

TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 307, "An Act to add Chapter IX to Title II of the Government Code of Guam to require financial disclosure by certain public officials and candidates for public office on Guam", was on the 20th day of June, 1974, duly and regularly passed.



F. T. RAMIREZ
Speaker

ATTESTED:



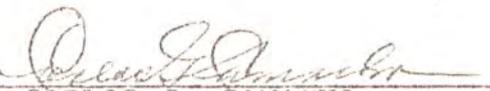
G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 25th day
of JUNE, 1974 at 2:10 o'clock P. M.



KEITH L. ANDREWS
Attorney General of Guam

APPROVED:



CARLOS G. CAMACHO
Governor of Guam

Public Law

DATED: JUL 5 1974

2:00 p. m.

12-153

TWELFTH GUAM LEGISLATURE
1973 (FIRST) Regular Session

Bill No. 307
Substitute Bill

Introduced by R. F. Taitano

AN ACT TO ADD CHAPTER IX TO TITLE II OF
THE GOVERNMENT CODE OF GUAM TO REQUIRE
FINANCIAL DISCLOSURE BY CERTAIN PUBLIC
OFFICIALS AND CANDIDATES FOR PUBLIC
OFFICE ON GUAM.

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

2 Section 1. A new Chapter IX is hereby added to Title II
3 of the Government Code of Guam to read as follows:

4 "CHAPTER IX

5 Public Official Financial Disclosure Act

6 Section 1800. Title. This Chapter shall be known
7 and may be cited as the 'Financial Disclosure Act'.

8 Section 1801. Definitions for purpose of this Act:

9 (a) The term 'official' means any person
10 elected to any public office in Guam and any
11 person appointed, with legislative concurrence
12 or by the Legislature, to any public office
13 for which such person is paid annual compensa-
14 tion of \$5,000 or more.

15 (b) The term 'candidate' means a candidate
16 to any public office.

17 (c) The term 'gift' means something of value
18 voluntarily transferred from one party to another
19 without compensation or monetary consideration.

20 (d) The term 'fund' means a sum of money or
21 other material resources available for the use
22 of an official or candidate or anyone acting
23 on his behalf.

1 (e) The term 'asset' means an item of value
2 owned or in which exists a beneficial interest.

3 Section 1802. Report to be filed with Territorial
4 Auditor. (a) Each official shall file with the Territorial
5 Auditor, on or before April 22 of each calendar year a
6 written report containing the information required by
7 this Chapter covering the preceding calendar year.
8 Each candidate who is not an official shall file with
9 the Territorial Auditor on the date he files his petition
10 of candidacy, a written report containing the informa-
11 tion required by this Chapter covering the preceding
12 calendar year. The Territorial Auditor shall file his
13 report with the Legislative Secretary.

14 (b) The report required to be filed under Sub-
15 section (a) of this section shall be verified by oath or
16 affirmation of the official or candidate filing such
17 report.

18 (c) All reports required under Subsection (a) of
19 this section shall be maintained by the Territorial
20 Auditor as public records, available for inspection.

21 (d) Copies of reports shall be furnished to the
22 public, subject to payment of reasonable copying fees.

23 (e) The Territorial Auditor shall issue a certi-
24 ficate certifying that an official or candidate has
25 filed his report as required by this Chapter.

26 Section 1803. Contents of Report. (a) The report
27 of the official or candidate as required in this Chapter
28 shall include a complete account of the official's or
29 candidatè's gross income and that of his spouse and
30 dependent children. For the purposes of this Chapter,
31 gross income shall be defined as set forth in

1 Section 61 of the Internal Revenue Code of 1954,
2 as amended (26 U.S.C. 61). The report of income shall
3 specifically include, though not to the exclusion of
4 other items listed in Section 61, the following
5 information:

6 (1) The names and addresses of all persons
7 and organizations from whom was received by the
8 official or candidate or on his behalf with his
9 knowledge and consent, any honorarium or com-
10 pensation for services, including fees, commis-
11 sions, salaries, and similar items, and the
12 amount of such honorarium or compensation for
13 services, or if not money, the substance of the
14 honorarium or compensation and the appraised value
15 thereof;

16 (2) Gross income derived from business
17 enterprises including the amount thereof, the
18 nature of his interest in the business, and the
19 names and addresses of such business;

20 (3) An itemization of all gains derived from
21 dealings in real property, including the names and
22 addresses of seller and purchaser and a brief de-
23 scription of the transaction which took place;

24 (4) The sources from which were derived income
25 from interest and the amounts thereof;

26 (5) The sources from which rents were derived
27 and the amounts thereof;

28 (6) The sources from which royalties were
29 derived and the amounts thereof;

30 (7) The sources from which dividends were
31 derived and the amounts thereof;

1 (8) The names and addresses of all persons and
2 organizations from whom he received assistance in
3 the discharge of indebtedness and the aggregate
4 amount of appraised value thereof;

5 (9) Itemization of income or benefits derived
6 from distribution of the official's or candidate's
7 share in any partnership or professional group,
8 and the names and addresses of all persons and
9 organizations from whose payments such distributions
10 are made; provided, however, that no such names and
11 addresses need be furnished when the distribution
12 to the official or candidate from any such person or
13 organization in said year is less than One Thousand
14 Dollars (\$1,000), or when said disclosure is in
15 derogation of a privilege granted by law.

