



MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) Regular Session

Bill No. 96 (EC)

Introduced by:

J. T. Won Pat   
B.J.F. Cruz 

AN ACT TO REPEAL AND REENACT SECTIONS 15409, 15410 AND 15411 OF ARTICLE 4, CHAPTER 15, OF TITLE 4, GUAM CODE ANNOTATED, TO ADD NEW SECTIONS 15412 AND 15413 OF ARTICLE 4, CHAPTER 15 OF TITLE 4, GUAM CODE ANNOTATED AND TO REPEAL SECTIONS 43116 AND 43117 OF ARTICLE 1, CHAPTER 43, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ETHICS IN GOVERNMENT PROGRAM FOR ELECTED OFFICIALS AND ANY PERSON WHO IS APPOINTED TO A POSITION AS BOARD OR COMMISSION MEMBER, DIRECTOR, DEPUTY DIRECTOR, OR BY WHATEVER TITLE DENOTES THE HEAD AND FIRST ASSISTANT OF A GOVERNMENT OF GUAM AGENCY, DEPARTMENT, PUBLIC CORPORATION, AUTHORITY, OR ANY OTHER ENTITY OF THE EXECUTIVE BRANCH.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that elected officials, executive department heads and deputies, and members

1 of government boards and commissions are entrusted with great  
2 responsibility to run the affairs of our government with honesty and integrity,  
3 and must ensure that decisions as they pertain to the affairs of our  
4 government, be made for the greater good of the community rather than self  
5 interest. *I Liheslaturan Guåhan* also finds that elected officials, executive  
6 department heads and deputies, and members of government boards and  
7 commissions may need the training necessary to ensure conscientious  
8 decisions that, when absent, result in unconscionable acts against the  
9 government, the negligible abuse of ones power and authority, and ultimately  
10 the loss of trust and confidence of the community. It is the intent of *I*  
11 *Liheslaturan Guåhan* for elected officials, executive department heads and  
12 deputies, and members of government boards and commissions to attend  
13 training opportunities, specifically ethics training, in the effort to raise the  
14 official's awareness of the greater scope of responsibilities his or her position  
15 holds. It is also the intent *I Liheslaturan Guåhan*, that the ethics training for  
16 elected officials, executive department heads and deputies, and members of  
17 government boards and commissions should encourage greater accountability  
18 and the recognition of the judicious use of one's authority for the greater good  
19 of the community.

20 **Section 2.** §15409 of Article 4, Chapter 15 of Title 4, Guam Code  
21 Annotated, is hereby repealed and reenacted to read:

22 **"§15409. Applicability of Ethics in Government Program.**

23 (a) Any person who is an elected official of the government of Guam  
24 shall attend an ethics in government program within ninety (90) days of  
25 taking office. Additionally, elected officials shall undergo refresher ethics in

1 government program at least once every four (4) years. The Guam Ethics  
2 Commission ("Commission") may grant permission for an elected official to  
3 attend a later program for a good cause shown. The Commission shall award  
4 a certificate of completion to those completing the program.

5 (b) Any person who is appointed to a position as board or commission  
6 member, director, deputy director, or by whatever title denotes the head and  
7 first assistant of a government of Guam agency, department, public  
8 corporation, authority, or any other entity of the executive branch, shall attend  
9 an ethics in government program within the first six (6) months of his or her  
10 appointment. Additionally, appointed officials shall undergo refresher ethics  
11 in government program at least once every four (4) years. The Commission  
12 may grant permission for an appointed official to attend a later program for a  
13 good cause shown. The Commission shall award a certificate of completion to  
14 those completing the program."

15 **Section 3.** §15410 of Article 4, Chapter 15 of Title 4, Guam Code  
16 Annotated, is hereby repealed and reenacted to read:

17 **"§15410. Ethics in Government Program Guidelines.** The ethics in  
18 government program shall be established and administered by the University  
19 of Guam ("UOG") with the approval of the Guam Ethics Commission. UOG  
20 shall repeat the course as necessary to accommodate who are required to  
21 attend.

