



I Mina'trentai Unu
Na Liheslaturan Guahan
The Thirty-first Guam Legislature

Otden Areklamento
Standing Rules

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
THE THIRTY-FIRST GUAM LEGISLATURE

OTDEN AREKLAMENTO
STANDING RULES

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PART A
RULES GOVERNING PROCEDURES

RULE I
CONVENING AND SESSION

Section 1.01. The Opening Session. Preamble: *I Mina'trentai Unu Na Liheslaturan Guåhan shall* first convene in Regular Session in *Hagåtña*, Guam at the hour of 10:00 a.m. on the first Monday in January of 2011. In accordance with, and pursuant to, the provisions of Chapter 1 of Title 2 of the Guam Code Annotated and these Standing Rules, the Order of Business of the First Regular Session of *I Mina'trentai Unu Na Liheslaturan Guåhan shall* be as follows:

(a) **Organization of *I Liheslaturan Guåhan*.** The Temporary Presiding Officer, who *shall* be the Chief Justice of the Guam Supreme Court, or in such Chief Justice's absence or inability to act, a designated Associate Justice of the Guam Supreme Court, *shall*:

(1) First, **call** the Senators-elect **to order**;

(2) Second, **call** in alphabetical order the **roll** of the Senators-elect who *shall* present their Certificates of Election and assume their seats as their names are called; and

(3) Third, **administer** the following **Oath-of-Office** to the Senators-elect:

"I SOLEMNLY SWEAR (OR AFFIRM) IN THE PRESENCE OF ALMIGHTY GOD THAT I WILL WELL AND FAITHFULLY SUPPORT THE CONSTITUTION OF THE UNITED STATES, THE LAWS OF THE UNITED STATES APPLICABLE TO GUAM, AND THE LAWS OF GUAM, AND THAT I WILL CONSCIENTIOUSLY AND IMPARTIALLY DISCHARGE MY DUTIES AS A MEMBER OF *I LIHESLATURAN GUÅHAN*."

(4) **Election of Speaker.** After the administration of the oath provided for in Section 1.01(a)(3), *supra*, the Temporary Presiding Officer *shall*

conduct an election among the Senators for the Office of the Speaker of *I Liheslaturan Guåhan*, and upon the election of such Speaker, the Temporary Presiding Officer *shall* thereupon relinquish the Chair to the Member so elected.

(5) Adoption of Standing Rules. Upon the assumption of the Chair by the newly elected Speaker, the Speaker *shall* forthwith call for the adoption of the Standing Rules of *I Mina'trentai Unu Na Liheslaturan Guåhan*, which RULES *shall* require the affirmative vote of eight (8) Members present. In the event *I Liheslaturan Guåhan* fails to adopt its own Standing Rules during the first day of its First Regular Session, the Standing Rules in force and in existence at the adjournment sine die of the preceding *I Mina'Trenta Na Liheslaturan Guåhan* *shall* continue in effect, as provided by §1114 of Title 2 of the Guam Code Annotated, until changed by *I Mina'trentai Unu Na Liheslaturan Guåhan*.

(6) Election of Other Officers and Attachés. After considering the Standing Rules, *I Liheslaturan Guåhan* *shall* first elect the following Officers from among the Senators:

- (A) Vice-Speaker; and
- (B) Legislative Secretary;

Next, *I Liheslaturan Guåhan* *shall* elect the following Attachés:

- (C) Legislative Counsel or Counsels;
- (D) Clerk of the Legislature;
- (E) Sergeant-at-Arms; and
- (F) Chaplain.

(7) Administration of Oath to Attachés. As soon as the Attachés named in Section 1.01(a)(6), *supra*, are elected, the Speaker *shall* administer the following oath to them:

“I SOLEMNLY SWEAR (OR AFFIRM) IN THE PRESENCE OF ALMIGHTY GOD THAT I WILL WELL AND FAITHFULLY SUPPORT THE CONSTITUTION OF THE UNITED STATES, THE LAWS OF THE UNITED STATES APPLICABLE TO GUAM, AND

THE LAWS OF GUAM, AND THAT I WILL CONSCIENTIOUSLY AND IMPARTIALLY DISCHARGE MY DUTIES AS AN ATTACHÉ OF *I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN*, SO HELP ME GOD.”

(8) Election of Committee Chairpersons; Temporary Chairpersons. After the administration of the oath to the Attachés, the Speaker *shall* call for the election of Chairpersons of the Standing Committees of *I Mina'trentai Unu Na Liheslaturan Guåhan* in the order listed below. In the event that *I Liheslaturan Guåhan* fails to elect a Chairperson of a Standing Committee, the Speaker *shall* appoint a temporary Chairperson until *I Liheslaturan Guåhan* fills the position by election, subject to Section 1.01(b) of these Rules, *infra*.

(A) Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources;

(B) Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land;

(C) Committee on Education and Public Libraries;

(D) Committee on Health & Human Services, Senior Citizens, Economic Development and Election Reform;

(E) Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting;

(F) Committee on Municipal Affairs, Tourism, Housing and Recreation;

(G) Committee on Public Safety, Law Enforcement and Judiciary;

(H) Committee on Utilities, Transportation, Public Works and Veterans Affairs;

(I) Committee on the Guam Military Buildup and Homeland Security.

(b) Election of Officers and Party Leaders.

(1) Election of Officers and Chairpersons. A majority vote of the Members, a quorum being present, *shall* be required for the election of the Speaker, the Vice-Speaker, the Legislative Secretary, each Standing Committee Chairperson, and the Attachés of *I Liheslaturan Guåhan*. If a Member declines to serve as Chairperson after being nominated and no other Member is elected, or if a Member is duly elected as a Chairperson of a Standing Committee and refuses or resigns such position, or a permanent vacancy occurs in the position, the Speaker *shall* reorganize, eliminate or reassign to other Standing Committees the duties, functions and budget of the Committee in question, at the Speaker's option, with the majority vote of the Committee on Rules.

(2) Removal of Officers and Attachés. Eight (8) votes of the Members *shall* be required for the removal of the Speaker, the Vice-Speaker, the Legislative Secretary, or any Standing Committee Chairperson. Eight (8) votes *shall* be required for the removal of any Legislative Attaché.

(3) Legislative Party Leaders. The following positions *shall* be considered Legislative Party Leader positions. The Majority Members of *I Mina'Trentai Unu Na Liheslaturan Guåhan* *shall* select the Majority Leader, Assistant Majority Leader, Majority Whip and Assistant Majority Whip from among the Majority Membership. The Minority Members may select their Minority Leader, Assistant Minority Leader, Minority Whip, and Assistant Minority Whip, all from among their Membership.

(4) Definition of Majority Party. The "Majority Party" is the party having the most number of Members in *I Liheslaturan Guåhan*. If the number of Members of both parties is the same, the Majority Party *shall* be the party holding the most leadership positions in *I Liheslaturan Guåhan*. "Leadership Positions" are defined as Speaker, Vice-Speaker, Legislative Secretary and Standing Committee Chairpersons. The party *not* the Majority Party is the Minority Party.

(5) Results of Election; Roll Call. The results of each election of Officers and Attachés *shall* be printed in the Legislative Journal. Both the

election and removal of Officers and Attachés *shall* be by roll call vote if so requested by any Member, and *shall* be voted upon separately if requested by any Member. After the election of Standing Committee Chairpersons, the names of party legislative leaders *shall* be announced if they have been selected.

Section 1.02. Sessions of *I Liheslaturan Guåhan*.

(a) Regular Sessions of *I Liheslaturan Guåhan*. *I Mina'trentai Unu Na Liheslaturan Guåhan shall first convene in Regular Session in Hagåtña, Guam, at the hour of 10:00 a.m. on the first Monday in January of 2011. The Regular Session shall continue for such period as I Liheslaturan Guåhan shall determine. Any business, bill, or resolution pending at the final adjournment of the First Regular Session held in the year 2011 shall carry over to the next Regular Session in the year 2012.*

(b) Convening Session. Except when Session is convened in accordance with Section 1.02, *supra*, *I Liheslaturan Guåhan shall convene at the times determined by I Liheslaturan Guåhan.*

(1) Call by the Speaker. At any time when *I Liheslaturan Guåhan* is in recess or has adjourned, the Speaker, or the Acting Speaker, may summon *I Liheslaturan Guåhan* upon *at least* two (2) hours notice to convene for whatever period of time *I Liheslaturan Guåhan shall deem required.*

The Speaker may provide written, telephonic, facsimile, e-mail or any other similar electronic or digital notice to each Member and the public of the convening of the Session. Notice to the public *shall* be satisfied if transmitted to the newspapers of general circulation, radio stations with newsrooms and television news organizations.

The Speaker may adopt a Session schedule setting out the days in the year when *I Liheslatura* is proposed to convene, which schedule may be changed from time to time by the Speaker in the same manner.

(2) Call by the Committee on Rules. The Committee on Rules may summon *I Liheslaturan Guåhan* to convene at a properly called and noticed

Session, by adopting a resolution so providing. The Committee *shall* give notice in accordance with the Open Government Law.

(3) Call to Order by the Speaker. The Speaker *shall* call *I Liheslaturan Guåhan* to order on each day which the Speaker, or the Committee on Rules, has summoned *I Liheslaturan Guåhan* and on each day set forth on the schedule adopted. The Speaker *shall* provide written, telephonic, facsimile, e-mail or any other similar electronic or digital notice to each Member of *I Liheslaturan Guåhan*, and *shall* likewise provide notice to all Guam news media, in accordance with the Open Government Law, and in the event of an emergency certified to in writing, *at least* two (2) hours in advance of the time *I Liheslaturan Guåhan* is to be called to order, except that *I Liheslaturan Guåhan* may adjourn and convene in another Session on the same calendar day or the next calendar day or business day of the government of Guam without the need of such two (2) hour notice.

(4) Call to Order May Not Limit Body. Such call to Session of *I Liheslaturan Guåhan* by the Speaker, or by the Committee on Rules, may not limit nor restrict, nor dictate, the Session Agenda of *I Liheslaturan Guåhan*, the subject matter to be considered, nor the length of the Session.

(5) Quorum. The Speaker *shall* call *I Liheslaturan Guåhan* to order at the hour stated, and if a quorum of eight (8) Members be present, *shall* proceed with the Daily Order of Business.

(c) Daily Order of Business. Unless some other order is adopted by the Committee on Rules or the Body, the Daily Order of Business of *I Liheslaturan Guåhan*, *shall* be as follows:

- (i) Call to Order;
- (ii) Prayer;
- (iii) Reciting of *Inifresi*;
- (iv) Singing of Guam Hymn in *Chamorro*;
- (v) Singing of National Anthem;

- (vi) Roll Call;
- (vii) Call for Approval of Legislative Journal;
- (viii) Communications and Petitions;
- (ix) Messages from *I Maga'lahaen Guåhan*;
- (x) Reports of Standing Committees;
- (xi) Reports of Select Committees;
- (xii) Introduction and First Reading of Bills and Resolutions;
- (xiii) Motions;
- (xiv) Legislative Concurrence;
- (xv) Consent Calendar;
- (xvi) Second Reading File;
- (xvii) Consideration of Daily File:
 - (1) Third Reading File; and
 - (2) Voting File;
- (xviii) Brief Extension of Remarks (limited to five (5) minutes per Member);
- (xix) Announcements; and
- (xx) Adjournment.

(1) Suspend Order of Business. The Committee on Rules may suspend consideration of any order of business on a Session Agenda or change the order of business for that Legislative Day, or the next Legislative Day only, except that consideration of the Daily File may not be so suspended.

(2) Committee on Rules *Shall* Set Session Agenda. The Committee on Rules, or its authorized Subcommittee, may adopt a Session Agenda for the next Legislative Day of *I Liheslaturan Guåhan* and may add items to be considered under the various categories in the Daily Order of Business. Notice of a Session Agenda so adopted *shall* be published on *I Liheslaturan Guåhan*'s official website within twenty-four (24) hours of its adoption.

(A) Special Session Agenda. No bill or resolution may be introduced, or placed on the Special Session agenda, at any Special Session called by *I Maga’lahen Guåhan*, unless it relates to the subject matter of the call of the Session. The rules, which apply to Regular Sessions, *shall* apply to Special Sessions to the extent that they do not conflict with the Organic Act provision requiring the body only address the legislation provided by *I Maga’lahen Guåhan*. A Regular Session may not be conducted during a Special Session or a recess thereof.

(B) No Session Agenda. In the absence of a Session Agenda adopted by the Committee on Rules, *I Liheslaturan Guåhan*, by eight (8) votes, may adopt a Session Agenda or order consideration of any order of business on the Session Agenda with eight (8) votes, or change the order of business for that particular Legislative Day with eight (8) votes, except that consideration of the Daily File may not be so suspended. In the absence of an agenda, the Session Agenda previously adopted *shall* be the agenda for the following session.

(3) Hours of Session. Convening of Sessions and continuation of Session meetings *shall* be after 7:00 a.m. each calendar day, and each Session *shall* be recessed or adjourned on each calendar day as near as possible to 10:00 p.m., taking into account finishing the immediate matter at hand on the Floor at that hour.

(d) Decorum and Debate.

(1) When Motion *Shall* be Debated. No motion *shall* be debated until the same be distinctly announced. If the motion is to amend a bill or resolution, it *shall* be reduced to writing, unless waived by the Speaker.

(2) Addressing *I Liheslaturan Guåhan*. When a Senator desires to address *I Liheslaturan Guåhan* the Member *shall* raise that Member's hand. When the Speaker recognizes the Member by calling the Member by name or by indicating that he is recognized, the Member is entitled to the Floor and may address *I Liheslaturan Guåhan*. The Majority Leader *shall* be recognized ahead of others for purposes of making procedural motions.

No person other than a Member of *I Liheslaturan Guåhan* *shall* address *I Liheslaturan Guåhan* while it is in Session, but *I Liheslaturan Guåhan* may resolve itself into a Committee of the Whole and while sitting as such Committee may be addressed by persons other than Members.

(3) Speaking in Debates. A Member has a right to speak only once for a period not to exceed fifteen (15) minutes on a question, at the same stage of procedure, on the same day or even on another day, if the debate be adjourned or recessed. However, a Member who has made a motion or amendment *shall* be permitted to close the debate as final speaker, speaking in closing for not more than ten (10) minutes. Time to speak may not be yielded from more than one (1) Member to another. A Member who yields that Member's time on a question yields all that Member's time on that question, and may not later speak, even if all the time yielded was not used.

The Speaker *shall* time each Member who speaks, and may appoint a timekeeper, who need not be a Member. The Speaker may not yield, but the Speaker may speak if the Speaker temporarily relinquishes the Chair. These time limits on speaking may be amended, suspended or modified for a particular, specific matter or Legislative Day from time to time upon eight (8) votes of the Members, or may be amended, suspended

or modified by the Committee on Rules for a particular, specific matter or specific Legislative Day.

