;

4 (5) the Guam Police Department and

5 (6) the Prosecution Division of the Office of the Attorney

6 General. For purposes of this section, the term “active part in political
7 management or in a political campaign” means to campaign for or
8 against candidates or otherwise engage in political activity in concert
9 with a political party, a candidate for partisan political office, or a
10 partisan political group. The head of a department or agency may
11 prohibit or limit the participation of an employee of his department or
12 agency in an activity permitted by Paragraph (a) of this Section if such
13 participation would interfere with the efficient performance of official
14 duties or create a conflict or apparent conflict of interests.

15 **Section 2.** §5103 of Chapter 5 of Title 4 of the Guam Code Annotated
16 is hereby *amended* to read:

17 **“§ 5103. Prohibited Activity.**

18 (a) An employee *shall* not use his official authority or influence
19 for the purpose of interfering with or affecting the result of an
20 election.

21 (b) ~~An employee shall not participate in activity in connection~~
22 ~~with political management or a political campaign, except as~~
23 ~~permitted by § 5102.~~ Specific activity in which employees are
24 prohibited from participating include but are not limited to:

25 (1) ~~Serving as an officer of a political party, a member of~~
26 ~~a committee of a political party, an officer or member of a~~

1 ~~committee of a partisan political organization or being a~~
2 ~~nominee for such positions;~~

3 ~~(2) Organizing or reorganizing a political party, partisan~~
4 ~~political organization or committee thereof;~~

5 ~~(1) (3) Soliciting, collecting, handling, disbursing or~~
6 ~~accounting for assessments, contributions or other funds for a~~
7 ~~political party, partisan political organization or candidate;~~

8 ~~(2) (4) Organizing, selling tickets to, seeking support for~~
9 ~~or actively participating in a fund-raising activity of a political~~
10 ~~party, partisan political organization or candidate;~~

11 ~~(3) (5) Taking an active part in managing the political~~
12 ~~campaign of a candidate;~~

13 ~~(4) (6) Being a candidate;~~

14 ~~(7) Taking an active part in an organized solicitation of~~
15 ~~votes in support of or in opposition to a candidate, including~~
16 ~~distributing campaign literature, badges or buttons;~~

17 ~~(8) Acting as recorder, watcher, challenger or similar~~
18 ~~officer at the polls on behalf of a political party, partisan~~
19 ~~political organization or candidate;~~

20 ~~(9) Driving voters to the polls on behalf of a political~~
21 ~~party, partisan political organization or candidate;~~

22 ~~(10) Endorsing or opposing a candidate in a political~~
23 ~~advertisement, a broadcast, campaign literature, a letter or~~
24 ~~article in a newspaper (signed or unsigned) or similar material;~~

25 ~~(11) Serving as a delegate, alternate or proxy to a~~
26 ~~political party convention;~~

1 (12) ~~Addressing a convention caucus, rally or similar~~
2 ~~gathering of a political party in support of or in opposition of a~~
3 ~~candidate or on a partisan political question;~~

4 (13) ~~Initiating or circulating a nominating petition for a~~
5 ~~candidate;~~

6 (5) (14) Discharging, promoting, demoting or changing
7 the compensation of any other employee or promising or
8 threatening to do so, because said other employee advocates or
9 fails to advocate through contribution, voting or otherwise, a
10 candidate; and

11 (6) (15) Using government travel allowances,
12 government transportation, government supplies or government
13 facilities for the benefit of any political party, partisan political
14 organization or candidate.”

15 **Section 3.**§5105 of Chapter 5 of Title 4 of the Guam Code Annotated
16 is hereby *amended* to read:

17 **“§5105. Investigations by Civil Service Commission.**

18 When any person has reason to believe that an employee has
19 violated § 5103 he ~~shall~~ may report the matter to the Civil Service
20 Commission. On receipt of ~~such report or on receipt of such other~~
21 ~~information~~ a written report which seems to the Commission to warrant an
22 investigation, the Commission ~~shall~~ may investigate the matter in
23 accordance with the provisions of the rules and procedures, if any,
24 established by the Civil Service Commission and the following:

25 (a) All hearings *shall* be conducted before the entire
26 Commission; and

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(b) The decision of the Commission *shall* include a determination of whether a violation of § 5103 has occurred and whether a violation warrants the removal of the employee from his employment. Should the Commission determine that removal is not warranted but that a violation of § 5103 did occur, a penalty of not less than thirty (30) days' suspension without pay shall be imposed at direction of the Commission.