22 (a) The program shall include topics, but not limited to:

- 23 (1) Guam Statutes concerning ethics;
- 24 (2) Guam Statutes concerning lobbying;

- 1 (3) Group participation in discussing, analyzing, and solving
- 2 general ethics-related dilemmas;
- 3 (4) Guam Procurement Laws & Regulations;
- 4 (5) Guam Contracting Laws & Regulations;
- 5 (6) Parliamentary procedures;
- 6 (7) Fiduciary responsibility;
- 7 (8) Personnel policy; and
- 8 (9) Government finance

9 (b) The cost of tuition, books and training materials for the ethics in  
10 government program shall be at the personal cost of the elected official  
11 specified in §15409 (a) of this Chapter.

12 (c) The cost of tuition, books and training materials for the ethics  
13 government program of the appointed official specified in §15409 (b) of this  
14 Chapter, shall be the responsibility of the agency the appointed official serves  
15 on.”

16 **Section 4.** §15411 of Article 4, Chapter 15 of Title 4, Guam Code  
17 Annotated, is hereby repealed and reenacted to read:

18 “§15411. **Judicial Branch.** The Chief Justice of the Supreme Court shall  
19 have jurisdiction and governance over all justices and judges of the judicial  
20 branch in matters of ethics as covered in this Chapter 15.”

21 **Section 5.** A new §15412 is hereby added to Article 4, Chapter 15 of Title  
22 4, Guam Code Annotated, to read as follows:

23 “§15412. **Repeal.** Those portions of the Guam Code Annotated and the  
24 Government Code of Guam, which are in conflict with any section of this  
25 Chapter, are hereby repealed.”

1           **Section 6.** A new §15413 is hereby added to Article 4, Chapter 15 of  
2 Title 4, Guam Code Annotated, to read as follows:

3           “**§15413. Severability.** If any part of this Chapter 15 shall, for any reason, be  
4 adjudged by a court of competent jurisdiction to be invalid, or invalid as  
5 applied to a class of cases, such judgment shall not affect, impair, or invalidate  
6 the remainder thereof, and shall be confined in its operation to the part  
7 thereof directly involved in the controversy in which such judgment shall  
8 have been rendered.

9           **Section 7.** §43116 of Article 1, Chapter 43, Division 4 of Title 5 of Guam  
10 Code Annotated, is hereby repealed in its entirety.

11           ~~“**§ 43116. Development of the Boards and Commissions Training**~~  
12 ~~**Program.** The University of Guam shall, within six (6) months of the receipt of~~  
13 ~~funding for this Section, develop a training program for members of~~  
14 ~~government of Guam boards and commissions. Such training programs shall~~  
15 ~~include, but not be limited to, parliamentary procedures, ethics, fiduciary~~  
16 ~~responsibilities, leadership and direction, personnel policy and government~~  
17 ~~finance.”~~

18           **Section 8.** §43117 of Article 1, Chapter 43, Division 4 of Title 5 of Guam  
19 Code Annotated, is hereby repealed in its entirety.

20           ~~“**§ 43117. Boards and Commissions Training.** The University of Guam~~  
21 ~~shall, beginning with calendar year 1999, conduct a training program for~~  
22 ~~members of government of Guam boards and commissions developed under~~  
23 ~~the provisions of § 43116 of this Chapter. Such training program shall be~~  
24 ~~conducted at least twice per year. If there are fewer than five (5) board~~  
25 ~~members who wish to take a scheduled course, the two-year requirement may~~

1 ~~be waived. The cost of tuition for such training shall be the responsibility of~~  
2 ~~the agency whose board or commission, the member serves on."~~

3       **Section 9. Effective Date.** The provisions contained in this Act shall  
4 take effect January 2007.