(A) Motion After Debate. When a Member has exhausted that Member's right to speak, that Member may still make any motion having a higher precedence.

(B) Amendments. When an amendment is offered, or any other motion is made, the amendment or other motion then becomes the question under consideration. In regard to the right to debate, such a question is treated as a new question. A Member who has spoken once on the Main Question may speak again on an amendment. But when a question is not debatable, an amendment to that question is not debatable.

(C) Debate Confined. Debate must be confined to the question before the Body, and debate on a bill is confined to the bill under consideration, and does not extend to criticism of other bills before *I Liheslaturan Guåhan* or in committee, even though they relate to the same subject.

(D) Calls to Order. A Member who resorts to persistent irrelevance, or to persistent repetition after the attention of *I Liheslaturan Guåhan* has been called to the matter, may be directed to discontinue that Member's speech by the Presiding Officer.

(E) Debate on Non-Reported Bills Prohibited. It is out of order to refer in debate to a bill or other matter not yet reported by a Committee. Neither is it in order to refer to proceedings of a Committee, unless the Committee has formally reported its proceedings to the *I Liheslaturan Guåhan*.

(F) Amendment to Main Question. When a question is under debate and an amendment is proposed, the amendment

then becomes the question under consideration. When an amendment is pending, the debate must be confined to the merits of the amendment, unless it is of such a nature that its decision practically decides the Main Question.

(G) Division. When a question has been divided, general discussion continues on the first division, but brief debate should be permitted on the remaining divisions.

(4) Votes Required. Unless otherwise required by the laws of Guam or under these Rules, any action(s) which can be taken by *I Liheslaturan Guåhan* requires an affirmative vote of eight (8) Members.

(5) Interruption Not Permitted. No Senator *shall* be interrupted when speaking and no question *shall* be asked of the Senator, except through the Presiding Officer. Violation may subject the Member to discipline under Section 1.02(i), *supra*.

(6) Closing Debate. Even if he has spoken previously, the Author of the bill, motion or resolution *shall* have the privilege of closing the debate.

(7) On Points of Order, Inquiry and Information.

(A) Points of Order. It is the right of every Member who notices a breach of order or of a Rule to insist upon its enforcement. This is called “raising a point of order” because the Member puts to the Presiding Officer the question as to whether there has been a breach of order or of the Rules, it being the duty of the Presiding Officer to maintain order and enforce the Rules. A point of order must be raised at the time the particular question is pending, and specific reference must be made to the particular Rule being violated. A point of order is decided by the Presiding Officer without debate, unless in doubtful cases the question is submitted to the Body for advice or decision. It is not debatable,

unless submitted to the Body. A point of order may not be used to debate an issue or to attack any Member of *I Liheslaturan Guåhan*.

(B) Decisions on Points of Order. When a Senator *shall* be called to order he *shall* be seated until the Speaker *shall* have determined whether he is in order or not, and every question of order *shall* be decided by the Speaker, subject to an appeal to *I Liheslaturan Guåhan* by a Senator. Any such appeal to overrule the decision of the Speaker or Presiding Officer *shall* require eight (8) votes to pass. Whenever a Senator rises to a point of order, or a point of information, the Senator must confine the Member's remarks to a request for information necessary to enable the Senator to understand the subject or question under debate. A point of inquiry may not be used by the Member raising it to debate the issue, but must be a legitimate point of inquiry necessary to clarify an ambiguity of a factual matter which the Member to whom the question is addressed could reasonably be expected to answer.

(C) Points of Inquiry or Information. A point of inquiry is a request for information from the Presiding Officer with respect to procedure concerning some question before the Body, or which may be immediately brought before the Body. Occasions frequently arise when one Member desires information from another. Such requests are not technically parliamentary inquiries, but are generally subject to the same Rules. A Member desiring information concerning a question before the Body may rise, and without waiting to be recognized say:

"I rise to a point of inquiry," or may say "I rise to a point of information."

When a point of inquiry relates to a question which requires immediate attention, it may be made while a Member has the Floor, and may even interrupt a speech. A point of inquiry is not a motion, but is simply a request for information and is, therefore, not debatable or amendable nor subject to any other motion, nor may it be used to debate an issue or to attack any Member of *I Liheslaturan Guåhan*.

(8) Explaining Vote. After the result of a vote has been announced, a Member may be permitted by eight (8) votes to explain that Member's vote on roll call upon any question, and such explanation may be entered in the Legislative Journal if so requested.

(9) Recommendations of the Committee of the Whole. The recommendation(s) made by the Committee of the Whole upon reporting back to *I Liheslaturan Guåhan* are undebatable. The Committee of the Whole may only make recommendations to the Body relating to the bill or matter under consideration by the Committee of the Whole, and any amendments thereto. Such recommendations of the Committee of the Whole may not be further amended or debated. If *I Liheslaturan Guåhan* fails to follow the recommendations of the Committee of the Whole, the bill or resolution, or matter under consideration, automatically dies and goes to the Inactive File as provided in Section 1.02(f)(9), *infra*.

(10) Attire. At all Sessions of *I Liheslaturan Guåhan*, for all those admitted on the Floor or in the reporters' gallery, attire *shall* be appropriate. T-shirts, shorts, sandals and zories are not appropriate. The Sergeant-at-Arms *shall* exclude anyone not appropriately attired.

(11) Firearms and Deadly Weapons Prohibited. No firearms or deadly weapons, as such are described by the Guam Police Department, are permitted in the Session Hall. Any person carrying firearms or deadly weapons *shall* be removed by the Sergeant-at-Arms.

(12) Cell phones and Electronic Devices. Cell phones and other electronic devices used in the Session Hall *shall* not cause any audio disturbance during Session. Persons receiving or making calls *shall* remove themselves from the Session Hall. The Presiding Officer may order the removal from the Session Hall any electronic device that does not conform to these Rules or which interferes with the Session.

(e) Questions.

(1) Division of a Question. If a question in debate contains more than one (1) distinct proposition, any Senator may move to have the question divided.

(2) The Previous Question. The previous question *shall* be put in the following form:

“On the previous question?”

It *shall* require a majority vote of the Senators present; and its effect *shall* be to put to an end to all debate, except that the Author of the bill or the amendment *shall* have the right to close, and the question under the discussion *shall* thereupon be immediately put to a vote.

(3) Questions of Privilege. Questions of privilege *shall* be raised at any time. They *shall* be first, those affecting the rights of *I Liheslaturan Guåhan* collectively, its safety, dignity and the integrity of its proceedings; and second, the rights, reputations and conduct of Members in their representative capacities only.

(f) Motions.

(1) Motion to Amend a Bill. When an amendment to a bill is offered from the Floor, such amendment *shall* be submitted in writing, unless excused by the Presiding Officer.

(2) Motions Received When Questions are Under Debate. When a question is under debate, no motion *shall* be received, except the following:

(A) to recess (not debatable procedural motion; except as to time to return);

- (B) to adjourn (not debatable procedural motion, except as to time);
- (C) to divide a question (not debatable procedural motion);
- (D) to place in the Inactive File (debatable procedural motion);
- (E) for the previous question (not debatable procedural motion);
- (F) to postpone to a time certain (not debatable procedural motion, except as to time);
- (G) to commit or to refer (not debatable procedural motion);
- (H) to Pass on File (not debatable procedural motion);
- (I) to strike enacting clause (debatable); and
- (J) to amend (debatable).

Such motions *shall* have precedence in the order in which they are set out; no “Motion to Postpone to a Time Certain,” “Motion to Commit” or “Motion to Pass on File” having been once decided, *shall* again be allowed on the same Legislative Day at the same place of the bill or proposition; provided, that any of the other motions listed in this Section may be renewed after sixty (60) minutes if not made for purposes of delay, as determined by the Speaker, if earlier renewal of the motion is not otherwise allowed for by these Rules or by Mason’s Manual.

(3) Motion to Strike Enacting Clause. A “Motion to Strike the Enacting Clause of a Bill,” if carried, is equivalent to rejection of the bill. Such motion *shall* have precedence over a “Motion to Amend” or over a “Motion to Pass on File.”

(4) Precedence of Motion to Adjourn and Effect of Adjournment. A “Motion to Adjourn,” or a “Motion to Fix the Day to Which *I Liheslaturan Guåhan* Shall Adjourn,” *shall* always be in order, except:

- (A) while another Member is speaking;
- (B) when a “Motion to Adjourn” has been defeated;

(C) when a “Motion to Fix the Day to Which *I Liheslaturan Guåhan* Shall Adjourn” has just been defeated; or

(D) after the final reading of a bill and during roll call thereof; provided, however, that a “Motion to Adjourn to a Time Certain” *shall* have precedence over a “Motion to Adjourn;” and provided further, that a “Motion to Recess” *shall* take precedence over either of such motions.

Unless otherwise specified, an adjournment while a bill is under consideration *shall* have the effect of deleting all amendments made to the bill which are under consideration or have been adopted prior to the adoption of the bill as a whole.

(5) Motion to Adjourn Pending Motion to Suspend Rules. Pending a “Motion to Suspend the Rules,” the Presiding Officer may entertain one (1) “Motion to Adjourn,” but after the result is announced the Presiding Officer *shall* entertain no other motion until the vote has been taken on suspension.

(6) Motion for Call of the House. Upon a motion being carried for a Call of the House, the Speaker, or the Chairperson of the Committee of the Whole if *I Liheslaturan Guåhan* is sitting as such a Committee, *shall* immediately order the doors to be closed and *shall* instruct the Clerk of the Legislature to call the roll and ascertain the absentees. Thereupon, no Member *shall* be permitted to leave the Legislative Chamber, except by permission of the Speaker, or the Chairperson of the Committee of the Whole. Those Members who are found to be absent and for whom no excuse, or insufficient excuse, is made, may, by order of those present, be taken into custody by the Sergeant-at-Arms wherever found, or by a special agent appointed for that purpose.

Any Member may suggest to the Presiding Officer the absence of a quorum, requiring a roll call of *I Liheslaturan Guåhan* or the Committee of the Whole and compelling the attendance of absentees in the manner above provided. A Call of the House may be ordered after the roll has been called, and prior to the announcement of the vote. If there is no quorum, the Speaker, or the Chairperson of the Committee of the Whole, must make a Call of the House. At any other

time, the Speaker or the Chairperson of the Committee of the Whole, at that person's discretion, may make a Call of the House, and call a recess until the absent Members are present.

When a Call of the House is ordered pending the announcement of the vote upon the completion of a roll call, the roll call *shall* become unfinished business, the consideration of which *shall* be continued until further proceedings under the Call of the House are dispensed with, when it *shall* again become the order of business before *I Liheslaturan Guåhan*. Any Member who fails to attend a Session after being noticed of a Call of the House *shall* be subject to immediate sanction pursuant to Section 1.02(i) or Rule XIX.

(7) Motions on Confirmations of Appointments by *I Maga'lahaen Guåhan*.

(A) General Rule. Except on the last day of its Regular Session, when any Committee reports to *I Liheslaturan Guåhan* on the confirmation of appointments by *I Maga'lahaen Guåhan*, the same *shall* not be debated or discussed on the Floor until the following Legislative Day, unless eight (8) Members vote to take action on the Committee Report and recommendation of the Committee to which the appointment was referred. The Committee Report for a confirmation of appointment *shall* be a public document once reported to *I Liheslaturan Guåhan* via the Committee on Rules. A public hearing *shall* be had upon every nomination submitted by *I Maga'lahaen Guåhan* before the nomination is placed upon the Session Agenda, otherwise *I Liheslatura* *shall* resolve into the Committee of the Whole to receive public testimony if a nomination is placed upon the Session Agenda during Session.

(B) Motion to Confirm. Confirmation of appointments by *I Maga'lahaen Guåhan* *shall* initially be taken up under Motions by a "Motion to Confirm." Following debate and discussion, the "Motion to

Confirm” *shall* be placed in the Voting File to be voted on in accordance with the provisions of these Rules.

If a motion is made to place any nomination requiring the advice and consent of *I Liheslaturan Guåhan* into the Voting File for confirmation, and if that motion fails to obtain eight (8) votes, then the nomination *shall* remain on the Session Agenda in the same place it is then, for fifteen (15) calendar days, plus three (3) Legislative Days. If not placed in the Voting File within such time, it *shall* be deemed rejected. If a nomination is Passed-on-File three (3) times while in the Motions File, or three (3) times while in the Voting File, it *shall* be deemed rejected. In any case where such a nomination is rejected, the Speaker *shall* promptly notify *I Maga’lahen Guåhan*.

(C) Rejection. Failure of a nominee to receive eight (8) votes as required by these Rules *shall* be considered as a rejection of the nominee by *I Liheslaturan Guåhan* and the matter may be taken up again only after a “Motion to Reconsider” has been adopted in accordance with these Rules. Eight (8) votes *shall* be necessary for a “Motion to Refer the Nomination Back to Committee.”

(8) Motion for Reconsideration. Any Member may, on the day on which a vote has been taken on any question in third reading or the voting file, including reconsideration of bills, vetoed bills or resolutions:

(A) Make a “Motion to Reconsider a Vote on That Legislative Day”; or

(B) Make a “Motion to Reconsider a Vote on the Following Legislative Day.”

Eight (8) affirmative votes *shall* be required to pass either Motion to Reconsider.

The reconsideration of the vote must be acted upon by *I Liheslaturan Guåhan* either on the Legislative Day upon which the vote was taken, or on the

next Legislative Day. No vote may be reconsidered on the last day of the Session. After debate and discussion of the “Motion to Reconsider,” if the motion passes, the matter to be reconsidered *shall* be placed in the Voting File for final action.

(9) Motion to Act on Prior Defeat. A Motion to act on a defeated amendment, a defeated motion for placement on third reading, or a defeated motion for placement on agenda, may be made only pursuant to a vote to waive the standing rules.

(10) Failed Motion to Place in Third Reading. When a motion to place a bill or resolution from the Second Reading File to the Third Reading File fails to pass after a vote by the Body, or when the Body fails to follow the recommendation of the Committee of the Whole as to a bill or resolution, then the bill or resolution *shall* be deemed to have been automatically placed in the Inactive File, subject to a “Motion to Reconsider,” without any further action required.

(g) Voting.

(1) Voting Under Third Reading File and Voting File. All votes by *I Liheslaturan Guåhan* on passage of bills and resolutions *shall* be under the order of business in the Session Agenda entitled “Third Reading File.” After discussion and debate on the confirmation of appointments, the reconsideration of bills, resolutions, or confirmation of appointments, the expulsion of Members, and the overrides of *I Maga’lahen Guåhan*’s veto, the matter *shall* be placed under the order of business in the Session Agenda entitled “Voting File.”