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

**I Gobietnon Guahan
CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT**

7TH Floor International Trading Center (ITC)
Marine Corp Drive, Tamuning 96913
P.O. Box 2950 Hagatna, Guahan 96932
Tel: 647-1855/57 Fax: 647-1867



Alberto "Tony" Lamorena V
Director

CSC No. 2012-24

April 16, 2012

Honorable Benjamin J. F. Cruz

Vice Speaker

31st Guam Legislature

155 Hesler St., Ste. 104

Hagåtña, Guam 96910

Hafa Adai Vice Speaker Cruz,

On behalf of the Civil Service Commission, thank you for the opportunity to offer testimony with regard to Bill 419-31, entitled "An Act to Ammend (*sic*) § 5102, and § 5103 of Chapter 5 of Title 4 of the Guam Code Annotated; Relative to an Update and Revision of Approved Political Activity by Government Employees."

First, I would like to say that the Commission emphatically supports the intent of the bill to expand the ability of government of Guam employees to participate in the political process. The members of the Commission's board believe that most government of Guam employees should be free to actively participate in political activity, including, as set forth in this proposed legislation, as officers in partisan groups.

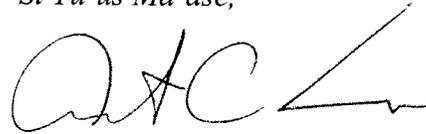
However, the Commission notes that in the media coverage surrounding the announcement of the proposal, there was a message carried forth that the bill was intended to mirror the federal Hatch Act, which has largely done away with many political activity restrictions on federal employees. In that vein, the Commission would suggest that the local revisions also establish two categories of employees – as the federal Hatch Act does – with greater latitude granted to most employees and more restrictions placed on employees of regulatory and law enforcement agencies. For example, the Commission understands that under the federal Hatch Act, employees of the Merit Systems Protection Board, the criminal division of the Department of Justice, and the Federal Election Commission, are subject to greater restrictions on political activity.

The Commission's other concern is with the language found §5102(b), which allows for the department head to prohibit or limit participation if such political activity would hamper operations or create actual or apparent conflict of interests. As the body that would be reviewing complaints under the mini-Hatch Act, the Commission is particularly concerned that when such discretion is granted to department heads, it becomes extremely difficult to determine whether

such limitations are reasonable or constitute an abuse of such discretion. Thus, the Commission would recommend that either such discretion be removed from the legislation or that it incorporate some set of standards which should be followed by department heads when exercising such discretion.

Should you have any questions regarding the Commission's concerns, please feel free to contact me. Again, thank you for the opportunity to testify in support of Bill 419-31.

Si Yu'us Ma'ase,

A handwritten signature in black ink, appearing to read 'ATC' followed by a long horizontal stroke that ends in a small upward flick.

Alberto A. "Tony" Lamorena V
Executive Director

POLITICAL ACTIVITY AND THE FEDERAL EMPLOYEE

BY
THE U.S. OFFICE OF SPECIAL COUNSEL

The Hatch Act governs the political activity of government employees at the federal, state and local levels. Under the Hatch Act, as amended (5 U.S.C. Section 7321, et seq.), most federal and D.C. government employees may take an active part in partisan political management and campaigns. These federal employees:

