

FILE COPY

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

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 383-30 (LS)**, "AN ACT TO REPEAL AND REENACT §8101 OF CHAPTER 8 OF TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REGISTRATION AND REGULATION OF LEGISLATIVE LOBBYISTS", was on the 16th day of August, 2010, duly and regularly passed.



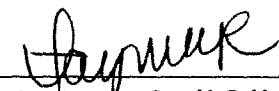
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 17th day of Aug., 2010, at 4:40 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÁHAN
2010 (SECOND) Regular Session

Bill No. 383-30 (LS)

As amended on the Floor.

Introduced by:

R. J. Respicio
Judith P. Guthertz, DPA
T. C. Ada
V. Anthony Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO REPEAL AND REENACT §8101 OF
CHAPTER 8 OF TITLE 2 OF THE GUAM CODE
ANNOTATED, RELATIVE TO THE 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
3 *repealed and reenacted to read:*

4 **“§8101. Lobbying.**

5 **(a) Definitions.**

1 (1) *Lobbyist* means any person who engages for pay in any
2 amount, *or* engages for any in-kind consideration, which may include
3 expenses, for the purpose of attempting to influence the passage,
4 defeat, or content of any legislation by *I Liheslaturan Guåhan*.

5 (2) *Lobbying* means any activity by a lobbyist which is
6 reasonably designed to influence the passage, defeat, or content of any
7 legislation, including:

8 (A) meeting with legislators *or* employees of
9 legislators;

10 (B) providing information and draft legislation to
11 legislators *or* employees of legislators;

12 (C) publishing any articles *or* editorials in favor of the
13 passage *or* defeat of any legislation;

14 (D) organizing groups of members of the public to
15 engage in activities described in this Subsection (2);

16 (E) paying for any amenities *or* expenses of legislators
17 *or* staff; *or*

18 (F) procuring goods and services from vendors in
19 exchange for the passage, defeat *or* content of any legislation.

20 (3) *Lobbyist* and *lobbying* does *not* apply to:

21 (A) a member of the public appearing before a
22 committee of *I Liheslatura* in support of *or* opposition to
23 legislation;

24 (B) a member of the public who contacts their elected
25 officials;

26 (C) government officials *or* designee acting in their
27 official capacity;

1 (D) government employees providing information on
2 legislation *or* responding to requests for information;

3 (E) reporters, employees *or* owners of publications
4 engaged in regularly reporting on news items, editorials *or*
5 other commentaries concerning legislation; provided, that the
6 reporter, employee, *or* owner does *not* engage in further *or*
7 other activities in connection with the passage or defeat of
8 legislation other than appearing before a committee and
9 submitting testimony;

10 (F) paid advertisements which contain a disclosure of
11 the entity paying for the advertisement and entity interested in
12 the issue lobbied;

13 (G) campaign contributions within the limits allowed
14 by law, made to a senator *or* senator's campaign committee;
15 and

16 (H) volunteers.

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

- 20 (1) name;
- 21 (2) business address;
- 22 (3) name and address of person by whom they are employed;
- 23 (4) interest in which the person appears;
- 24 (5) duration of employment;
- 25 (6) amount of pay or in-kind compensation including expenses and

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

4 The information provided to the Legislative Secretary *shall* be
5 updated quarterly on or before the tenth (10th) day of the first month of each
6 quarter. All information provided by a lobbyist to the Legislative Secretary
7 *shall* be either sworn to under oath or submitted as an unsworn declaration
8 under penalty of perjury under the provisions of §4308 of Title 6 of the
9 Guam Code Annotated, the Evidence Code of Guam. All information
10 submitted to the Legislative Secretary *shall* be placed on *I Liheslaturan*
11 *Guåhan's* website and *shall* be made available for public review.

12 (c) **Commissions Prohibited.** No person engaged as a lobbyist
13 shall receive pay or in-kind compensation as a commission for lobbying
14 based upon a favorable outcome of a lobbying effort.

15 (d) **False Statements Prohibited.** No person engaged as a lobbyist
16 shall circulate false statements concerning the issue or legislation being
17 lobbied for or against, either to officials, employees of officials, or to the
18 public.

19 (e) **Public Funds Prohibited.** No public funds of any government
20 entity can be expended to engage in lobbying.

21 (f) **Former Legislators as Lobbyists.** No person who is a former
22 legislator shall engage as a lobbyist for two (2) years after the end of the last
23 term held by the former legislator as a legislator.

24 (g) **Penalty.** (1) Any person who violates the provisions of this
25 Section by failing to register, update their registry, accepts a commission for
26 lobbying, issues false statements in lobbying, uses public funds for lobbying,
27 or as a former legislator lobbies within the prohibited time period for former

1 legislators, *shall*, upon conviction, be guilty of a misdemeanor, and be
2 prohibited from engaging as a lobbyist for a period of three (3) years from
3 the date of conviction.

4 (2) Fine. Fines imposed *shall* be equal to five (5) times the fee *or*
5 value of any in-kind compensation received by the lobbyist. Financial
6 records *shall* be provided by the lobbyist to determine the fine to appropriate
7 government enforcement official.”