




***I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN***  
**2011 (FIRST) Regular Session**

Bill No 186-31(US)

Introduced by:

Judith T. Won Pat, Ed.   
T. R. Muna Barnes 

2011 MAY -5 PM 5:17  


**AN ACT TO ADD A NEW §43119 TO CHAPTER 43 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO PROTECTING THE RIGHTS OF PERSONS TO PETITION A PUBLIC BOARD, PUBLIC COMMISSION, OR PUBLIC CORPORATION OF THE GOVERNMENT OF GUAM FOR REDRESS OF GRIEVANCES BY REQUIRING ALL PUBLIC BOARDS AND COMMISSIONS TO ESTABLISH A GRIEVANCE POLICY, RULES, AND PROCEDURES.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that  
3 Chapter 43 of Title 5 Guam Code Annotated addresses Boards and Commissions in  
4 general that are created by local statute, some by local Executive Order and others by  
5 Executive Order pursuant to federal requirements. *I Liheslaturan Guahan* further finds  
6 that although the chapter addresses issues of membership, compensation, travel, and  
7 training for board members, the law is silent relative to requiring public boards and  
8 commission to institute a grievance procedure that permits any and all concerned to  
9 petition the public board and commission for a redress of a grievance.

10           *I Liheslaturan Guahan* finds that a public board, public commission, or a public  
11 corporation is created to perform a governmental function or to operate under  
12 government control in order to carry out the mission and services as mandated by the

1 people whom they serve.

2 *I Liheslaturan Guahan* has further determined that such entities are not required  
3 by law to address or take action upon the concerns of any person or party who may  
4 have a grievance, formal or informal, against an agent (such as an employee, board, or  
5 any duly authorized representative thereof) operating under the jurisdiction of that  
6 public board, public commission or public corporation at any time.

7 *I Liheslaturan Guahan* recognizes that it is the fundamental right of the people  
8 to petition the government or any instrumentality thereof for redress of a grievance  
9 against the government and that such a right is guaranteed under the First Amendment  
10 of the Constitution of the United States. It is further resolved that the right to petition  
11 the government extends to petitions of all three branches of government: the  
12 legislative, the executive and the judiciary. According to the Supreme Court, redress  
13 of grievances includes not solely appeals by the public to the government for the  
14 redressing of a grievance in the traditional sense, but also, petitions on behalf of  
15 private interests seeking personal gain. It is widely acknowledged in the legal  
16 community that the right to petition is a primary right that is an attribute of our  
17 national citizenship.

18 Therefore it is the intent of *I Liheslaturan Guahan* to affirm the rights of the  
19 People of Guam in petitioning any instrumentality of the government of Guam. The  
20 right of a person to petition and for such petitions to be acted upon, formally or  
21 informally, as a matter of public record shall be required of all public boards, public  
22 commissions, and public corporations.

23 **Section 2.** A new §43119 is added to Chapter 43 of Title 5 Guam Code  
24 Annotated to read as follows:

25 **“§ 43119. The Right to Petition.** There shall be, for each public board, public  
26 commission, and public corporation a grievance policy, rule, and procedure as adopted  
27 by each respective public board, public commission, and public corporation. Such a

1 policy, rule, and procedure shall be introduced, placed upon the agenda for public  
2 commentary, and adopted in a regular public meeting of said board, commission, or  
3 corporation no later than six (6) months upon enactment of this requirement into law.  
4 Further, the grievance policy, rule, and procedure(s) as adopted shall be filed with *I*  
5 *Liheslaturan Guahan* and posted on the website of the respective board, commission  
6 or corporation. A “grievance” shall be defined as a dispute which a claimant may  
7 have against the respective public board, public commission, or public corporation for  
8 any action or failure to act in accordance with the laws, rules, and procedures of the  
9 respective government entity thereby adversely affecting the rights, duties, welfare or  
10 status of any individual or party under the purview of said entity. Further, the  
11 grievance policy, rule, and procedure shall include a provision that addresses formal  
12 and informal grievances in addition to providing a mechanism for arbitration as an  
13 alternate form of dispute resolution. All matters concerning a petition against a public  
14 board, public commission, or public corporation shall be properly documented as a  
15 matter of public record by said board, commission, or corporation.”