<p>may be candidates for public office in nonpartisan elections; <i>EXAMPLE: An employee may run for school board in the District of Columbia because school board elections in the District are nonpartisan.</i></p>	<p>may join and be an active member of a political party or club; <i>EXAMPLE: An employee may serve as a delegate, alternate or proxy to a state or national party convention.</i></p>
<p>may register and vote as they choose; <i>EXAMPLE: An employee may register to vote Republican and vote for a Republican candidate even though his boss is a Democratic political appointee.</i></p>	<p>may sign and circulate nominating petitions; <i>EXAMPLE: An employee may collect signatures for the nominating petitions of individuals who are running for public office.</i></p>
<p>may assist in voter registration drives; <i>EXAMPLE: An employee may assist in a voter registration drive sponsored by the League of Women Voters.</i></p>	<p>may campaign for or against referendum questions, constitutional amendments, and municipal ordinances; <i>EXAMPLE: An employee may be politically active in connection with a referendum question that seeks to ban smoking in eating establishments.</i></p>
<p>may express opinions about candidates and issues; <i>EXAMPLE: An employee may write a letter to the editor at the Washington Post which expresses her personal opinion on a candidate or political issue.</i></p>	<p>may campaign for or against candidates in partisan elections; <i>EXAMPLE: An employee may walk around his neighborhood and introduce a candidate, who is running in a partisan election, to his neighbors</i></p>
<p>may contribute money to political organizations; <i>EXAMPLE: An employee may make a monetary contribution to any candidate, political party, club or organization of her choosing.</i></p>	<p>may distribute campaign literature in partisan elections; <i>EXAMPLE: An employee may stand outside of a polling place on election day and hand out brochures on behalf of a partisan political candidate or political party.</i></p>
<p>may attend and give a speech at a political fundraiser, rally or meeting; <i>EXAMPLE: When an employee is off duty she may attend and give a speech or keynote address at a political fundraiser.</i></p>	<p>may hold office in political clubs or parties; <i>EXAMPLE: An employee may serve as a vice-president of a political action committee, as long as the position does not involve personal solicitation, acceptance, or receipt of political contribution.</i></p>

There continue to be important restrictions on employees' political activity. Whether on or off duty, federal employees:

<p>may not use official authority or influence to interfere with an election; <i>EXAMPLE: An employee who signs a letter seeking volunteer services from individuals may not identify himself by using his official title.</i></p>	<p>may not engage in political activity while on duty, in a government office, while wearing an official uniform or while using a government vehicle; <i>EXAMPLE: An employee may not display a political poster, bumper sticker or campaign button in his or her office or in the common areas of a federal building.</i></p>
<p>may not solicit or discourage political activity of anyone with business before her agency; <i>EXAMPLE: An employee with agency wide responsibility may address a large, diverse group to seek support for a partisan political candidate as long as the group has not been specifically targeted as having matters before the employing agency.</i></p>	<p>may not become a candidate in a partisan election; <i>EXAMPLE: An employee may not become a candidate in an election where any of the candidates are running as representatives of political parties, usually the Democratic or Republican parties.</i></p>
<p>may not solicit, accept or receive political contributions (may be done in certain limited situations by federal labor or other employee organizations); <i>EXAMPLE: An employee may not host a fundraiser at his home or solicit funds at any other fundraiser for a partisan candidate.</i></p>	

Employees Who Are Prohibited From Engaging in Political Activity:

Federal employees in the following agencies, divisions or positions are prohibited from engaging partisan political campaigns or partisan political management:
Federal Election Commission; Federal Bureau of Investigations; Secret Service; Central Intelligence Agency; National Security Council; National Security Agency; Defense Intelligence Agency; National Imagery and Mapping Agency; Merit Systems Protection Board; Office of Special Counsel; Office of Criminal Investigations of the IRS; Office of Investigative Program of the U.S. Customs Service; Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms; Criminal Division of the Department of Justice; Career members of the Senior Executive Service; Administrative Law Judges; Contract Appeals Board Members

The U.S. Office of Special Counsel and the Hatch Act

The U.S. Office of Special Counsel (OSC) is authorized by law to provide Hatch Act advisory opinions. These opinions respond to questions from government employees and others about whether or not they may engage in specific political activities under the Act.

The OSC also enforces Hatch Act provisions on permissible and impermissible political activity by government employees. It is the only agency authorized to prosecute violations of the Act, which are adjudicated by the Merit Systems Protection Board (MSPB).

Penalties:

The Special Counsel may ask the MSPB to impose any penalty ranging from a 30-day suspension without pay to removal from federal service.

How to File a Hatch Act Complaint:

Individuals may report suspected Hatch Act violations to the OSC. Complaints of such activities should be submitted to the OSC in writing.