(2) Voting on Roll Call. Whenever a roll call is required by the Rules, or ordered by *I Liheslaturan Guåhan*, or demanded by three (3) Members, every Member within *I Liheslaturan Guåhan* should without debate answer “yea” or “nay” when the Member’s name is called. The names of Members *shall* be called in alphabetical order and no Senator *shall* be permitted to vote or change the Member’s vote after the announcement of the vote by the Presiding Officer.

(A) Roll Call. If any Member orally requests a roll call vote, the Presiding Officer *shall* inquire of the Members whether or not two (2) other Members request a roll call, and state that the said Members should so indicate by a show of hands. Before any roll call vote, the Presiding Officer *shall* indicate the number of votes required to carry the action.

(3) Committee of the Whole Votes. All actions in the Committee of the Whole *shall* require the same number of votes as are required by these Rules for actions while in Session, or *shall* follow rules established in the latest available version of Mason's Manual of Legislative Procedure, depending solely upon the discretion of the Committee Chairperson. For purposes of establishing a voting record for public review, roll call may be demanded by three (3) members in the Committee of the Whole on any vote.

(4) Show of Hands. If, on motions, or other routine matters, the Presiding Officer calls for a voice vote, but a Member calls for a show of hands, or if three (3) Members call for a roll call vote before the vote is announced, or immediately after the vote is announced, the Presiding Officer *shall* order a show of hands or roll call vote. In any show of hands vote, the Presiding Officer *shall* first announce the number of Senators present and the number of votes required for approval of vote. Any show of hands vote count *shall* be made by the Clerk of the Legislature and the number of "yea" and "nay" votes *shall* be announced by the Speaker, and a record of each Member's vote *shall* be noted in the Daily Legislative Journal.

(5) No Objections. If the Presiding Officer asks if there are "objections" or "no objections" to a proposed motion or other matters, and any Member objects before the announcement of the vote, or immediately after the vote is announced, then a vote *shall* be taken of the Members by show of hands or by roll call vote, as appropriate.

(6) Declining to Vote. When a Senator declines or fails to vote when that Member's name is called, the Member *shall* be required, without debate, to

assign that Member's reasons therefore; and having assigned them, the Speaker *shall* submit the question to *I Liheslaturan Guåhan*:

“Shall the Senator for the reasons assigned by the Member be excused from voting?”

which *shall* be decided without debate. Unless the Senator is excused from voting by eight (8) votes of the Members present, he *shall* be required to vote.

(A) Failing to Vote. If any Member fails to vote for a period of over two (2) minutes, or “passes,” or refuses to vote more than three (3) consecutive times after the Member's name is called, the Member *shall* be construed as declining to vote, and the Member's vote *shall* be entered as a “nay” vote by the Clerk of the Legislature, unless the Member is excused from voting pursuant to Section 1.02(g)(6), *supra*. If any Member refuses to vote after being ordered to by the Body, that Member's vote *shall* be entered as a “nay” vote by the Clerk of the Legislature.

(B) Other Reasons to Excuse from Voting. A Senator who has a conflict of interest, is ill, has serious sickness or death in the family, or is on official business abroad may be excused from voting, and such excuse *shall* be properly indicated in the quarterly report of voting and attendance.

(7) Voting by the Presiding Officer. The Presiding Officer *shall* vote in the same manner as others, and if, on a vote of show of hands, *shall* indicate on the record that the Presiding Officer is voting in favor of the matter before the Body if the Presiding Officer is in fact counting the Presiding Officer's vote in the vote tabulation.

(8) Electronic Voting. The Committee on Rules may obtain the equipment for and establish a procedure for the establishment of electronic voting for the Body.

(9) Votes Required for Adjournment. Adjournment subject to the call of the Speaker, to a time certain or sine die *shall* require eight (8) votes. Adjournment sine die *shall* be by roll call vote.

(10) Passage of Bills by Roll Call. No bill may be passed, except by a vote on roll call.

(11) Veto of Bills or Items in Bills by *I Maga’lahen Guåhan*. Upon receipt of a message from *I Maga’lahen Guåhan* announcing *I Maga’lahen Guåhan*’s veto of a bill or item veto of an item in a bill, any Member may make a motion for *I Liheslaturan Guåhan* to act upon the vetoed bill or items, notwithstanding the objection of *I Maga’lahen Guåhan*. It *shall* take eight (8) votes to pass a motion for *I Liheslaturan Guåhan* to act upon the vetoed bill or item by placing it into the Voting File. When vetoed items are considered, each item vetoed in the bill *shall* be considered, one at a time, but the bill as a whole *shall* not be considered. After debate and discussion on the “Motion to Act on the Vetoed Bill or Item Notwithstanding the Objections of *I Maga’lahen Guåhan*,” and if the motion passes, the bill or item so vetoed *shall* be placed into the Voting File for final action.

If the “Motion to Place the Vetoed Bill or Item in the Voting File” does not pass, the vetoed bill or item remains on the Session Agenda under Motions until either a new motion passes, or *I Liheslaturan Guåhan* adjourns *sine die*. When the vetoed bill or item is placed on the Voting File, the question *shall* be:

“Shall the bill or item pass, notwithstanding the objections of I Maga’lahen Guåhan?”

It *shall* take ten (10) votes to pass a bill or item notwithstanding the veto of *I Maga’lahen Guåhan*. If a vetoed bill or item does not receive ten (10) votes, it *shall* return to Motions on the Session Agenda.

(12) Action Permitted by Majority of Members Present. Matters on which action may be taken by a majority of those Members present are as follows:

(A) a “Motion for a Call of the House” (quorum need not be present); or

(B) a “Motion to Recess to a Time and Date Certain to Return” made when a quorum cannot be had after a Call of the House, or after the failure to pass a “Motion for a Call of the House” when a quorum is not present; such recess to be not later than the next working day of the government of Guam or sooner (a quorum need not be present), absent a vote of eight (8) Members.

(h) Privileges of the Floor and Extension of Remarks.

(1) Privileges of the Floor; Persons Allowed. No person not a Member of *I Liheslaturan Guåhan* shall be permitted on the Floor of the Legislative Chamber while *I Liheslaturan Guåhan* is sitting, except the Attachés, one (1) person acting as Minority Legal Counsel, the Executive Director, former Senators with the permission of the Presiding Officer, Session support staff authorized the privilege of the Floor in writing by the Committee on Rules, and persons admitted pursuant to Rule XIX, *infra*. Other persons may be allowed the privilege of the Floor at such time and for such duration as *I Liheslaturan Guåhan* may authorize. The Committee on Rules may further limit access as needed.

(A) No Advocacy. No person except a Member of *I Liheslaturan Guåhan* shall advocate or oppose the passage of any bill or resolution on the Floor of the Legislative Chamber while *I Liheslaturan Guåhan* is in Session. Violations of this Rule shall immediately be brought to the attention of the Speaker by the Sergeant-at-Arms or any Member.

(B) Prohibited Use of Chairs of Senators. No person who is permitted on the Floor of *I Liheslaturan Guåhan* pursuant to this Section, and who is not a Member of *I Liheslaturan Guåhan*, shall sit in a chair designated for a Senator.

(C) Orders to Leave. The Presiding Officer may order legislative staff, or any other persons not Members of *I Liheslaturan Guåhan*, to leave the Legislative Chamber, or to move from one area thereof to another.

(D) No Distribution of Non-Session Material. Except upon authorization of the Speaker or the Chairperson of the Committee on Rules, no materials, documents, letters or correspondences which are not contained in the Session Agenda *shall* be distributed on the Floor while *I Liheslaturan Guåhan* is in Session. The Clerk *shall* note all requests for information made by Members to panel individuals during the Committee of the Whole, and *shall* note in the Legislative Journal the information that is provided in response to the request or *shall* indicate if no response was provided. The Sergeant-at-Arms *shall* identify said information and facilitate its distribution to the Members.

(E) Accreditation of the Press. Members of the press and employees of newspapers and radio and television stations who have been duly accredited by *I Liheslaturan Guåhan* may enter and remain in the Legislative media room during Sessions. Photographers or cameramen who have been duly accredited by *I Liheslaturan Guåhan* may enter designated areas of the Legislative building during Sessions and remain therein as long as they do not interfere with the business of *I Liheslaturan Guåhan*. The Chairperson of the Committee on Rules *shall* accredit individuals who may enter the media room pursuant to this Rule.

(2) Privileges of Majority Leader. The Majority Leader, or in his absence the Assistant Majority Leader or the Majority Whip, or the Assistant Majority Whip, *shall* be recognized ahead of others by the Presiding Officer in any Legislative Session; and *shall* be given priority in presenting and speaking during the course of debate on any procedural motions.

(3) Extension of Remarks. Any Senator *shall* be permitted the privilege of extending the Member's remarks on any subject if made in good taste and with proper decorum. Remarks may be delivered orally, or in writing to be appended to the Legislative Journal without oral delivery. This privilege *shall* be used only with proper decorum, and *shall* not be used to breach the order of the House, as an occasion for the use of disorderly words, for the use of personal criticisms, or for the extension of personal disputes between or among Members. When a Member is speaking under Extension of Remarks, one (1) other Member may yield that Member's time to the Member, but no speaking Member may have time for Extension of Remarks yielded to that Member by more than one (1) other Member.

(i) Refusal to Seat and Expulsion of Members.

(1) Expulsion of Members from Session(s). Pursuant to these Rules, an unruly Member may be temporarily expelled for that calendar day only upon eight (8) votes.

(2) Persons Disqualified. No person *shall* sit as a Member of *I Liheslaturan Guåhan* if he is a full-time employee of the Executive or Judicial Branches of the government of Guam.

(3) Temporary Removal from Legislative Chamber. The Speaker may order the Sergeant-at-Arms, or anyone so designated by the Speaker, to remove any Member from the Legislative Chamber who fails to heed a ruling of the Presiding Officer that the Member is out of order when no appeal from a decision on a Question of Order is pending.

(j) Legislative Journal.

(1) Procedure to be Followed. Proceedings of *I Liheslaturan Guåhan*, when not acting as a Committee of the Whole, *shall* be entered in the Legislative Journal, as concisely as possible, care taken to record a true and accurate account of the proceedings. The Legislative Journal *shall* state the name of the Senator presenting each bill or resolution to *I Liheslaturan Guåhan* for final

action, and each speaker in support or opposition to the bill or any amendments thereto. Every vote of *I Liheslaturan Guåhan* shall be recorded in the Legislative Journal. The Clerk of the Legislature may maintain an audio/video record of the Legislative Session proceedings.

Proceedings of the Committee of the Whole *shall* be entered in the Legislative Journal and *shall* indicate every motion and vote thereon; each speaker in support or opposition to the bill or any amendments thereto; the rules adopted by the Presiding Officer, and every ruling by the presiding officer.

(2) Title of Bill to be Printed. The title of all bills when introduced and when acted upon by *I Liheslaturan Guåhan* shall be printed in the Legislative Journal.

(3) Other Matters to be Printed. Messages from *I Maga'lahaen Guåhan* shall be printed in the Legislative Journal, unless otherwise ordered by *I Liheslaturan Guåhan*. Letters of transmittal presenting reports of Standing, Investigative and Special Committees, and reports of such governmental departments and agencies as *shall* be made to *I Liheslaturan Guåhan* pursuant to laws or resolutions adopted by *I Liheslaturan Guåhan*, shall be printed in the Legislative Journal, but the reports themselves *shall* be printed in appendices to the Legislative Journal, unless otherwise directed by *I Liheslaturan Guåhan*.

(4) Remarks, Written or Oral, Made by a Senator. A Senator may request that the Clerk of the Legislature append a transcription of a Senator's remarks, written or oral, made during a Legislative Session to the Legislative Journal of that Session. The Clerk of the Legislature *shall* transcribe such remarks, written or oral, submit the transcription to the Senator for the Member's editing, and append the edited remarks to the Legislative Journal of the Session wherein the remarks, written or oral, were made; provided, however, that if the Clerk of the Legislature does not receive edited remarks, written or oral, from the Senator within ten (10) calendar days after their submission to the Member, the

remarks, written or oral, without editing *shall* be appended to the Legislative Journal.

(5) **Distribution.** Copies of the Legislative Journal *shall* be distributed to the Law Library, the Compiler of Laws, and the Guam Public Library. It *shall* also be archived by the Legislature in a manner conveniently retrievable by the public, including posting on the website of *I Liheslaturan Guåhan*.

RULE II

DUTIES OF LEGISLATIVE OFFICERS AND ATTACHES

Section 2.01. Duties of the Speaker. The Speaker is the Presiding Officer of *I Liheslaturan Guåhan* and *shall* possess the powers and perform the duties prescribed in this Section. The Speaker:

- (a) *shall* preside at meetings of *I Liheslaturan Guåhan* and preserve order and decorum thereat, including preserving order while in the Committee of the Whole upon request of the Chairperson of the Committee of the Whole;
- (b) *shall* decide all questions of order, matters relating to temporary expulsion of disorderly Members for one (1) hour or less, subject to appeal from the Presiding Officer by any Member of *I Liheslaturan Guåhan*; on every appeal, the Presiding Officer *shall* assign his reason for the decision and put the question as:
“*Shall the decision of the Presiding Officer be overruled?*”
and no roll call vote may be called during a period when a Member is temporarily expelled under this Section for disorderly conduct;
- (c) *shall* take the Chair each Legislative Day at the hour so provided by the Rules, and call *I Liheslaturan Guåhan* to order, and, a quorum being present, proceed in the manner and order prescribed by the Rules;
- (d) *shall* sign all bills and resolutions passed by *I Liheslaturan Guåhan*;
- (e) may appoint Special Committees to assist the Speaker in the performance of the Speaker’s official duties;
- (f) *shall* enforce all laws and regulations applicable to the Body;
- (g) *shall* vote in the Committee on Rules and in other Committees in which appointed to as a Member; and *shall* be a non-voting Ex Officio Member of all Standing Committees;
- (h) *shall* administer the oath provided in Section 1.01(a)(3), *infra*, to any Senator absent from the first Session, or to a Senator elected to fill a vacancy;
- (i) may eject Members or observers for breaches of decorum;

- (j) may at any time order a Call of the House at the Presiding Officer's discretion; a Call of the House may be made by motion at any time by a Member when Members not off-island are absent from the Session Hall; to pass, such motion must receive a majority vote of Members present, even if a quorum is not present;
- (k) may call recess on the Presiding Officer's own initiative, and *sua sponte* for periods deemed appropriate.

Section 2.02. Duties of the Vice-Speaker. The Vice-Speaker *shall* have the powers and duties of the Speaker during the latter's absence from Guam.

Section 2.03. Duties of the Presiding Officer. If the Presiding Officer is not the Speaker, that Member *shall* have full powers of the Presiding Officer and Speaker prescribed by Section 1.01(b). Any Presiding Officer *shall* have the power to designate a Member to perform the duties of a Presiding Officer on a temporary basis.

