

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 298(EC)

Introduced by:

J. T. Won Pat *JT*

AN ACT TO AMEND §§(G),(H),(I),(J)AND(K) AND TO ADD §§ (L) OF §15102, ARTICLE 1, CHAPTER 15, TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO ADDING THE DEFINITION OF AN IMMEDIATE FAMILY MEMBER AND RE-ALPHABETIZING THE SECTION; TO REPEAL AND REENACT §15301, ARTICLE 3, CHAPTER 15, TITLE 4 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING AN INDEPENDENT AND NON-PARTISAN COMMISSION TO BE KNOWN AS THE GUAM ETHICS COMMISSION; TO AMEND §15407 ARTICLE 3, CHAPTER 15, TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO STAFF AND OFFICE SPACE; TO AMEND §15408 ARTICLE 3, CHAPTER 15, TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITION FROM POLITICAL ACTIVITY.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Public 27-141 re-established the Guam Ethics Commission (Commission)
4 comprised of seven (7) members appointed by *I Maga'lahi* with the advice and
5 consent of *I Liheslaturan Guåhan*. The Commission is delegated with the

1 responsibility to determine the merit of complaints of alleged ethical
2 violations by employees, appointed officials and elected officials of the
3 government of Guam.

4 With *I Maga'lahi* possessing the sole authority of appointing the Commission
5 members and the power to remove or suspend any member of the
6 Commission. The general public may not recognize the Commission as being
7 free from undue political influence when making crucial decisions.

8 Therefore, it is the intent of the *I Liheslaturan Guåhan* to deter such political
9 influence, whether perceived or real by authorizing other public officials to
10 appoint members to the Commission and the power to remove any member
11 vested with the Commission. It is essential to strengthen the public's
12 confidence that government business is conducted with impartiality and
13 integrity by having an independent Guam Ethics Commission.

14 Section 2. §§(g),(h), (i),(j) and (k)15102, Article 1, Chapter 15, Title 4 of
15 the Guam Code Annotated is hereby amended to read as follow

16 (g) immediate family means spouse, parents, children, brothers and
17 sisters;

18 (~~g~~) (h) judicial officers includes the Justices of the Supreme Court,
19 whether full-or part-time, and Judges of the Superior Court, including Judges
20 pro tem and referees;

21 (~~h~~) (i) legislator means any duly elected members of the Guam
22 Legislature;

1 (i) (j) official act or official action means a decision, recommendation,
2 approval, disapproval, or other action, including inaction which involves the
3 use of discretionary and non-discretionary authority;

4 (j) (k) official authority includes administrative, judicial or legislative
5 powers of decision, recommendation, approval, disapproval, or other
6 discretionary or non-discretionary action; and

7 Section 2. a new §§(l) 15102 of Article 1, Chapter 15, Title 4 of the Guam
8 Code Annotated is hereby added to read as follow

9 “(l) territorial agency or agency shall mean every branch of government,
10 public corporations, all government of Guam departments, bureaus, and line
11 agencies, autonomous and semi-autonomous agencies, instrumentalities,
12 entities or sub-entities thereof, the Mayor's Council, and Mayors' Offices.”

13 Section 3. §15301, Article 3, Chapter 15, Title 4 of the Guam Code
14 Annotated is hereby repealed and reenacted:

15 ~~“§ 15301. Guam Ethics Commission established; composition. There~~
16 ~~shall be within the government of Guam, a commission to be known as the~~
17 ~~“Guam Ethics Commission”. The Commission shall consist of seven (7)~~
18 ~~members to be appointed by I Maga'lahi. Each appointee shall be a United~~
19 ~~States citizen and a bona fide resident of Guam. No person who has ever been~~
20 ~~convicted of a felony shall be eligible to serve on the Commission. Members of~~
21 ~~the Commission shall not be an employee, as defined herein, or have any~~
22 ~~member of their immediate family employed by the government of Guam. All~~
23 ~~appointments to the Guam Ethics Commission shall be confirmed by I~~
24 ~~Liheslatura.~~

1 ~~The Chairman of the Commission shall be elected by the majority of the~~
2 ~~Commission. The term of office of each member shall be for four (4) years,~~
3 ~~provided that of the original members, two (2) shall hold office for two (2)~~
4 ~~years, two (2) shall hold office for three (3) years, and one (1) shall hold office~~
5 ~~for four (4) years. The determination of these members' length of office shall~~
6 ~~be by lot drawn by the members at their initial meeting. No person shall be~~
7 ~~appointed consecutively to more than two (2) terms as a member of the~~
8 ~~Commission.~~