How to Obtain a Hatch Act Advisory Opinion:

Individuals may request oral and written opinions advice about activities which are permitted or prohibited by the Hatch Act, and receive an oral or written opinion, as appropriate, from the OSC. Requests may be submitted to:



HATCH ACT UNIT
U.S. Office of Special Counsel
1730 M Street, NW (Suite 300)
Washington, DC 20036-4505
Tel: (800) 85-HATCH
(202) 653-7143
Fax: (202) 653-5151

E-mail: hatchact@osc.gov
Web site: <http://www.osc.gov>



BUREAU OF BUDGET & MANAGEMENT RESEARCH

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

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOHN A. RIOS
DIRECTOR

STEPHEN J. GUERRERO
DEPUTY DIRECTOR

FEB 23 2012

The Bureau requests that Bill No(s) 419-31 be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The bill is administrative in nature and poses no impact to any government of Guam funds.

[Handwritten Signature]
JOHN A. RIOS
Director

of 2/13/12 of 2/20/12



COMMITTEE ON RULES

I Mina'trentai Unu na Libeslaturan 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 March 28
KUM

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

March 6, 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**

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.: 418-31 (COR)
- 419-31 (COR)
- 423-31 (LS)

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**RAY TENORIO**
LIEUTENANT GOVERNOR**JOHN A. RIOS**
DIRECTOR**STEPHEN J. GUERRERO**
DEPUTY DIRECTOR

MAR 05 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 the Fiscal Note on the following Bill Nos.: 418-31(COR) and Fiscal Note Waiver on Bill Nos.: 419-31(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



COMMITTEE ON RULES

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155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryfonguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

**MAJORITY
MEMBERS:**

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

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

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

**MINORITY
MEMBERS:**

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

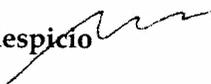
Senator
Christopher M. Duenas

February 13, 2012

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 

Subject: Referral of Bill Nos. 418-31(COR) to 420-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 418-31 (COR) through 420-31 (COR).

Please ensure that the subject bills are 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!

(3) Attachment

I Mina'Trentai Unu Na Liheslaturan Guahan
Bill Log Sheet

BILL NOS.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
419-31 (COR)	B. J.F. Cruz	AN ACT TO AMMEND § 5102, AND § 5103 OF CHAPTER 5 OF TITLE 4 OF THE GUAM CODE ANNOTATED; RELATIVE TO AN UPDATE AND REVISION OF APPROVED POLITICAL ACTIVITY BY GOVERNMENT EMPLOYEES.	02/10/12 2:35 p.m.	2/13/2012		Committee on Youth, Cultural Affairs, Procurement, General Governmental Operations and Public Broadcasting			



April 10, 2012

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J. F. Cruz

RE: First Notice of Public Hearing- April 17th 2012

Hafa Adai! Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on **Tuesday, April 17, 2012, beginning at 9:00 A.M.** in *I Liheslatura's* Public Hearing Room on the following items:

- Bill No. 376-31 (COR) - B.J.F. Cruz- An act to amend Section 5123, and to repeal Chapter 57 of Chapter 5 of Title 5 of the Guam Code Annotated, Relative to the purchasing, maintenance and inventory of Government Vehicles.
- Bill No. 419-31 (COR) - B.J.F. Cruz- An act to amend § 5102, and § 5103 of Chapter 5 of Title 4 of the Guam Code Annotated; relative to an update and revision of approved political activity by government employees.
- Bill No. 436-31 (COR) - J.T. Won Pat, Ed.D.- An act to *amend* §5625.1 of Chapter 5, Title 5 Guam Code Annotated, relative to protest procedure for procurement funded with Public Law 31-40 moneys allotted to the Guam Department of Education.
- Bill No. 438-31 (LS) - V. Anthony Ada- An act add a new §5220 to Chapter 5 of 5GCA relative to posting IFBs and RFPs online.

Please provide written testimonies at least one day prior to the hearing to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477- 2522, or via email to chris.carillo@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Chris Carillo at the Office of the Vice Speaker via telephone at 477-2521 or via email at chris.carillo@senatorbjcruz.com.