Section 2.04. Duties of the Legislative Secretary. The Legislative Secretary *shall*:

- (a) cause records to be kept of the attendance at the Sessions of all Members, and cause to be prepared on a quarterly basis a compilation of the attendance of such Members at Sessions of *I Liheslaturan Guåhan*, and a compilation of the voting record of each Member of *I Liheslaturan Guåhan* on the passage of bills and other matters, where a roll call was held before *I Liheslaturan Guåhan*. Such quarterly report *shall* be appended to the Daily Legislative Journal of the day on which it is submitted to *I Liheslaturan Guåhan*;
- (b) attest by signature all bills, resolutions, orders, proceedings, contracts or documents issued by order of *I Liheslaturan Guåhan*;
- (c) certify and transmit to *I Maga'lahaen Guåhan* all bills or other writings of *I Liheslaturan Guåhan* required to be presented to *I Maga'lahaen Guåhan* immediately after their passage or adoption by *I Liheslaturan Guåhan*. Presentment *shall* be accomplished by delivering such bills or other writings to *I Maga'lahaen Guåhan*, or that officer within the Executive Branch designated by *I Maga'lahaen Guåhan* to accept delivery; and

- (d) maintain a registration of persons engaged as a lobbyist, pursuant to §8101 of Chapter 8 of Title 2 of the Guam Code Annotated, relative to the registration and regulation of legislative lobbyist.

Section 2.05. Duties of the Legislative Counsel. The legal services of the Legislative Counsel *shall* be available to all Members. Assistant Legislative Counsels may be designated by the Speaker and the Chairperson of the Committee on Rules in order to assist the Legislative Counsel when a conflict arises, or when otherwise deemed necessary. The Legislative Counsel *shall* act under the general supervision of the Chairperson of the Committee on Rules pursuant to a written contract, and *shall*:

- (a) act as legal counsel for *I Liheslaturan Guåhan*;
- (b) assist in the preparation of bills, resolutions and reports at the request of any Member;
- (c) undertake such legal research as *shall* be requested by *I Liheslaturan Guåhan* or a Member;
- (d) advise *I Liheslaturan Guåhan*, from time to time, as to needed revisions of the laws of Guam and of the Rules;
- (e) present, from time to time, a statement to *I Liheslaturan Guåhan* calling attention to laws or Rules which are obsolete or in conflict with other laws, resolutions or decisions of the courts;
- (f) prepare, at the Counsel's discretion, a summary or digest pertaining to the intent, purpose and otherwise a general explanation of proposed bills, for distribution to the Senators;
- (g) advise any Member of *I Liheslaturan Guåhan* on all matters under debate;
- (h) serve as Parliamentarian at all Sessions of *I Liheslaturan Guåhan*;
- (i) represent *I Liheslaturan Guåhan* in any legal matters before any courts as directed by the Speaker or by Rules resolution; and
- (j) maintain a legal library in *I Liheslaturan Guåhan* for use by Members, wherein all legal research materials *shall* be kept, including, but not limited to, all electronic and computerized legal CDs and diskettes, such as the Guam Code Annotated.

Section 2.06. Duties of the Clerk of the Legislature. The Clerk of the Legislature, or in that person's absence, a substitute designated by the Speaker, or otherwise a person or persons so directed by the Chairperson of the Committee on Rules *shall*:

- (a) prepare the Legislative Journal of all Sessions of *I Liheslaturan Guåhan* in such manner and to such extent as may be required by these Rules, or the order of the Speaker, the Legislative Secretary or the Chairperson of the Committee on Rules;
- (b) keep accounts and records of all proceedings of each Session and be responsible for their publication and transmittal to the Guam Public Library and the Law Library as required by these Rules; and
- (c) maintain records to be kept of the attendance at the Sessions of all Members, and prepare on a quarterly basis a compilation of the attendance of such Members at Sessions of *I Liheslaturan Guåhan*, and a compilation of the voting record of each Member of *I Liheslaturan Guåhan* on the passage of bills and other matters, where a roll call was held before *I Liheslaturan Guåhan*. Such quarterly report *shall* be appended to the Daily Legislative Journal of the day on which it is submitted to *I Liheslaturan Guåhan*;
- (d) perform other duties as directed or instructed by the Chairperson of the Committee on Rules

Section 2.07. Duties of the Sergeant-at-Arms. The Sergeant-at-Arms, or the designee of the Chairperson of the Committee on Rules, *shall* maintain order under the direction of the Presiding Officer, execute the commands of *I Liheslaturan Guåhan* and all processes issued by authority of *I Liheslaturan Guåhan* as directed to the Sergeant-at-Arms by the Presiding Officer. The Sergeant-at-Arms *shall* be responsible for the availability of bills, Committee Reports, other matters of legislation and other duties consistent with the Sergeant-at-Arms' duties as Sergeant-at-Arms, as specified by the Committee on Rules. The Sergeant-at-Arms *shall* maintain legislative Session folders for each Member. The Sergeant-at-Arms *shall* also have the authority to serve subpoenas issued by any Committee of *I Liheslaturan Guåhan* and to issue oaths to individuals testifying before a committee of the Legislature or appearing before the Committee

of the Whole. The Sergeant-at-Arms *shall* perform such other duties as may be directed by the Chairperson of the Committee on Rules or the Speaker.

Section 2.08. Duties of the Chaplain. The Chaplain or, in the Chaplain's absence, a Chaplain designated by the Speaker, *shall* open each Session of *I Liheslaturan Guåhan* with a prayer.

Section 2.09. Vacancies.

(a) Permanent Vacancies. In case of a permanent vacancy in the Office of the Speaker, such vacancy *shall* be filled for the un-expired term of Office from among the other Members of *I Liheslaturan Guåhan* by election by a majority vote of the Members. If such a vote *shall* result in a tie, the Vice Speaker *shall* continue to assume the duties of the Speaker until such time as a new Speaker is elected. If a permanent vacancy occurs in any other Office of *I Liheslaturan Guåhan*, including the Offices of Vice-Speaker, Legislative Secretary, or Attaché, such vacancy *shall* be filled for the un-expired term of Office from among the other Members of *I Liheslaturan Guåhan* by election by a majority vote of the Members; provided that until such election, the Speaker may elect to fill the vacancy by appointment. If a permanent vacancy occurs in the position of Chairperson of a Standing Committee, the Speaker *shall* reorganize, eliminate or reassign to other Standing Committees the duties, functions and budget of the Committee in question, at the Speaker's option with the majority vote of the Committee on Rules. Any vacancy not a temporary vacancy is a permanent vacancy.

(b) Temporary Absence of the Speaker. If a temporary absence occurs in the office of the Speaker, then the order of succession of the Officers who *shall* be eligible to serve as Acting Speaker *shall* be the Vice-Speaker, the Legislative Secretary and the Chairperson of the Committee on Rules, except that no person *shall* serve as both Acting Speaker and Legislative Secretary or Acting Legislative Secretary at the same time. If none of such Officers is able to serve as Acting Speaker, then the Speaker *shall* appoint an Acting Speaker from among the other Members of the Majority Party of *I Liheslaturan Guåhan*.

(c) Temporary Absence of the Legislative Secretary. If a temporary absence occurs in the office of the Legislative Secretary, then the Chairperson of the Committee on Rules *shall* serve as Acting Legislative Secretary. If the Chairperson of the Committee on Rules is unable to serve as Acting Legislative Secretary, then the Speaker, or Acting Speaker, *shall* appoint an Acting Legislative Secretary from among the other Members of the Majority Party of *I Liheslaturan Guåhan*.

(d) Temporary Absence of a Committee Chairperson. Unless provided by these Rules, if a temporary absence occurs in the office of a Legislative Chairperson, the Vice-Chairperson of the Committee involved *shall* serve as the Acting Chairperson. If the Vice-Chairperson is unable or unavailable to serve as Acting Chairperson, then the Chairperson or Acting Chairperson *shall* designate some other Member of the Committee to serve as Acting Chairperson. Failing this, the Speaker of *I Liheslaturan Guåhan* *shall* act as Acting Chairperson of the Committee in question until the Vice-Chairperson or Chairperson returns and assumes their duties.

(e) Expenditure by Acting Officers or Chairpersons. When an Officer or Chairperson is temporarily absent and the Member's duties are being filled by another Member in an acting capacity, the person in the acting capacity may not encumber or spend any funds allocated to the office of the Member, or to the Committee of the Member, who is temporarily absent, for any reason, without the advance written concurrence of the Chairperson of that Committee unless otherwise provided for by that Committee's rules. Any expenditure or encumbrance in violation of this Section *shall* be charged to the legislative account of the Member who expended the funds in an acting capacity.

RULE III

LEGISLATIVE COMMUNICATIONS

Section 3.01. Delivery of Communications. All communications, petitions and messages addressed to *I Liheslaturan Guåhan* shall be delivered to the Speaker, who shall transmit them to the Legislative Secretary for record keeping and to the Chairperson of the Committee on Rules for proper disposition. The Chairperson of the Committee on Rules shall transmit electronically to the Members of *I Liheslaturan Guåhan* all communications, petitions and messages addressed to *I Liheslaturan Guåhan*, and may transmit printed copies upon request by a Member. The Speaker or the Legislative Secretary shall be designated to receive all bills transmitted to *I Maga'lahaen Guåhan* and being returned pursuant to the Guam Organic Act, 48 U.S.C. §1423i, Approval of Bills, whether *I Liheslaturan Guåhan* is in Session, Recessed or has Adjourned.

Section 3.02 Executive Communications. Any executive communication relating to an appointment, and any other executive communication or messages sent by *I Maga'lahaen Guåhan*, shall be referred directly to the Speaker who shall refer the communication to the Legislative Secretary and the Committee on Rules without having to be read at a Session of *I Liheslaturan Guåhan*. The Chairperson of the Committee on Rules shall refer all executive communications to the appropriate Standing Committee. The Legislative Secretary and the Committee on Rules shall track all transmittals of rules and regulations pursuant to the Administrative Adjudication Law, and shall bring these to the attention of the Members thirty (30) days before the deadline to act. The Committee on Appropriations shall track all transmittals of requests for expenditure for prior year obligations and shall bring these to the attention of the Members ten (10) days before the deadline to act.

RULE IV

AMENDMENT, SUSPENSION, OR REPEAL OF RULES

Section 4.01. Amending, Suspending or Repealing the Standing Rules. A Standing Rule may be suspended for more than one (1) Legislative Day, or amended or repealed by a resolution, adopted by eight (8) votes. Upon adoption of a Legislative Resolution amending the Standing Rules, the Clerk of the Legislature *shall* distribute the engrossed version of the Standing Rules amendment to all Senators and to the Legislative Counsel.

Section 4.02. Temporary Suspension of Rules. The operation of any Rule may be temporarily suspended by an affirmative vote of eight (8) Members, or it may be suspended, waived or modified for that Legislative Day or subsequent Legislative Days by eight (8) affirmative votes.

RULE V

PARLIAMENTARY LAW GOVERNING PROCEDURES

Section 5.01. Mason's Manual of Legislative Procedures. The rules and procedures contained in the latest available edition of Mason's Manual of Legislative Procedure *shall* govern *I Liheslaturan Guåhan* in all areas to which they are applicable, and which are not inconsistent with these Standing Rules.

PART B
PROCESSING BILLS, RESOLUTIONS,
CERTIFICATES AND APPOINTMENTS

RULE VI
PROCESSING OF BILLS

Section 6.01. General Rules.

(a) One Subject Matter. No bill introduced, considered or passed by *I Liheslaturan Guåhan* (the Guam Legislature), or any of its Members, *shall* contain more than one (1) subject matter, and *shall not* contain unrelated subjects or pertain to multiple projects, except for one (1) annual budget bill and one (1) supplement to the annual budget bill per fiscal year; except that, the succeeding Guam Legislature may, on the year it commences, introduce, consider and pass, one (1) supplement to the annual budget bill for that fiscal year, whose subject and contents may be exempted from this Section (See also 2 G.C.A. §2108(a)).

The Chairperson of the Committee on Rules *shall* not accept and *shall* return to the prime sponsor any bill which, on introduction or on reporting out by Committee, violates this Section, as determined by the Chairperson of the Committee on Rules.

No bill, amended bill, or substitute bill *shall* be entertained on the Floor with non-germane items, except as allowed in this Section. The Speaker *shall* rule on the germaneness of any item of any bill challenged by a Member, and if the Speaker rules that an item is non-germane to the bill's primary subject matter, unless the Speaker is overruled by the body as described elsewhere in these Rules, the item *shall* be removed prior to the final vote upon the bill.

(1) Germaneness of Substitute Bills and Amendments. A substitute bill must relate to the same subject as the original bill, except as otherwise provided in these Rules. When a substitute bill containing non-germane matters is up for discussion, or when a non-germane amendment is offered from the Floor and is challenged by the Speaker *sua sponte*, or by any Member, and if the Presiding Officer holds that the

proposed matter, or amendment being proposed for discussion, violates these Rules as to germaneness, then the non-germane matter or amendment *shall* be out of order and may not be discussed or considered, unless the Body, with a vote of eight (8) members, overrules the decision of the Presiding Officer in the manner provided for by these Rules.

A challenge to germaneness may be made even if the matter or amendment was earlier accepted for discussion without a challenge to its germaneness. Even if a non-germane amendment is approved, subsequent amendments must be germane to the main subject matter of the bill, and objections to germaneness *shall not* be deemed waived. If a non-germane matter or amendment is not challenged, or if a decision of the Presiding Officer that an amendment or matter is not germane is overruled, then eight (8) votes *shall* be required to adopt it whether or not germane, and the germaneness challenge *shall* be deemed disposed of. A challenge to germaneness may be made at any time prior to Third Reading, but may *not* be made on Third Reading.

A decision of the Presiding Officer that an amendment or matter is germane may also be challenged, and if the challenge is successful, such amendment or matter *shall not* be considered by the Body.

(b) Committee Introduction. When a bill is introduced by a Committee it *shall* encompass only matters reasonably related to the subject matter jurisdiction of the Committee, and except as otherwise provided in these Rules, *shall* encompass only one (1) subject matter, and *shall not* encompass unrelated subjects, or pertain to multiple projects, unless such projects are necessarily interrelated. Any Committee Chairperson may introduce bills in the Committee's name and relating to the subject matter of their Committee, with prior approval of a majority of the Committee Members.

(1) Requests to Committee on Appropriations. Any Member, whether or not a Member of the Committee on Appropriations, may propose a draft bill to said Committee for possible introduction by the Committee on Appropriations.

(c) **Bill Referrals.** After introduction, the Chairperson of the Committee on Rules *shall* refer bills to the Committee having the subject matter jurisdiction to which the bill most pertains (the “Principal Committee”), as determined by the Chairperson of the Committee on Rules.