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

13 ~~Vacancies shall be filled for the remainder of the unexpired term in the~~
14 ~~same manner as the original appointments. I Maga'lahi may remove or~~
15 ~~suspend any member of the Commission for cause, upon the filing of a~~
16 ~~written finding with the Commission and upon service of a copy of the~~
17 ~~written findings on the member removed or suspended."~~

18 **"§ 15301. Guam Ethics Commission established; composition.**

19 (a) There shall be within the government of Guam, an independent
20 commission to be known as the "Guam Ethics Commission". The Commission
21 shall consist of nine (9) members to be appointed with the advice and consent
22 of I Liheslaturan Guåhan. One (1) member shall be appointed by the Speaker of
23 I Liheslaturan Guåhan, one (1) member appointed by the Minority Leader of I
24 Liheslaturan Guåhan, one (1) member appointed by the Mayor's Council, one
25 (1) member appointed by the Judicial Council, one (1) member appointed by

1 the Attorney General, one (1) member appointed by the Public Auditor and
2 three (3) members appointed by I Maga'lahaen Guahan.

3 (b) The Chairperson of the Commission shall be elected by the majority
4 of the Commission for a one (1) year term and may not succeed himself or
5 herself as Chairperson. Members of the Commission shall serve for four (4)
6 year terms, except that members first appointed shall have the following
7 terms: I Maga'lahaen Guahan shall appoint one (1) member for a term of two (2)
8 years, one (1) member for a term of three (3) years and one (1) member for a
9 term of four (4) years; the Speaker of I Liheslaturan Guahan, the Minority
10 Leader of I Liheslaturan Guahan and the Mayors Council shall each appoint one
11 (1) member for a term of two (2) years, the Judicial Council, the Attorney
12 General and the Public Auditor shall each appoint one (1) member for a term
13 of four (4) years. No individual shall be appointed to more than two (2) four
14 (4) year term as a member of such commission, provided that members may
15 continue in office until a successor has been appointed.

16 (c) Each member of the Commission shall be a citizen of the United
17 States who has attained the age of twenty-one (21) years and a bona fide
18 resident of Guam. No individual while a member of the Commission shall:

19 (1) be employed by the government of Guam;

20 (2) have plead guilty to or have been convicted of a felony;

21 (3) have held elective public office or have been a candidate for
22 elective public office for a one (1) year period prior to appointment;

23 (4) hold office in any political party or political committee or be a
24 member of any organization or association organized primarily for the
25 purpose of influencing legislation or decisions of public agencies;

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2 (5) participate in any proceeding or matter undertaken by the
3 Commission pursuant to this chapter that involves an immediate family
4 member.

5 (d) A majority of the Commission by resolution shall declare vacant the
6 position on the Commission of any member who violates subsection (c). An
7 individual appointed to fill a vacancy occurring other than by the expiration
8 of a term of office shall be appointed for the unexpired term of the member
9 he/she succeeds. Any vacancy occurring on the commission shall be filled
10 within thirty (30) days in the manner in which that position was originally
11 filled.

12 (e) Members shall serve without compensation, except that they shall
13 receive a stipend of One Hundred Dollars (\$100.00) per meeting not to exceed
14 four (4) meetings per calendar month,

15 Section 3. §15407, Article 3, Chapter 15, Title 4 of the Guam Code
16 Annotated is hereby amended to read as follow:

17 “§15407. **Staff and Office Space.** The Guam Ethics Commission may
18 employ such persons, as it deems necessary for the performance of its
19 functions. The government of Guam shall provide adequate office space for
20 the Guam Ethics Commission. In the event that office space at government of
21 Guam facilities are unavailable, the Commission may contract for office rental
22 space to carry out its function. They The Commission shall submit an annual
23 budget request to the Legislature for its required operations.”

24 Section 5. §15408, Article 3, Chapter 15, Title 4 of the Guam Code
25 Annotated is hereby amended to read as follow:

1 “§ 15408. Prohibition from political activity. ~~Members~~ The staff of the
2 ethics commission ~~and its staff~~ shall not take an active part in political
3 management or in political campaigns during the term of ~~office or~~
4 employment.”