Benjamin J.F. Cruz <senator@senatorbjcruz.com>

1st Notice of Public Hearing- April 17, 2012

1 message

Chris Carillo <chris.carillo@senatorbjcruz.com>

Tue, Apr 10, 2012 at 2:18 AM

To: speaker@judiwonpat.com, tom@senatorada.org, senatortonyada@guamlegislature.org, senator@tinamunabarnes.com, frank.blasjr@gmail.com, duenasenator@gmail.com, judiguthertz@gmail.com, senatorsam@senatormabini.com, senbenp@guam.net, cor@guamlegislature.org, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline4families@gmail.com, phnotice@guamlegislature.org, ABPalacios@gmail.com, joshua.tenorio@senatorbjcruz.com, carlos.pangelinan@senatorbjcruz.com, mike.lidia@senatorbjcruz.com, sarah.nededog@senatorbjcruz.com, senator@senatorbjcruz.com, Chris Carillo <chris.carillo@senatorbjcruz.com>
Cc: mindy@kuam.com, sabrina@kuam.com, jason@kuam.com, bmkelman@guampdn.com, dcrisostomo@guampdn.com, rgibson@k57.com, therese.hart.writer@gmail.com, thebigshow@k57.com, travis.coffman@gmail.com, janela@mvguam.com, hottips@kuam.com, news@spbg Guam.com, news@guampdn.com, news@k57.com, parroyo@k57.com, kevin@spbg Guam.com, clynt@spbg Guam.com, Krystal Paco <krystal@kuam.com>

Hafa Adai All,

Please Disregard last message, I forgot to attach notice.

Please see the attached notice from Vice Speaker Cruz:

April 10, 2012

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J. F. Cruz

RE: First Notice of Public Hearing- April 17th 2012

Hafa Adai! Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on **Tuesday, April 17, 2012, beginning at 9:00 A.M.** in *Liheslatura's* Public Hearing Room on the following items:

· Bill No. 376-31 (COR) - B.J.F. Cruz-An act to amend Section 5123, and to repeal Chapter 57 of Chapter 5 of Title 5 of the Guam Code Annotated, Relative to the purchasing, maintenance and inventory of Government Vehicles.

· Bill No. 419-31 (COR) - B.J.F. Cruz- An act to amend § 5102, and § 5103 of Chapter 5 of Title 4 of the

Listserv: phnotice@guamlegislature.org

As of Mar. 07, 2012

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edelynn1130@hotmail.com

christiana.j.ramirez@gmail.com;
desori623@hotmail.com
qduenas_8@yahoo.com

m.salaila@yahoo.com
ataligba@gmail.com



April 15, 2012

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J. F. Cruz

RE: Second Notice of Public Hearing- April 17th 2012

Hafa Adai! Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on Tuesday, April 17, 2012, beginning at 9:00 A.M. in I Liheslatura's Public Hearing Room on the following items:

- Bill No. 376-31 (COR) - B.J.F. Cruz- An act to amend Section 5123, and to repeal Chapter 57 of Chapter 5 of Title 5 of the Guam Code Annotated, Relative to the purchasing, maintenance and inventory of Government Vehicles.
- Bill No. 419-31 (COR) - B.J.F. Cruz- An act to amend § 5102, and § 5103 of Chapter 5 of Title 4 of the Guam Code Annotated; relative to an update and revision of approved political activity by government employees.
- Bill No. 436-31 (COR) - J.T. Won Pat, Ed.D.- An act to amend §5625.1 of Chapter 5, Title 5 Guam Code Annotated, relative to protest procedure for procurement funded with Public Law 31-40 moneys allotted to the Guam Department of Education.
- Bill No. 438-31 (LS) - V. Anthony Ada- An act add a new §5220 to Chapter 5 of 5GCA relative to posting IFBs and RFPs online.

Please provide written testimonies at least one day prior to the hearing to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477- 2522, or via email to chris.carillo@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Chris Carillo at the Office of the Vice Speaker via telephone at 477-2521 or via email at chris.carillo@senatorbjcruz.com.