16 (10) Itemization of income derived from an
17 estate or trust in which the official or candidate
18 has an interest and the nature of that interest.

19 (b) The report shall list all gifts to the official
20 or candidate which in aggregate value exceed One Hundred
21 Dollars (\$100) in the year from a particular source.
22 Included in the report shall be the name and address of
23 the donor, the amount or value of his gifts, and a
24 description thereof. The report shall also contain the
25 name and address of a donor to the official or candidate,
26 his spouse and/or his dependent children when the amounts
27 or values of such gifts given in the course of a calendar
28 year from a particular source exceed Five Hundred Dollars
29 (\$500), and shall describe each such gift and the value
30 thereof.

31 (c) The report shall list assets held by the official

1 or candidate, by his spouse or dependent children,
2 or by any of them jointly. The list shall include the
3 value of each asset and a brief description thereof, but
4 household furnishings and personal effects need not be
5 reported.

6 (d) The report shall include the names and addresses
7 of each person and organization to whom the official or
8 candidate, his wife, or dependent children, or any of
9 them jointly owe an aggregate amount in excess of Five
10 Thousand Dollars (\$5,000), and include a statement of the
11 total aggregate indebtedness of the official or candidate
12 and such family members.

13 (e) The report shall include a statement of any
14 funds established by the official or candidate or on his
15 behalf, to assist him in defraying expenses which may be
16 incurred by reason of his being an official or candidate.
17 The report shall set forth the names and addresses of
18 all persons contributing to the funds, the amount of
19 each contribution, the amount of each expenditure from
20 such funds, and the purpose of each such expenditure.

21 Section 1804. Territorial Auditor to Report. On or
22 before May 1, of every calendar year, the Territorial
23 Auditor shall cause to have published in a newspaper of
24 local circulation for a period of three (3) consecutive
25 days a report containing therein the names of all officials
26 who have not filed their reports as required by this
27 Chapter. He shall publish a similar report of all
28 candidates who have filed reports as required by this
29 Chapter at least fifteen (15) days preceding the election
30 for which the candidate has filed.

31 Section 1805. Failure to File: Punishment. Any

1 official or candidate who fails to file a report
2 required by this Chapter, or who knowingly and wilfully
3 files a false report under this Chapter shall be fined
4 not more than One Thousand Dollars (\$1,000) or imprisoned
5 for a period of time not to exceed one (1) year or both.
6 In addition, any violation of this Act shall preclude
7 an individual from holding public office. The Territorial
8 Auditor shall report to the Attorney General for appro-
9 priate action the name of any official or candidate
10 who fails to file a report required by this Chapter, or
11 who in his professional judgment has knowingly filed a
12 false report. This section shall not be construed to
13 permit prosecution of a person who has unintentionally
14 filed an erroneous report, which report shall be subject
15 to correction."

16 Section 2. Severability. If any provision of this Act or
17 the application thereof to any person or circumstances is held
18 invalid such invalidity shall not affect other provisions or
19 applications of this Act which can be given effect without the
20 invalid provision or application, and to this end the provisions
21 of this Chapter are severable.

22 Section 3. Effective Date. The effective date of this Act
23 shall be January 2, 1975.

AN ACT

to add Chapter IX to Title II of the Government Code of Guam
to require Financial Disclosure by certain Public Officials and
Candidates for Public Office on Guam.

as it enacted by the People of the Territory of Guam:

Section 1. A new Chapter IX is hereby added to Title II of the
Government Code of Guam to read as follows:

"CHAPTER IX

Public Official Financial Disclosure Act

Section 1800. Title. This Chapter shall be known and may be
referred to as the 'Financial Disclosure Act'.

Section 1801. Definitions for purpose of this Act:

(a) The term 'official' means any person elected to any
public office in Guam and any person appointed, with legislative
authority or by the Legislature, to any public office for which such
person receives annual compensation of \$5,000 or more.

(b) The term 'candidate' means a candidate to any public
office.

(c) The term 'gift' means something of value voluntarily
conferred from one party to another without compensation or
any consideration.

(d) The term 'fund' means a sum of money or other
resources available for the use of an official or candidate or
acting on his behalf.

(e) The term 'asset' means an item of value owned or in
which exists a beneficial interest.

Section 1802. Report to be filed with the Territorial Auditor.
Each official shall file with the Territorial Auditor, on or before
the 22nd day of each calendar year a written report containing the
information required by this Chapter covering the preceding calendar
year. Each candidate who is not an official shall file with the Territorial
Auditor on the date he files his petition of candidacy, a written report
containing the information required by this Chapter covering the
preceding calendar year. The Territorial Auditor shall file his report
with the Legislative Secretary.