(1) **Appropriations Bills.** Substantive bills which contain appropriations or authorizations for appropriations *shall* be referred to the Committee on Appropriations. The annual budget bill for the government and supplements to the annual budget bill *shall* be referred to the Committee on Appropriations. Any bills on bonds of any nature *shall* be referred to the Committee on Appropriations. Each year, the Chairperson of the Committee on Appropriations *shall* designate one (1) appropriations bill as the annual budget bill and may designate one (1) bill as the supplemental annual budget bill. The annual budget bill *shall* be done annually, and *shall* contain the budget for one (1) fiscal year only. Unrelated appropriations *shall not* be considered germane, except that the annual budget bill and one (1) annual supplement to the annual budget bill may contain unrelated appropriations. Administrative and miscellaneous provisions directly relating to the budget and contained in the annual budget bill for the operation of the government of Guam or to the one (1) supplement to the annual budget bill, *shall* be considered germane

(2) **Legislative Appropriations; Other Branches.** Bills relating to appropriations solely for *I Liheslaturan Guåhan* *shall* be referred exclusively to the Committee on Rules. Any bills appropriating solely for the Judicial Branch, inclusive of capital improvements, or from the Judicial Building Fund *shall* be referred to the Committee on Judiciary.

Section 6.02. Preparation.

(a) **Headings.** Each bill for the Regular Sessions of *I Mina’trentai Unu Na Liheslaturan Guåhan* *shall* be headed as follows:

**“I MINA’TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session; or**

2012 (SECOND) Regular Session

Bill No. ____-31 (COR) or (LS)
(legislative procedural history)

Introduced by:

(Prime Sponsor)
(Main Sponsor2)
(Main Sponsor3)_____
(co-sponsors)”

(b) Title. The title of every bill introduced *shall* convey an accurate idea of the contents of the bill and *shall* be indicative of the scope of the bill, the object to be accomplished, and changes to any existing Code Sections. In amending or repealing a Code Section, the mere reference to the section by number *shall* not be deemed sufficient. The Chairperson of the Committee on Rules *shall* return to the prime sponsor any bill which violates this Section, as determined by the Chairperson of the Committee on Rules.

(c) Sections. A bill amending more than one (1) section of an existing law *shall* contain a separate section for each section amended. Bills which are not amendatory of existing laws *shall* be divided into short sections when this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

(d) Changing Existing Law. In any repeal or amendment to existing law, any matter to be omitted *shall* appear with strikethrough and any new matter *shall* be underlined. The Chairperson of the Committee on Rules *shall* return to the prime sponsor any bill which violates this Section, as determined by the Chairperson of the Committee on Rules.

Section 6.03. Introduction. Any Senator desiring to introduce a bill *shall* send an initialed copy to the Clerk of the Legislature, who *shall* note the time and date of its filing and who *shall* assign a number to the bill in the manner set forth in Sections 60.3(a) and 60.3(b), *supra*. All bills *shall* be numbered in the order of their filing with the Clerk of the Legislature. The Clerk of the Legislature *shall* not read a bill unless each sponsor’s initials are included. A

bill may have up to three (3) main sponsors, the prime sponsor being the author and the first Senator named.

All others sponsoring a bill *shall* be known as “co-sponsors,” who *shall* be designated under a line separating them from the main sponsors. No Member may add the Member’s name as sponsor to a bill after the bill is submitted to the Clerk of the Legislature. Names of sponsors may not be added in Committee, but may only be added on the Floor of *I Liheslaturan Guåhan* during Session; provided that the Committee on Rules may, after a bill has been reported out of Committee and returns to the Committee on Rules, add all Members not already listed as a sponsor or co-sponsors, to be added at the end of the sponsors already listed. Except as provided in Section 6.04(d)(8), *infra*, neither the sponsors of a bill nor the order of sponsorship may be changed by any Committee of *I Liheslaturan Guåhan*; provided, however, that sponsors may be added at the end of the listing by the Body with eight (8) votes.

(a) In Session. When *I Liheslaturan Guåhan* is meeting in Session, under the order of introduction of bills, the Clerk of the Legislature *shall* assign a number, with the suffix “-31”, and *shall* affix the letters “LS” in parentheses after the number and *shall* read it the first time. Unless otherwise ordered by *I Liheslaturan Guåhan* without debate, the Clerk of the Legislature *shall* deliver the bill to the Chairperson of the Committee on Rules, who *shall* receive each bill and refer it to the appropriate Committee in the manner outlined in Section 6.03, *infra*.

(b) Not in Session. When *I Liheslaturan Guåhan* is not in Session, the Clerk of the Legislature *shall* assign a number to each bill, with the suffix “-31”, and *shall* affix the letters “COR” in parentheses after the number and *shall* forward it to the Committee on Rules for proper disposition. The Chairperson of the Committee on Rules *shall* refer each bill to the appropriate Standing Committee, as he so determines.

(c) Introduction of COR Bills. After bills are introduced in the Committee on Rules, the Clerk of the Legislature, at the next Legislative Session, *shall* read the already so introduced bills under the order of introduction of bills.

(d) Form and Style. After the introduction in a Legislative Session, or to the Committee on Rules, a bill *shall* be sent to the Legislative Counsel by the Clerk of the

Legislature for examination and the making of any suggestions to conform the form and style with the form required by these Rules, and to be consistent with the style and placement of enacted law on the same subject, at the Legislative Counsel's discretion. The Clerk of the Legislature, the Legislative Counsel, or the Committee on Rules, may make stylistic adjustments to an introduced bill or resolution, with the concurrence of its Prime Sponsor.

(e) Bills Introduced at the Request of *I Maga'lahañ Guåhan*. The Committee on Rules may introduce administration bills, unless any Member or Standing Committee requests and is granted the privilege of introducing the bill by the Chairperson of the Committee on Rules, but any such administration bill *shall* be designated:

"By request of I Maga'lahañ Guåhan in accordance with the Organic Act of Guam."

If a bill introduced at the request of *I Maga'lahañ Guåhan* contains sections which are non-germane with each other, as determined by the Chairperson of the Committee on Rules, the bill *shall* be referred to the Inactive File and *I Maga'lahañ Guåhan* *shall* be so notified.

Section 6.04. Consideration.

(a) Public Hearing.

(1) Hearing Notices. All bills introduced by a Member or a Committee *shall* be given a public hearing *no more than* one-hundred twenty (120) days after the date of the bill's introduction. If the Committee to which the bill has been referred does not hold a public hearing within this timeline, the Prime sponsor may call and preside over a public hearing on such bill within thirty (30) days and report out such bill directly to the Committee on Rules.

It *shall* be the duty of the Chairperson of each Standing Committee, or the designated hearing officer, to properly notice public hearings in accordance with the Open Government Law and any procedures established by the Committee on Rules. Notices *shall* set forth the name of the Committee, the date and time of any hearing and the subject matter of the hearing, including the number and title of all bills or resolutions that have been duly referred to such Committee which

are to be heard. The first such notice *shall* be given *at least* five (5) working days prior to the hearing, unless waived by the Speaker of *I Liheslaturan Guåhan* due to an emergency pursuant to these Rules.

(2) Hearing Officer. The Chairperson of a Committee hearing a bill, or the Chairperson's designee, if such designee is a Member of the Committee, is the official hearing officer for such bill and has the power and authority to conduct the hearing by the Member's self; provided, that all Members of *I Liheslaturan Guåhan* *shall* be given written notice of such hearing as provided in Section 6.04(a)(2), *supra*, and any Member of *I Liheslaturan Guåhan* may attend and take part in such hearing, questioning witnesses and otherwise participating.

(b) Amendments or Substitutions by Committee. Any Standing Committee may recommend amendments to any bill referred to it which are germane to, and not inconsistent with, the subject as expressed in the title. In making substantive changes in a bill by amending it, the Committee *shall* note thereon:

“As amended by the Committee on [name of the Committee].”

Any Standing Committee may also recommend a germane substitute bill, not inconsistent with the subject as expressed in the title. In making substantive changes to a bill by substituting it, the Committee *shall* note thereon:

“As substituted by the Committee on [name of the Committee].”

In making substantive changes in a bill by amending it, the Committee *shall* note thereon:

A Committee may *not* amend the sponsorship of a bill nor may it add co-sponsors, provided that the Committee on Rules may add all Members *not* listed as sponsors at the end of the listing.

The Committee on Rules may make amendments to a bill prior to its placement on the Session Agenda.

(c) Formal Reports of Standing Committees. A Standing Committee, or its authorized Subcommittee, upon reporting back to the Committee on Rules on bills or appointments referred to it, *shall* prepare and submit to the Committee on Rules a formal, written Committee Report which *shall* be a public document and posted on the website of

I Liheslaturan Guåhan. Committee Reports *shall* be formatted and compiled in accordance with the guidelines established by the Committee on Rules; and which *shall* contain, at minimum, the following; and in addition to the Committee's recommendations and vote thereon, such report *shall* also contain the following:

(1) Committee Report Digest. The Committee Report *shall* include a digest setting forth the purpose and essential elements of the bill and a digest of the testimony and evidence of those testifying at the public hearing thereon. Committee Reports for bills approving or amending Rules and Regulations *shall* include an Economic Impact Statement in accordance with law. Committee reports on bills which involve the transfer of land or leasing of land *shall* include two (2) appraisals on all land concerned, appraised for highest and best use regardless of zoning, from two (2) separate licensed real estate appraisers, one (1) of which appraisals is *not more than* twelve (12) months old.

(2) Committee Vote Sheet. The voting sheet accompanying the Committee Report *shall* be formatted to include the names of each committee member and the following voting options:

- (i) To Do Pass;
- (ii) To Not Pass;
- (iii) To Report Out Only;
- (iv) To Abstain;
- (v) To Place in Inactive File.

(d) Bill Placement on Session Agenda.

(1) No Placement on Session Agenda Without a Report. No bill *shall* be placed on the Session Agenda unless accompanied by a Committee Report conforming to the requirements of these Rules, or unless the public hearing on the bill has been waived in accordance with §2103 of Title 2 of the Guam Code Annotated, Public Hearings Mandatory, by the Speaker during Session pursuant to motion made during the “Motions” part of the Session Agenda. In the event that the public hearing is waived as provided for herein, and upon a motion by a Member, the bill may be placed on the Session Agenda with eight (8) votes of the Members.

Except as specifically allowed, no bill may be placed on the Floor without a majority of the Committee Members of the Committee to which it was referred voting to pass or to report out only.

(2) Order of Reading File. All bills when reported to *I Liheslaturan Guåhan* via the Committee on Rules may be placed on the Session Agenda by the Committee on Rules, or its authorized Subcommittee. After a bill has been amended and debated under the order of the Consent Calendar or the Second Reading File, it *shall* be placed at the foot of the Third Reading File. The bills on Third Reading *shall* be considered in the order in which they appear in the File.

(A) No Debate During Third Reading. Bills and resolutions in the Third Reading File *shall* be voted upon in the order they appear upon the File and *shall* not be debated or amended.

(B) Order of Voting. Matters reaching the Voting File *shall* be voted upon in the order they appear, and *shall* not be debated or amended.

(3) Committee of the Whole. Bills reported to *I Liheslaturan Guåhan* containing an appropriation *shall* be considered by *I Liheslaturan Guåhan* in a Committee of the Whole chaired by the Chairperson of the Committee on Appropriations or the Chairperson’s designee, who must be a

Member, prior to a vote on final passage, unless such consideration is waived by eight (8) votes. Likewise, bills containing an appropriation from the Tourist Attraction Fund *shall* be considered by *I Liheslaturan Guåhan* in a Committee of the Whole chaired by the Chairperson of the Committee on Appropriations or the Chairperson's designee, who must be a Member, prior to a vote on final passage, unless such consideration is waived by eight (8) votes. Bills containing legislative appropriations *shall* be considered by *I Liheslaturan Guåhan* in a Committee of the Whole chaired by the Chairperson of the Committee on Rules, or the Chairperson's designee, who must be a Member, prior to a vote on final passage, unless such consideration is waived by eight (8) votes.

The Chairperson of the Committee of the Whole *shall* set forth the rules to be applied during the Committee of the Whole which are not inconsistent with the rules already established herein for the Committee of the Whole and in Mason's Manual.

(4) Inactive File. An Inactive File *shall* be kept to which bills may be transferred at the request of the Prime sponsor, or on motion duly adopted by the affirmative vote of eight (8) Members. A bill *shall* be transferred to the Inactive File, or referred back to the reporting Committee, when it has been Passed on File without action three (3) successive times. A bill may be removed from the Inactive File by an affirmative vote of eight (8) Members.

(5) Consent Calendar. *I Liheslaturan Guåhan shall* have a Consent Calendar as follows:

(A) Routine Matter. If the Committee on Rules determines that a bill recommended for passage, without amendment or substitution, is of a routine nature, or otherwise of a nature which likely will not be opposed, it may place the bill on the Consent Calendar. Any Member who determines that a bill is of a routine nature, or otherwise is of a nature which likely will not be opposed, that person may, upon a motion adopted

by a vote of eight (8) Members of *I Liheslaturan Guåhan*, place such bill on the Consent Calendar.

(B) Debate. Bills on the Consent Calendar *shall* be taken up for debate in the order listed on the Calendar. No more than five (5) minutes *shall* be allotted to the Prime Sponsor, or Committee Chairperson, for explanation of the bill. No other Member may debate more than two (2) minutes. No Member may yield that Member's time on the Consent Calendar to another Member. In the event that the time limits set forth in this Section are exceeded, the Speaker *shall* close the debate and move to place the bill in the Third Reading File, which motion *shall* be non-debatable. If such motion *shall* fail, the bill or resolution *shall* without further action be removed from the Consent Calendar and assigned the place it would have had in the ordinary course of legislative procedure.

(C) Objections. Prior to the consideration of a bill on the Consent Calendar, the Speaker *shall* first ask the question whether any Member objects to such consideration of the bill. If any two (2) or more Members at that time object from the Floor, the bill *shall*, without further action, be removed from the Consent Calendar and assigned the place it would have had in the normal course of legislative procedure.

If at any time it appears to the Speaker that two (2) or more Members object to consideration of the bill on the Consent Calendar, he *shall* further request for objections. If any two (2) or more Members, pursuant to the Speaker's request or otherwise, object from the Floor to consideration of the bill in the Consent Calendar at any time before the question of its final placement in the Third Reading File is put to *I Liheslaturan Guåhan*, the bill *shall* without further action be removed from the Consent Calendar and assigned a place it would have had in the ordinary course of legislative procedure.

(D) Copies. No motion from the Floor to place a bill on the Consent Calendar *shall* be in order, unless copies of the bill and committee report have been distributed to all Members prior to, or at the time of, the making of the motion.