Benjamin J.F. Cruz <senator@senatorbjcruz.com>

2nd Notice of Public Hearing April 17th 2012

1 message

Chris Carillo <chris.carillo@senatorbjcruz.com>

Sun, Apr 15, 2012 at 1:48 AM

To: speaker@judiwonpat.com, tom@senatorada.org, senatortonyada@guamlegislature.org, senator@tinamunabarnes.com, frank.blasjr@gmail.com, duenasenator@gmail.com, judiguthertz@gmail.com, senatorsam@senatormabini.com, senbenp@guam.net, cor@guamlegislature.org, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline4families@gmail.com, phnotice@guamlegislature.org, ABPalacios@gmail.com, joshua.tenorio@senatorbjcruz.com, carlos.pangelinan@senatorbjcruz.com, mike.lidia@senatorbjcruz.com, sarah.nededog@senatorbjcruz.com, senator@senatorbjcruz.com, Chris Carillo <chris.carillo@senatorbjcruz.com>
Cc: mindy@kuam.com, sabrina@kuam.com, jason@kuam.com, bmkelman@guampdn.com, Ray Gibson <rgibson@k57.com>, therese.hart.writer@gmail.com, thebigshow@k57.com, travis.coffman@gmail.com, janela@mvguam.com, hottips@kuam.com, news@spbguam.com, news@guampdn.com, news@k57.com, parroyo@k57.com, kevin@spbguam.com, clynt@spbguam.com, Krystal Paco <krystal@kuam.com>

Hafa Adai All,

Please see the attached Notice from Vice Speaker Cruz.

April 15, 2012

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J. F. Cruz

RE: 48 Hour Notice of Public Hearing- April 17th 2012

Hafa Adai! Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on Tuesday, April 17, 2012, beginning at 9:00 A.M. in I Liheslatura's Public Hearing Room on the following items:

Bill No. 376-31 (COR) - B.J.F. Cruz-An act to amend Section 5123, and to repeal Chapter 57 of Chapter 5 of Title 5 of the Guam Code Annotated, Relative to the purchasing, maintenance and inventory of Government Vehicles.

Bill No. 419-31 (COR) - B.J.F. Cruz- An act to amend § 5102, and § 5103 of Chapter 5 of Title 4 of the Guam Code Annotated; relative to an update and revision of approved political activity by government employees.

Bill No. 436-31 (COR) - J.T. Won Pat, Ed.D.- An act to amend §5625.1 of Chapter 5, Title 5 Guam Code



Public Hearing Agenda
April 17th 2012
Public Hearing Room I Lihelatura

Public Notices were disseminated on April 10th and April 15th
2012 Via Email to the Media and All Senators

Bill No. 376-31 (COR) - B.J.F. Cruz-An act to amend Section 5123, and to repeal Chapter 57 of Chapter 5 of Title 5 of the Guam Code Annotated, Relative to the purchasing, maintenance and inventory of Government Vehicles.

Bill No. 419-31 (COR) - B.J.F. Cruz- An act to amend § 5102, and § 5103 of Chapter 5 of Title 4 of the Guam Code Annotated; relative to an update and revision of approved political activity by government employees.

Bill No. 436-31 (COR) - J.T. Won Pat, Ed.D.- An act to amend §5625.1 of Chapter 5, Title 5 Guam Code Annotated, relative to protest procedure for procurement funded with Public Law 31-40 moneys allotted to the Guam Department of Education.

Bill No. 438-31 (LS) - V. Anthony Ada- An act add a new §5220 to Chapter 5 of 5GCA relative to posting IFBs and RFPs online.

2012 FEB 12 AM 2:35
GUAM

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

Bill No. 419,31(car)

Introduced by:

B.J.F. Cruz 

**AN ACT TO AMMEND § 5102, AND § 5103 OF
CHAPTER 5 OF TITLE 4 OF THE GUAM CODE
ANNOTATED; RELATIVE TO AN UPDATE AND
REVISION OF APPROVED POLITICAL ACTIVITY BY
GOVERNMENT EMPLOYEES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §5102 of Chapter 5 of Title 4 of the Guam Code Annotated
is hereby *amended* to read:

“§ 5102. Permitted Activity.