(b) The report required to be filed under Subsection (a) of this
section shall be verified by oath or affirmation of the official or
candidate filing such report.

(c) All reports required under Subsection (a) of this section
shall be maintained by the Territorial Auditor as public records,
available for inspection.

(d) Copies of reports shall be furnished to the public, subject
to payment of reasonable copying fees.

(e) The Territorial Auditor shall issue a certificate that an
official or candidate has filed his report as required by this Chapter.

Section 1803. Contents of Report. (a) The report of the
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account of the official's or candidate's gross income and that of his
spouse and dependent children. For the purposes of this Chapter, gross
income shall be defined as set forth in Section 61 of the Internal
Revenue Code of 1954, as amended (26 U.S.C. 61). The report of
income shall specifically include, though not to the exclusion of other
items listed in Section 61, the following information:

(1) The names and addresses of all persons and
organizations from whom was received by the official or candidate or
on his behalf with his knowledge and consent, any honorarium or
compensation for services, including fees, commissions, salaries, and
similar items, and the amount of such honorarium or compensation for
services, or if not money, the substance of the honorarium or
compensation and the appraised value thereof;

(2) Gross income derived from business enterprises
including the amount thereof, the nature of his interest in the business,
and the names and addresses of such business;

(3) An itemization of all gains derived from dealings in real
property, including the names and addresses of seller and purchaser and
a brief description of the transaction which took place;

(4) The sources from which were derived income from
interest and the amounts thereof;

(5) The sources from which rents were derived and the
amounts thereof;

(6) The sources from which royalties were derived and the
amounts thereof;

(7) The sources from which dividends were derived and the
amounts thereof;

(8) The names and addresses of all persons and
organizations from whom he received assistance in the discharge of
indebtedness and the aggregate amount of appraised value thereof;

(9) Itemization of income or benefits derived from
distribution of the official's or candidate's share in any partnership or
professional group, and the names and addresses of all persons and
organizations from whose payments such distributions are made;
provided, however, that no such names and addresses need be furnished
when the distribution to the official or candidate from any such person
or organization in said year is less than One Thousand Dollars (\$1,000),
or when said disclosure is in derogation of a privilege granted by law.

(10) Itemization of income derived from an estate or trust
in which the official or candidate has an interest and the nature of that
interest.

(b) The report shall list all gifts to the official or candidate
which in aggregate value exceed One Hundred Dollars (\$100) in the
year from a particular source. Included in the report shall be the name
and address of the donor, the amount or value of his gifts, and a
description thereof. The report shall also contain the name and address
of a donor to the official or candidate, his spouse and/or his dependent
children when the amounts or values of such gifts given in the course of
a calendar year from a particular source exceed Five Hundred Dollars
(\$500), and shall describe each such gift and the value thereof.

(c) The report shall list assets held by the official or candidate,
by his spouse or dependent children, or by any of them jointly. The list
shall include the value of each asset and a brief description thereof, but
household furnishings and personal effects need not be reported.

(d) The report shall include the names and addresses of each
person and organization to whom the official or candidate, his wife, or
dependent children, or any of them jointly own an aggregate amount in
excess of Five Thousand Dollars (\$5,000), and include a statement of
the total aggregate indebtedness of the official or candidate and such
family members.

(e) The report shall include a statement of any funds
established by the official or candidate or on his behalf, to assist him in
defraying expenses which may be incurred by reason of his being an
official or candidate. The report shall set forth the names and addresses
of all persons contributing to the funds, the amount of each
contribution, the amount of each expenditure from such funds, and the
purpose of each such expenditure.

Section 1804. Territorial Auditor to Report. On or before May
1, of every calendar year, the Territorial Auditor shall cause to have
published in a newspaper of local circulation for a period of three (3)
consecutive days a report containing therein the names of all officials
who have not filed their reports as required by this Chapter. He shall
publish a similar report of all candidates who have filed their reports as
required by this Chapter at least fifteen (15) days preceding the
election for which the candidate has filed.

Section 1805. Failure to File: Punishment. Any official or
candidate who fails to file a report required by this Chapter, or who
knowingly and wilfully files a false report under this Chapter shall be
fined not more than One Thousand Dollars (\$1,000) or imprisoned for
a period of time not to exceed one (1) year or both. In addition, any
violation of this Act shall preclude an individual from holding public
office. The Territorial Auditor shall report to the Attorney General for
appropriate action the name of any official or candidate who fails to
file a report required by this Chapter, or who in his professional
judgment has knowingly filed a false report. This section shall not be
construed to permit prosecution of a person who has unintentionally
filed an erroneous report, which report shall be subject to correction.

Section 2. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.

Section 3. Effective Date. The effective date of this Act shall be January 2, 1975.

Approved July 5, 1974

P.L. 12-153