(6) Engrossing Bills Before Passage. All bills *shall* be engrossed before final action is taken on them by *I Liheslaturan Guåhan*. Engrossment *shall* consist of comparing the printed or duplicated bill with the original introduced, or as amended by a Committee or as substituted, whichever is the form of the bill under debate on the Floor, and any amendments adopted, to ascertain that it is correct. When a bill is reported correctly engrossed, a copy *shall* be furnished to each Member and it *shall* be substituted in the File for the original bill. Any bill on Third Reading found to be incorrectly engrossed, as determined by the Speaker, *shall* be automatically referred to Second Reading, but only for purposes of correcting the engrossment. Eight (8) votes *shall* be necessary to waive the engrossment on a bill. The Legislative Counsel and the Clerk of the Legislature *shall* have the authority, upon notification to the Speaker and Chairperson on Rules, to make technical corrections after voting and before presentment to *I Maga'lahaen Guåhan* if a correction was not made to the bill before it was voted upon by the Body.

The question of the waiver of engrossment must be divided from a “Motion to Place in Third Reading File.” Any bill to which there have been no amendments, except changes in sponsorship, or grammatical or spelling corrections, need not be engrossed before voting.

(A) Technical Amendments Authorized. The Legislative Counsel *shall*, absent a motion by the Body to the contrary, make technical corrections as part of the engrossment process, which may be done before and after voting by the Body, and the Clerk of the Legislature *shall* add all Members as sponsors to said bill before transmission to *I Maga'lahaen Guåhan*.

(B) Form of Technical Corrections. The Legislative Counsel and the Clerk of the Legislature *shall* be authorized to make technical corrections, which *shall* include, but *not* be limited to, the following: incorporating amendments passed by the Body, correcting spelling, correcting grammar, changing the citation, changing the title, correcting formatting, correcting punctuation, renumbering sections and correcting section sequence.

(C) Engrossment Not Required. Bills *not* containing any amendments to the body of the bill need *not* be engrossed before voting on them for passage by the Body.

(7) Enrolling Bills. After passage, all bills *shall* be enrolled immediately. An enrolled copy of such bill *shall* be prepared in an appropriate number of copies and examined to ascertain that it is a true and accurate copy of the measure as it was passed. It *shall* then be authenticated by the signatures of the Speaker and the Legislative Secretary and be presented without delay to *I Maga’lahen Guåhan*.

(8) Sponsorship of Bills Passed. The name of any Senator added as a Main Sponsor or co-sponsor to any bill passed may be removed from the bill upon the submission of a written request of the Senator to the Clerk of the Legislature at any time prior to the presentment of such bill or resolution to *I Maga’lahen Guåhan*. Any such action *shall* be recorded in the Legislative Journal on the next Legislative Day. If there are no named sponsors left on the bill after passage, it *shall* be transmitted to *I Maga’lahen Guåhan* as having been sponsored by *I Mina’Trentai Unu Na Liheslaturan Guåhan*.

(e) Withdrawal of Bills. A Prime Sponsor may permanently withdraw his bill at any time by a written request to the Speaker.

RULE VII

PROCESSING OF RESOLUTIONS

Section 7.01. General Rules.

(a) **Guidelines Established by the Committee on Rules.** All resolutions are to be processed (including, but not limited to, preparation, introduction, adoption, printing, presentation) in accordance with guidelines established by the Committee on Rules; which guidelines are to serve as a supplement to the rules set forth herein.

(b) **Similar Resolutions.** If two (2) or more resolutions, or a resolution and a certificate, on substantially the same subject matter are adopted, only the document first submitted *shall* be issued. Questions as to whether the substance or textual significance of two (2) or more such documents is substantially similar *shall* be decided by the Chairperson of the Committee on Rules.

(c) **Guam Resolutions for External Organizations.** All resolutions to be submitted for introduction to organizations, in meetings or conferences, other than *I Liheslaturan Guåhan*, when such resolutions are to be submitted as proposals by *I Liheslaturan Guåhan*, or by a Member of *I Liheslaturan Guåhan*, when the Membership in the organization or attendance of the Member at the meeting or conference is as a representative of *I Liheslaturan Guåhan*, *shall* be first approved by *I Liheslaturan Guåhan*, time permitting, or by the Committee on Rules as a Rules Resolution.

(d) **Violations.** If the Chairperson of the Committee on Rules finds that a resolution has been submitted, introduced or reported out in a manner which violates these Rules, the Chairperson *shall* take appropriate action to return it to the Prime Sponsor or the Committee concerned for correction or reintroduction, or the Speaker may accept the resolution for discussion.

Section 7.02. Preparation.

(a) **Headings.** Each resolution for the Regular Sessions of *I Mina'Trentai Unu Na Liheslaturan Guåhan* *shall* be headed as follows:

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

2012 (SECOND) Regular Session

Resolution No. ____ -31 (COR) or (LS)

Introduced by:

(Prime Sponsor)
(Main Sponsor2)
(Main Sponsor3)_____
(co-sponsors)”

(b) Title. The title of every resolution introduced *shall* convey an accurate idea of the contents of the resolution and *shall* be indicative of the scope of the resolution, and the object to be accomplished. The Chairperson of the Committee on Rules *shall* return to the Prime Sponsor any resolution which violates this Section, as determined by the Chairperson of the Committee on Rules.

Section 7.03. Introduction.

Any Senator desiring to introduce a resolution *shall* send an initialed copy to the Clerk of the Legislature, who *shall* note the time and date of its filing and who *shall* assign a number to the resolution in the manner set forth in Sections 7.03(a) and 7.03(b), *infra*. All resolutions *shall* be numbered in the order of their filing with the Clerk of the Legislature. The Clerk of the Legislature *shall* not read a resolution unless each sponsor’s initials are included. A resolution may have up to three (3) main sponsors, the prime sponsor being the author and the first Senator named.

All others sponsoring a resolution *shall* be known as “co-sponsors,” who *shall* be designated under a line separating them from the main sponsors. No Member may add his name as sponsor to a resolution after the resolution is submitted to the Clerk of the Legislature. Names of sponsors may not be added, nor order of sponsorship be changed, in Committee, but may only be added or changed during Session by the Body with eight (8) votes; provided that the Committee on Rules may, after a resolution has been adopted or reported out of Committee and returns to the Committee on Rules, add all Members not already listed as a sponsor or co-sponsors, to be added at the end of the sponsors already listed.

(a) **In Session.** When *I Liheslaturan Guåhan* is meeting in Session, under the order of introduction of resolutions, the Clerk of the Legislature *shall* assign a number, with the suffix “-31”, and *shall* affix the letters “LS” in parentheses after the number and *shall* read it the first time. Unless otherwise ordered by *I Liheslaturan Guåhan* without debate, the Clerk of the Legislature *shall* deliver the resolution to the Chairperson of the Committee on Rules for proper disposition.

(b) **Not in Session.** When *I Liheslaturan Guåhan* is not in Session, the Clerk of the Legislature *shall* assign a number to each resolution, with the suffix “-31”, and *shall* affix the letters “COR” in parentheses after the number and *shall* forward it to the Committee on Rules for proper disposition. If applicable, the Chairperson of the Committee on Rules *shall* refer each resolution to the appropriate Standing Committee, as he so determines.

(c) **Introduction of COR Resolutions.** After resolutions are introduced in the Committee on Rules, the Clerk of the Legislature, at the next Legislative Session, *shall* read the already so introduced resolutions under the order of Introduction of Bills and Resolutions.

(d) **Committee Introduction.** When a resolution is introduced by a Committee it *shall* encompass only matters reasonably related to the subject matter jurisdiction of the Committee, and except as otherwise provided in these Rules, *shall* encompass only one (1) subject matter, *shall* not be similar to another introduced resolution, and *shall* not encompass unrelated subjects, or pertain to multiple projects, unless such projects are necessarily interrelated. Any Committee Chairperson may introduce resolutions in the Committee’s name and relating to the subject matter of their Committee, with prior approval of a majority of the Committee Members.

(e) **Substantive Resolutions.** The introduction and numbering of any substantive resolution *shall* follow in the same manner prescribed herein for all other resolutions. Upon receipt of a substantive resolution, regardless of whether *I Liheslaturan Guåhan* is In Session or Not In Session, the Clerk of the Legislature *shall* forward such resolution to the Chairman of the Committee on Rules for proper

disposition, as prescribed by 2 GCA §2103(b) or otherwise. Whether or not a resolution *shall* be considered substantive *shall* be determined by the subject matter of the resolution. Questions as to the qualification of a resolution's subject matter as substantive *shall* be decided by the Chairperson of the Committee on Rules.

(f) Form and Style. After introduction of a resolution, such resolution *shall* be sent to the Legislative Counsel by the Clerk of the Legislature for examination and the making of any suggestions to conform to the form and style, as required by these Rules, and to be consistent with the style and placement of enacted law on the same subject, if applicable, at the discretion of the Legislative Counsel. The Clerk of the Legislature, the Legislative Counsel, or the Committee on Rules, may make stylistic adjustments to an introduced resolution, with the concurrence of its Prime Sponsor.

Section 7.04. Consideration.

(a) Placement on Session Agenda. All resolutions commendatory, congratulatory or of condolence in nature that have been adopted, *shall* be placed on the Consent Calendar following its adoption.

(b) Consideration of Substantive Resolutions. Substantive resolutions referred to a standing committee or prime sponsor and requiring public consideration *shall* be processed in the same manner as bills, as prescribed in Rule VI, *infra*.

(c) Committee on Rules Resolutions. Committee on Rules Resolutions *shall* be adopted by the affirmative vote of at least six (6) members; and *shall* be certified by the Speaker and the Chairperson of the Committee on Rules, and attested by the Legislative Secretary.

(d) Resolution Sponsorship. The Clerk of the Legislature *shall* add the names of Members not already listed as sponsors on all adopted resolutions commendatory, congratulatory, or of condolence in nature, unless a Member requests otherwise, via written notice to the Chairperson of the Committee on Rules. The names of co-sponsors *shall* appear in alphabetical order underneath a line separating them from the main sponsors. Neither the individual sponsors, nor the order of sponsorship may be changed, unless approved by the Committee on Rules for COR Resolutions, or by the

Body with eight (8) votes for LS Resolutions, and with the concurrence of the prime sponsor.

(e) Technical Amendments and Corrections Authorized. The Legislative Counsel, the Clerk of the Legislature and the Committee on Rules *shall* be authorized to make technical corrections, which *shall* include, but not be limited to, the following: incorporating amendments passed by the Body or approved by the Committee on Rules, correcting spelling, correcting grammar, changing the citation, changing the title, correcting formatting, correcting punctuation, renumbering sections and correcting section sequence. Technical amendments or corrections may be done before and after adoption by the Body or the Committee on Rules.

(f) Presentation of Resolutions. Every resolution introduced *shall* be accompanied by a notice to the Clerk of the Legislature indicating the date and time the resolution is to be presented. Additionally, the resolution's sponsor *shall* issue a Memorandum to each Member, providing *at least* twenty-four (24) hours notice of the date, time and place of the presentation of any resolution. The Clerk of the Legislature *shall* not release any resolution for presentation until such notice of presentation has been given. Waiver of this twenty-four (24) hour notice requirement may be approved by the Chairperson of the Committee on Rules, upon receipt of a written request from the prime sponsor to the Chairperson of the Committee on Rules, provided, that immediate notice be given to all Senators as to the date, time and place of presentation.

(g) Withdrawal of Resolutions. A Prime Sponsor may permanently withdraw his resolution at any time by a written request to the Speaker.

(h) Publication. All resolutions adopted, and the respective vote sheets, *shall* be public documents, and *shall* be posted on the website of *I Liheslaturan Guåhan*.

Rule VIII

Processing of Certificates

Section 8.01. General Rules.

(a) **General Rules on Certificates.** A certificate that is commendatory, congratulatory or of condolence in nature may be issued by the Committee on Rules. Any member of *I Liheslaturan Guåhan* may submit a request to the Committee on Rules that a certificate of condolences or commendation be so issued.

(b) **Guidelines Established by the Committee on Rules.** All certificates are to be processed (including, but not limited to, preparation, introduction, adoption, printing, presentation) in accordance with guidelines established by the Committee on Rules; which guidelines are to serve as a supplement to the rules set forth herein.

(c) **Similar Certificates.** If two (2) or more certificates, or a resolution and a certificate, on substantially the same subject matter are adopted, only the document first submitted *shall* be issued. Questions as to whether the substance or textual significance of two (2) or more such documents is substantially similar *shall* be decided by the Chairperson of the Committee on Rules.

(d) **Violations.** If the Chairperson of the Committee on Rules finds that a certificate has been introduced in a manner which violates these Rules, the Chairperson *shall* take appropriate action to return it to the Prime Sponsor or the Committee concerned for correction or reintroduction.

Section 8.02 Introduction. Any Senator desiring to introduce a certificate *shall* submit an initialed copy to the Clerk of the Legislature, who *shall* note the time and date of its filing and who *shall* assign a number to the certificate in the manner set forth in Sections 8.01(a) and 8.02(b), *supra*. All certificates *shall* be numbered in the order of their filing with the Clerk of the Legislature. The Clerk of the Legislature *shall not* read a certificate unless each sponsor's initials are included.

(a) **In Session.** When a certificate is introduced while *I Liheslaturan Guåhan* is meeting in Session, the Clerk of the Legislature *shall* assign a number, with the suffix “-31”, and *shall* affix the letters “LS” in parentheses after the number.

(b) **Not in Session.** When *I Liheslaturan Guåhan* is not in Session, the Clerk of the Legislature *shall* assign a number to each certificate, with the suffix “-31”, and *shall* affix the letters “COR” in parentheses after the number.

(c) **Form and Style.** After introduction of a certificate, such certificate *shall* be sent to the Legislative Counsel by the Clerk of the Legislature for examination and the making of any suggestions to conform to the form and style, as required by these Rules. The Clerk of the Legislature, the Legislative Counsel, or the Committee on Rules, may make stylistic adjustments to an introduced certificate, with the concurrence of its Prime Sponsor.

Section 8.03. Consideration.

(a) **Placement on Session Agenda.** Any certificate of commendation, of congratulation, or of condolence that has been approved, *shall* be placed on the Consent Calendar.

(b) **Certificate Sponsorship.** A certificate may have up to three (3) main sponsors, the prime sponsor being the author and the first Senator named. All others sponsoring a certificate *shall* be known as “co-sponsors,” who *shall* be designated under a line separating them from the main sponsors, and listed in alphabetical order.

Neither the individual sponsors, nor the order of sponsorship may be changed after the certificate is submitted to the Clerk of the Legislature, unless approved by the Chairperson of the Committee on Rules, with the concurrence of the prime sponsor; except that the Committee on Rules may add all Members not already listed as a sponsor or co-sponsors, to be added at the end of the sponsors already listed, unless a Member requests otherwise, via written notice to the Chairperson of the Committee on Rules.

(c) **Technical Amendments and Corrections Authorized.** The Legislative Counsel, the Clerk of the Legislature and the Committee on Rules *shall* be authorized to make technical corrections approved by the Committee on Rules, with the concurrence of the prime sponsor, which *shall* include, but not be limited to, the following: correcting spelling, correcting grammar, changing the citation, changing the title, correcting

formatting, correcting punctuation, renumbering sections and correcting section sequence.