(a) An employee may engage in political activity to the fullest extent consistent with the restrictions set forth in § 5103, so long as such activity does not materially compromise his efficiency or integrity as an employee or the neutrality, efficiency or integrity of his department or agency. Each employee specifically retains the right to register and vote in an election and, while not on duty and while not in a uniform identifying him as an employee, to:

(1) Express his opinion as an individual citizen privately and publicly on political issues and candidates;

(2) Display a political picture, sticker or badge or button;

1 (3) Participate in the non-partisan political activities of a
2 civic community, social labor, professional or similar
3 organization;

4 (4) Be a member, officer, or delegate of a political party
5 or other political organization and participate in its activities to
6 the fullest extent consistent with § 5103;

7 (5) Attend a political convention, rally, fund-raising
8 function or other gathering;

9 (6) Sign a political petition as an individual citizen;

10 (7) Make, as an individual citizen, a contribution to or
11 expenditure on behalf of a political party or organization or
12 candidate;

13 (8) Be free from any obligation to contribute to any
14 political fund or to render any political service;

15 (9) Participate in political activity in connection with a
16 question not specifically identified with a political party: for
17 example, soliciting signatures for petition relative to changing
18 working conditions or campaigning for an issue in a
19 referendum; and

20 (10) Serve as member of a precinct board or other
21 election official who performs ~~non-partisan~~ duties under Title 3
22 GCA.

23 (b) The head of a department or agency may prohibit or limit
24 the participation of an employee of his department or agency in an
25 activity permitted by Paragraph (a) of this Section if such participation
26 would interfere with the efficient performance of official duties or
27 create a conflict or apparent conflict of interests.”

1 **Section 2.** §5103 of Chapter 5 of Title 4 of the Guam Code Annotated
2 is hereby *amended* to read:

3 **“§ 5103. Prohibited Activity.**

4 (a) An employee *shall* not use his official authority or influence
5 for the purpose of interfering with or affecting the result of an
6 election.

7 (b) ~~An employee shall not participate in activity in connection~~
8 ~~with political management or a political campaign, except as~~
9 ~~permitted by § 5102.~~ Specific activity in which employees are
10 prohibited from participating include but are not limited to:

11 ~~(1) Serving as an officer of a political party, a member of~~
12 ~~a committee of a political party, an officer or member of a~~
13 ~~committee of a partisan political organization or being a~~
14 ~~nominee for such positions;~~

15 ~~(2) Organizing or reorganizing a political party, partisan~~
16 ~~political organization or committee thereof;~~

17 (1) ~~(3)~~ Soliciting, collecting, handling, disbursing or
18 accounting for assessments, contributions or other funds for a
19 political party, partisan political organization or candidate;

20 (2) ~~(4)~~ Organizing, selling tickets to, seeking support for
21 or actively participating in a fund-raising activity of a political
22 party, partisan political organization or candidate;

23 (3) ~~(5)~~ Taking an active part in managing the political
24 campaign of a candidate;

25 (4) ~~(6)~~ Being a candidate;

1 ~~(7) Taking an active part in an organized solicitation of~~
2 ~~votes in support of or in opposition to a candidate, including~~
3 ~~distributing campaign literature, badges or buttons;~~

4 ~~(8) Acting as recorder, watcher, challenger or similar~~
5 ~~officer at the polls on behalf of a political party, partisan~~
6 ~~political organization or candidate;~~

7 ~~(9) Driving voters to the polls on behalf of a political~~
8 ~~party, partisan political organization or candidate;~~

9 ~~(10) Endorsing or opposing a candidate in a political~~
10 ~~advertisement, a broadcast, campaign literature, a letter or~~
11 ~~article in a newspaper (signed or unsigned) or similar material;~~

12 ~~(11) Serving as a delegate, alternate or proxy to a~~
13 ~~political party convention;~~

14 ~~(12) Addressing a convention caucus, rally or similar~~
15 ~~gathering of a political party in support of or in opposition of a~~
16 ~~candidate or on a partisan political question;~~

17 ~~(13) Initiating or circulating a nominating petition for a~~
18 ~~candidate;~~

19 (5) ~~(14)~~ Discharging, promoting, demoting or changing
20 the compensation of any other employee or promising or
21 threatening to do so, because said other employee advocates or
22 fails to advocate through contribution, voting or otherwise, a
23 candidate; and

24 (6) ~~(15)~~ Using government travel allowances,
25 government transportation, government supplies or government
26 facilities for the benefit of any political party, partisan political
27 organization or candidate.”