(d) Withdrawal of Certificates. A Prime Sponsor may permanently withdraw his certificate at any time by a written request to the Chairperson of the Committee on Rules.

(e) Publication. All certificates issued *shall* be public documents, and *shall* be posted on the website of *I Liheslaturan Guåhan*.

8.04. Issuance and Presentation.

(a) Issuance. Certificates *shall* be issued after review and approval by the Chairperson of the Committee on Rules. Certificates *shall* be certified by the Speaker and the Chairperson of the Committee on Rules, and attested by the Legislative Secretary and the prime sponsor.

(b) Presentation of Certificates; Notice Required. Any Member desiring to introduce a certificate, *shall* attach to their introduced certificate a Memorandum to the Clerk of the Legislature indicating the date and time the certificate is to be presented. Each Member *shall* be given at least twenty-four (24) hours notice of the date, time and place of the presentation of any certificate. The Clerk of the Legislature *shall* not release any certificate for presentation until such notice of presentation has been given. Waiver of this twenty-four (24) hour notice requirement may be approved by the Chairperson of the Committee on Rules, upon receipt of a written request from the prime sponsor to the Chairperson of the Committee on Rules, provided, that immediate notice be given to all Senators as to the date, time and place of presentation.

RULE IX.

PROCESSING OF APPOINTMENTS.

Section 9.01. Nomination Letter. In accordance with the requirements of 4 GCA §2103.5, the appointing authority *shall* hand-deliver to the Office of the Speaker of *I Liheslaturan Guåhan* the name of any nominee to a position in a nomination letter. The Speaker *shall* forward the communication to the Legislative Secretary for record keeping and the Chairperson of the Committee on Rules for referral to the Standing Committee with proper jurisdiction.

Section 9.02. Nomination Requirements. The nomination letter *shall* conform to the requirements of 4 GCA §2103.5 or may be returned by the Speaker at the request of the Committee Chairperson to *I Maga'lahren Guåhan* for insufficiency upon failure to include the information or documents required by statute.

Section 9.03. Verification. The nomination transmittal *shall* also include an affidavit executed by the applicant under penalty of perjury that the applicant has read and reviewed the information contained in the nomination letter from *I Maga'lahren Guåhan* that the matters contained in such nomination letter and all attachments thereto are true and correct. If the applicant cannot, or will not, certify or verify the accuracy of any part of the nomination letter, it *shall* be so noted in the applicant's affidavit.

Section 9.04. Additional Requirements. In addition to the statutory requirements, nominations *shall* contain the nominee's residential and mailing addresses; employment record; prior or present service in any capacity with any government, private, or civic institution or organization; a list of businesses in which the nominee has any financial interest; an affidavit from the applicant indicating the date, place, charge and disposition of any convictions for any criminal violation; and a statement as to any and all delinquent or past due tax liabilities of the nominee. The nomination papers *shall* also indicate the dates, if any, that the nominee has served in an acting capacity for the position. All information required by these rules or by statute *shall* continue to be updated by the nominating authority until the nominee is confirmed or rejected and the committee chairperson overseeing the nomination *shall* be notified of any changes within twenty-four (24) hours.

Section 9.05. Time to Act. Failure to provide all the above information *shall* not toll the time for acting upon said executive appointment, and the appointment *shall* be deemed received as of the date the Speaker receives the executive appointment from *I Maga'lahaen Guåhan*.

Section 9.06. Withdrawn Resignations. Pursuant to 4 GCA §2103.6(b), when, as to positions requiring the advice and consent of the Legislature, the appointing authority and the appointee following delivery of a Resignation Letter to the appointing authority, jointly decide to withdraw the resignation after its submittal, the appointing authority *shall* within five (5) calendar days submit the name of the appointee to the Legislature for a new confirmation process as a new appointee.

Section 9.07. Committee Report Required. A Standing Committee, or its authorized Subcommittee, upon reporting back to *I Liheslaturan Guåhan* on appointments referred to it, *shall* prepare and submit to *I Liheslaturan Guåhan* a formal, written Committee Report which, in addition to the Committee's recommendations and vote thereon, *shall* include the information required by Section 9.01, and a digest covering the testimony and evidence of those testifying at such public hearing. On appointments to government boards and commissions, the Committee Report *shall* include the expiration date of the nominee's term of office and the name of the person the nominee is replacing.

Section 9.08. Public Hearing Required. No Standing Committee, or its authorized Subcommittee, *shall* issue a Committee Report on an appointment requiring legislative confirmation to a full-time executive office, judicial office, boards or commissioners, for which compensation is paid without first conducting a public hearing thereon. (See also Section 1.02(f)(7)(A)).

PART C
STANDING COMMITTEES
RULE X
CHAIRPERSONS AND JURISDICTION

Section 10.01. Chairpersons. Any Member may be a Chairperson of more than one (1) Standing Committee. A Chairperson of a Standing Committee *shall* be solely responsible for calling all meetings of the Standing Committee and establishing agendas for such meetings, as well as producing Committee Reports and resolutions and may act in place of the Committee in all matters except the reporting out of bills.

Section 10.02. Committees and Jurisdiction.

(a) The Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources.

(1) Jurisdiction. The Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources *shall* have purview over all matters pertaining to:

(A) Rules:

- (i) proposed amendments to the Standing Rules;
- (ii) resolutions and bills relating to the business, budget, design and activities of *I Liheslaturan Guåhan*;
- (iii) enrollment and Review;
- (iv) order and arrangement;
- (v) the Session Agenda;
- (vi) the Office of the *Suruhanu*;
- (vii) the defense or initiation of court action on behalf of *I Liheslaturan Guåhan*, which *shall* be authorized by Rules Resolution; and
- (viii) any and all other matters which fall under the jurisdiction, powers and authority of the Committee on Rules as

defined in Rule XI – “Powers and Authority of the Committee on Rules.”

(B) Federal, Foreign and Micronesian Affairs:

(i) the Federal-Territorial relationship between Guam and the United States of America; and to any proposed changes in Guam’s political status;

(ii) all United States laws, regulations, treaties, compacts and agreements affecting Guam;

(iii) Federal lands and Federal immigration law, including visas, and all matters pertaining to Guam’s interaction with any agency, branch or instrumentality of the Federal Government, *except* for the U.S. Department of Defense;

(iv) the Organic Act and any changes or amendments thereto; or to any consideration of a Guam constitution, any subsequent adoption, and any matters relating to such;

(v) the Commission on Decolonization, and such authorities as are granted under statute, resolution, or executive order to the former Committees on Federal and Foreign Affairs for which this Committee is successor;

(vi) relations between Guam and the fifty (50) States individually and in organizations, inclusive of the Western Legislative Conference (WLC);

(vii) relations between Guam and the Micronesian Area States, inclusive of the Association of Pacific Island Legislatures to which the Committee Chair *shall* serve as an appointee to the Board from *I Liheslaturan Guåhan*; and

(viii) relations between Guam and foreign governments;

(C) Human & Natural Resources:

- (i) the Department of Labor and the Agency for Human Resources Development;
- (ii) private sector employment and wages, employee-management relations, workmen's compensation, workplace safety, and vocational training;
- (iii) the recruitment of foreign workers, including related visas;
- (iv) the Guam Environmental Protection Agency, including the Recycling Revolving Fund;
- (v) the Department of Agriculture, *except* for the Conservation Officers and their law enforcement function; and
- (vi) the protection of Guam's natural environment, inclusive of air, land and seas, and all matters relative to the safety of Guam's natural drinking water resources.

(2) Successor Status. For the purposes of these Standing Rules of *I Mina'Trentai Unu Na Liheslaturan Guåhan*, the Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources is synonymous with all references to the Committee on Rules, all references to the Executive Committee, and all references to the Committee on Calendar. They are the same Body, and the Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources is successor to the Committee on Rules, the Executive Committee, and the Committee on Calendar as promulgated in previous Standing Rules, or in any other reference. Any reference to the Committee on Rules throughout these Standing Rules *shall* be considered a reference to the Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources.

(b) Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

(1) **Jurisdiction.** The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land *shall* have purview over all matters pertaining to:

(i) Appropriations, including budget bills and claim bills and excepting appropriations from the funds of *I Liheslaturan Guåhan* made by resolution or appropriations to *I Liheslaturan Guåhan*; the Committee *shall* review requests for appropriations and report thereon to *I Liheslaturan Guåhan* on the purposes and reasonableness thereof, and whether the same are in accord with legislative intent and policy;

(ii) The general annual audit of the government of Guam, by way of serving as the liaison for *I Liheslaturan Guåhan*;

(iii) General obligations, taxes, tax credits, taxation, the Tax Code, and the Tax Code Commission;

(iv) Bond financing and re-financing , the issuance or re-issuance of bonds and matters pertaining to the pledge of the faith and credit of the government of Guam for any government bonds, borrowing or line of credit of the government of Guam or any entity or instrumentality of the government of Guam;

(v) The Department of Revenue and Taxation and the Office of the Banking and Insurance Commissioner, including all matters related to the regulatory functions of the Department of Revenue & Taxation and the Office of the Banking and Insurance Commissioner, including business licensure, motor vehicle and operators licensure, securities, banking, insurance, real estate licensure, weights & measures, public accountancy, and inclusive of all related codes;

(vi) The Division of Accounts of the Department of Administration, *except* for those matters relating to the contract for the provision of mass transit services;

(vii) The Bureau of Budget and Management Research;

(viii) The Office of the Governor and the Lt. Governor;

- (ix) The Office of Finance and Budget and projection of revenues;
- (x) The Ancestral Lands Commission, the *Chamorro* Land Trust Commission, the Department of Land Management, the Territorial Planning Council, and the Guam Land Use Commission;
- (xi) Land or land use, *except* all matters relating to the Capitol District;
- (xii) Real estate appraisals, zone changes, and all proposed government of Guam land sales, leases, exchanges and land use permits; and registration of land;
- (xiii) The Government of Guam Retirement Fund and government retirement benefits; and
- (xiv) The group life and health insurance policies for the government of Guam employees, retirees, dependents and survivors, including the Retirement Funds' exploration of alternative health insurance pursuant to PL 29-113:VI:78.

(2) Analysis of Money Bills. Whenever a bill appropriating money is referred to the Committee on Appropriations, the Committee *shall* prepare a written analysis of the bill's financial features, which *shall* be made available to all the Members of *I Liheslaturan Guåhan*. It is declared to be the policy of *I Liheslaturan Guåhan* that the expert services of the Committee on Appropriations be utilized to the maximum extent possible, and that prior to the passage of any bill appropriating money, such expert analysis thereof be made available to the Members of *I Liheslaturan Guåhan*.

(3) Successor Status. For the purposes of these Standing Rules of *I Mina'Trentai Unu Na Liheslaturan Guåhan*, the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land is a successor to the Committee on Finance and Taxation; with only the authority authorized in these Rules. Any reference to the Committee on Appropriations throughout these Standing Rules *shall* be considered a reference to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

(c) Committee on Education and Public Libraries. The Committee on Education and Public Libraries *shall* have purview over all matters pertaining to:

- (i) Education and educational institutions;
- (ii) The Guam Education Policy Board, the Department of Education, Home Schooling and other matters relating to the same;
- (iii) The University of Guam Board of Regents, the University of Guam and other matters relating to the same;
- (iv) The Guam Community College Board of Trustees, the Guam Community College and other matters relating to the same;
- (v) Kindergarten through twelfth (12th) grade and to other post-secondary institutions of learning in Guam, both public and private;
- (vi) Joint Boards of Education;
- (vii) Guam Academy Charter Schools Council;
- (viii) Office of the Adequate Education Suruhanu;
- (ix) Council on Postsecondary Institution Certification;
- (x) Guam Commission for Educator Certification; and
- (xi) Guam's public libraries.

(d) Committee on Health & Human Services, Senior Citizens, Economic Development and Election Reform. The Committee on Health & Human Services, Senior Citizens, Economic Development and Election Reform *shall* have purview over all matters pertaining to:

(1) Health & Human Services and Senior Citizens:

- (A) The Guam Memorial Hospital Authority, to health maintenance organizations and to other pre-paid health plans, *except* as they pertain to government benefits;
- (B) The Department of Public Health and Social Services, including the Division of Senior Citizens, and the activities of the Senior Citizens of Guam;
- (C) The Department of Mental Health and Substance Abuse;
- (D) The Department of Integrated Services for Individuals with Disabilities (DISID);

(E) Social welfare and social services, and health planning; unless closely related to subjects delegated to another Standing Committee; and patient care services;

(2) Economic Development:

(A) The Guam Economic Development Authority and the Bureau of Statistics and Plans;

(B) Guam business and commerce, excluding those laws contained in Title 5 Guam Code Annotated, Chapter 73;

(C) Investment and trade, both foreign and domestic; and

(D) The commercial fishing industry;

(3) Election Reform:

(A) Elections, election reform, and the Guam Election Commission.

(e) Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting. The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting *shall* have purview over all matters pertaining to:

(1) Youth:

(A) The rehabilitation of youth offenders, juvenile criminal justice, to the Department of Youth Affairs, and to the Guam Youth Congress; and

(B) The activities of the children and youth of Guam, excluding educational matters, vocational matters, and matters under the purview of the Department of Parks & Recreation, the Department of Education, the University of Guam, the Guam Community College, and the Department of Integrated Services for Individuals with Disabilities.

(2) Cultural Affairs:

(A) The Department of *Chamorro* Affairs, the Guam Council on the Arts and Humanities Agency, and the Guam Museum; and

(B) The arts, cultural heritage, and the *Chamorro* language;

(3) Procurement:

(A) The procurement policies of the government of Guam and any proposed reform of such;

(4) General Government Operations:

(A) The Civil Service Commission;

(B) The Department of Administration;

(C) Government holidays;

(D) Reorganization, restructuring or reform of the government of Guam, or its instrumentalities, and all matters *not* specifically assigned to any other Standing Committee.

(E) The creation of a new department, agency, board or commission of the government of Guam;

(F) Technology of the government of Guam; and

(G) The Office of Public Accountability.

(5) Public Broadcasting:

(A) The Guam Educational Telecommunications Corporation (KGTF) Board, the Guam Educational Telecommunications Corporation, PBS Guam, and all other matters relating to public broadcasting.

(f) Committee on Municipal Affairs, Tourism, Housing and Recreation. The Committee on Municipal Affairs, Tourism, Housing and Recreation *shall* have purview over all matters pertaining to:

(1) Municipal Affairs:

(A) Municipal government and the village mayors, including the Mayors Council of Guam;

(2) Tourism:

(A) Tourism and the Guam Visitors Bureau, including the Tourist Attraction Fund; and

(B) Guam zoos, botanical gardens, and aquaria;

(3) Housing:

(A) The Guam Housing Corporation, the Guam Housing and Urban Renewal Authority, and housing and urban renewal in general;

(4) Recreation:

(A) The Department of Parks & Recreation, *except* the Territorial Park Patrol;

(B) Sports generally, including recreational sports activities, support of the Guam National Olympic Committee, the *Harmon* Sports Complex, the Guam Raceway Park, and the *Paseo* Stadium.

(C) Issues including development of a women's business center and the Bureau of Women's Affairs or its successor;

(D) The Guam Historic Preservation Trust, and the Guam Preservation Trust; and

(E) Historic preservation, including as applicable to the Capitol District.

(g) Committee on Public Safety, Law Enforcement and Judiciary. The Committee on Public Safety, Law Enforcement, and Judiciary *shall* have purview over all matters pertaining to:

(1) Public Safety:

(A) The Guam Police Department, the Guam Fire Department, the Department of Corrections, the Plant Protection and Quarantine Division of the Customs and Quarantine Agency, the Territorial Park Patrol of the Department of Parks and Recreation, the Chief Medical Examiner, and the Conservation Officers, a law enforcement division of the Department of Agriculture;

(B) The Peace Officer Standards & Training Act (POST);

(C) Public safety and protection, as exercised by any autonomous agency, including the Guam Airport Authority Police and the Guam Port Authority Police;

(2) Law Enforcement:

(A) The Department of Law and the Public Defender Service Corporation or their successors;

(B) The practice of law on Guam, and the admission to practice;

(C) All statutes of a penal nature; consumer rights and consumer affairs; and

(D) The Motor Vehicle Code;

(3) Judiciary:

(A) All matters relating to the Judicial Branch, to include the courts, judges and the Judicial Building Fund;

(B) All matters relating to statutory reform, and the recodification of Guam laws and the establishment of new codes therein;

(C) All matters relating to the Civil Code; the Criminal Procedure Code; the Probate and Estates Code; the Criminal and Correctional Codes, *except* juvenile criminal justice; and the Code of Judicial and Civil Procedure;

(h) Committee on Utilities, Transportation, Public Works and Veterans Affairs.

The Committee on Utilities, Transportation, Public Works, and Veterans Affairs *shall* have purview over all matters pertaining to:

(1) Utilities:

(A) Water, Wastewater, and Power services and the governance thereof, to include the Guam Waterworks Authority (GWA), the Guam Power Authority (GPA), the Consolidated Commission on Utilities (CCU), and the Public Utilities Commission (PUC);

(B) Renewable/Alternative energy and energy conservation, to include the Guam Energy Office; and

(C) Telecommunications;

(2) Transportation:

(A) Maritime activities, to include the Jose D. Leon Guerrero Commercial Port and Guam harbors and marinas, and marine navigation systems, *except* the Guam Port Authority Police;

(B) Aviation activities, to include the Antonio B. Won Pat International Airport Terminal and Authority, except the Guam Airport Authority Police;

(C) Mass transportation, to include the Guam Regional Transit Authority, and school bussing.

(3) Public Works:

(A) Construction and maintenance of Guam's highways, bridges, and village streets infrastructure, other public works, and matters pertaining to the Department of Public Works; and to traffic and highway safety, generally;

(B) Regulation of building construction to ensure the safety of buildings and structures in the community, to include the regulation of professionals and contractors through the Contractors' Licensing Board and the Professional Engineers, Architects, and Land Surveyors (PEALS) Board;

(C) Solid Waste Management Program;

(4) Veterans Affairs:

(A) Veterans' benefits, to include the Veterans' Cemetery and assistance in the initiation of benefit claims; and

(B) Veterans Affairs office, and the Guam Veterans' Commission.

(i) Committee the Guam Military Buildup and Homeland Security. The Committee on the Guam Military Buildup and Homeland Security *shall* have purview over all matters pertaining to:

(1) Military Buildup:

(A) The coordination and monitoring the response of the government of Guam, including departments, agencies and autonomous instrumentalities, to the Military Buildup;

(B) Ensuring appropriate government laws and regulations are in place to protect the interests of the government of Guam and the civilian community with respect to the Buildup, including the coordination with other standing committees in the development of such laws and regulations;

(C) Oversight of the Executive Branch's Buildup Offices, including established Task Forces or Organizations; and

(D) Military Buildup matters relating to the Guam First Commission;

(2) All matters relating to the U.S. Department of Defense and military matters affecting Guam;

(3) All matters pertaining to the relations between military forces in Guam and the island community, including basing and home-porting of military units;

(4) All matters related to the Department of Military Affairs, inclusive of the National Guard, Civil Defense, and Office of Homeland Security;

(5) All matters related to Guam Customs laws, and including those laws contained in Title 5 Guam Code Annotated, Chapter 73.

RULE XI
POWERS, AUTHORITY AND COMPOSITION
OF STANDING COMMITTEES

Section 11.01. General Authority. Each Standing Committee is authorized to study and analyze all facts relating to the subjects which fall within its jurisdiction, including, but *not* limited to, a need for revision of the laws relating to that subject. Each Standing Committee has powers of discovery and subpoena as detailed in 2 GCA Chapter 3.

Section 11.02. Powers. Each Standing Committee may meet and do any and all things necessary and convenient to enable it to exercise the powers and perform the duties granted to it, and may expend such money as may be made available for such purpose; but no Committee *shall* incur any indebtedness, unless money *shall* have been first made available therefore.

Section 11.03. Staff of Standing Committees. Each Standing Committee is authorized and empowered to organize its staff, using for such purpose funds allocated to it by the Committee on Rules. Each staff *shall* consist of such secretarial, professional and stenographic help as may be reasonably necessary to carry out the Committee's duties. One (1) staff member of the Committee *shall* be designated as having additional duties as a Page, to serve during Session days, as required by the Sergeant-at-Arms.

Section 11.04. Rules of Standing Committees. Each Standing Committee may organize rules and regulations for the conduct of its business, adopting such supplementary rules and regulations, not inconsistent with these Rules, as may from time to time be required in connection therewith.

Section 11.05. Votes. The affirmative vote of a majority of all Members constituting a Standing Committee, *except* the Committee on Rules for legislative matters, or its authorized and designated Subcommittee, *shall* be required to report a bill or resolution out of Committee or Subcommittee. The Committee on Rules requires an affirmative vote of six (6) Members. For purposes of this Section, a vote by a Member "to report out" *shall* be considered an affirmative vote. A vote to abstain, or any other qualified vote *not* in the affirmative *shall not* be considered an affirmative vote to report such bill or resolution out of Committee.

Section 11.06. Establishment of Subcommittee. A Standing Committee of *I Liheslaturan Guåhan* may, by designation of its Chairperson, establish, define, design, amend or delegate any of its powers to any number of Subcommittees, *except* as provided in these Rules and *except* for the Committee on Rules on legislative matters which *shall* require an affirmative vote of six (6) Members to create a Subcommittee. Subcommittees of Standing Committees may include Members of *I Liheslaturan Guåhan* who are *not* Members of the Standing Committee.

Section 11.07. Hearings Made Public. Hearings of Standing Committees *shall* be subject to Chapter 8 of Title 5, Guam Code Annotated, otherwise known as the Open Government Law. Any person admitted to a meeting of a Committee or Subcommittee *shall* observe proper decorum, and this Rule *shall not* be construed to permit the participation by a person *not* a Member of *I Liheslaturan Guåhan* in the hearing of a Committee or a Subcommittee, *except* as permitted by its Chairperson. A Chairperson may order the removal from a hearing of a Committee or a Subcommittee of any person who is *not* a Member of *I Liheslaturan Guåhan* and who fails to observe proper decorum.

Section 11.08. Minority Members. Except for the Committee on Ethics and Standards and the Committee on Rules, each Standing Committee *shall* offer Membership to at least two (2) Minority Members. The Chairperson *shall* choose the Minority Members required by this Section. The Chairperson may select additional Minority Members over and above the required numbers if the Chairperson wishes to do so.

Section 11.09. Members of Standing Committees. *Except* as otherwise provided in these Rules, Members of a Standing Committee or Subcommittee *shall* be appointed by the Chairperson. *Except* as otherwise provided in these Rules, the Chairperson *shall* determine the number of Members of the Standing Committee, which may *not* be less than seven (7) members, including the Chairperson. The Speaker *shall* be an ex officio non-voting member of each Standing Committee to which she is *not* appointed as a Member.

Section 11.10. Special Investigating Committees.

(a) Organization. Except as provided by these Rules, *no* Committee for the investigation of any special subject *shall* be authorized, except pursuant to a Legislative Resolution, which *shall* be approved by an affirmative vote of a majority of the Members

elected to *I Liheslaturan Guåhan*. The subject and purpose of the investigation *shall* be expressed in the title of the Legislative Resolution, and the scope of the investigation *shall* be consistent with the subject and purposes so expressed. No such Committee *shall* have authority to extend its investigations to subjects not so expressed, nor beyond the scope indicated in the Legislative Resolution.

(b) Approval of Expenses. All expenditures to be incurred by Investigating Committees, which are *not* Standing Committees of *I Liheslaturan Guåhan*, *shall* be approved in advance by the Committee on Rules.

(c) Limitations. The Committee on Rules may adopt rules and regulations limiting the amount, time and places of expenses, and allowances to be paid to employees of Investigating Committees, other than Standing Committees.

(d) Copies of Rules. Copies of all rules and regulations adopted pursuant to this Rule *shall* be distributed to the Chairperson of every such Investigating Committee.

Section 11.11. Powers, Authority and Composition of the Committee on Rules.

(a) Membership. The Committee on Rules *shall* consist of the following voting Members:

- (1) the Chairperson, who *shall* be selected from among Members of the Majority Party;
- (2) the Speaker;
- (3) all Chairpersons of the other Standing Committees; and
- (4) two (2) members of the Minority as the Chairperson selects.

(b) Authority of Chairperson; Votes Required to Act. The Chairperson of the Committee on Rules for legislative matters *shall* act on behalf of the Committee in all matters, *except* where otherwise required by these Rules. Any and all action taken by the Committee on Rules requiring a vote pursuant to these Rules *shall* be effective upon an affirmative vote by six (6) Members of the Committee on Rules.

(c) Policy-Making Body. The Committee on Rules is constituted as the policy-making Body of *I Liheslaturan Guåhan*. The Committee *shall* prescribe all policies governing the administration and operation of the Central Office of *I*

Liheslaturan Guåhan, including staff organization, functions, personnel requirements and rates of compensation.

(d) Session Agendas. The Committee on Rules *shall* have the general responsibility to determine whether any bill, resolution, Committee Report, communication or correspondence to *I Liheslaturan Guåhan* *shall* reach the Floor for debate or discussion, and *shall* prepare the Session Agenda for each Legislative Day. All Committee Reports of Standing Committees *shall* be submitted to the Committee on Rules for its review, action, and/or amendment prior to presentation to *I Liheslaturan Guåhan*.

(e) Continuous Existence. The Committee on Rules *shall* continue in existence during any recess or adjournment of *I Liheslaturan Guåhan*, and after adjournment sine die until the convening of the next Legislature, having the same powers and duties as when *I Liheslaturan Guåhan* is in Session.

(f) Committee on Rules Resolutions and Certificates. Any Member of *I Liheslaturan Guåhan*, whether or not a Member of the Committee, may author and introduce non-substantive Committee resolutions, certificates of commendation, certificate of condolences and other similar Committee documents, even though such non-Committee Member may *not* vote on the same.

(g) Supervision of Attachés. The Chairperson of the Committee on Rules *shall* be responsible for supervising the Attachés of *I Liheslaturan Guåhan*. The Attachés may also be directed by the Speaker

(h) Votes Required to Put a Bill on Second Reading. The Committee on Rules may *not* place in Second Reading any bill or resolution *unless* it is reported out of the Standing Committee to which it was referred, and *unless* a majority of all of the Members of that Standing Committee have voted to “do pass” or to otherwise “report out”. The Committee on Rules may make amendments to any bill prior to its placement on the agenda.

(i) Inventory of Property. The Chairperson of the Committee on Rules is authorized and directed to make and maintain a complete inventory of all property of *I*

Liheslaturan Guåhan, including all property in the possession or control of any Committee. The Committee on Rules *shall* have custody and control of all such property of *I Liheslaturan Guåhan*, and the Committee on Rules *shall* adopt such rules or orders as it may determine are necessary relating to the purchase, care, custody, use or disposal thereof.

(j) **Budget.** The Committee on Rules *shall* establish a budget for *I Liheslaturan Guåhan* annually in accordance with Rule XV, and report on the expenditure of the same to *I Liheslaturan Guåhan* in accordance with Rule XV. The Committee on Rules may transfer funds from among the various accounts of *I Liheslaturan Guåhan* in order to assure smooth operations.

(1) **State Funerals.** The Committee on Rules may authorize State Funerals and the expenditure of funds to cover the following services:

- (A) Preparation and printing of the funeral program;
- (B) Preparation, printing and delivery of the funeral invitations;
- (C) Guam flag;
- (D) Guam wreath;
- (E) Serving of light refreshments following the funeral service at *I Liheslaturan Guåhan*;
- (F) Preparation of the Session Hall, including the purchase of flower arrangements and providing other accenting décor; and
- (G) Staffing of the service, inclusive of overtime for staffers who assist with set-up and break-down.

(k) **Use of Legislative Buildings.** No part of the Guam Congress Building, or of any successor building which serves as the official seat of *I Liheslaturan Guåhan*, *shall* be used for any non-legislative function or purpose without the prior written consent of the Chairperson of the Committee on Rules, which Committee *shall* adopt rules to govern such permitted non-legislative uses.

(1) **Maintaining Security of the Session Hall.** The Committee on Rules *shall* have jurisdiction over the Speaker Antonio R. Unpingco Legislative

Session Hall, including, but *not* limited to, procedures for ensuring security of the Hall and oversight of the admission of visitors in the visitor areas, both during and outside Session meeting times;

(2) Guam Congress Building. The Chairperson of the Committee on Rules may appoint a Subcommittee to assist the Chairperson in developing plans for the restoration of the Guam Congress Building, legislative building and other related government office building complex, either by construction, renovation or purchase, and *shall* implement the same, and *shall* otherwise be responsible for maintenance of buildings and properties under the jurisdiction of *I Liheslaturan Guåhan*. The Chairperson may, subject to law, renovate such structures and perform such acts and duties necessary to provide facilities for the activities of *I Liheslaturan Guåhan*.

(l) Legislative Printing. The Chairperson of the Committee on Rules *shall* order the necessary printing of stationery for the Members, and under the general supervision of the Committee on Rules, of all bills and resolutions. The Chairperson of the Committee on Rules *shall* order copies of laws, journals, file forms and other materials necessary.

(m) Legislative Lobbyists. The Committee on Rules *shall* have the authority to monitor to ensure compliance with *or* to receive and dispose of any complaints alleging any violations of §8101 of Chapter 8 of Title 2 of the Guam Code Annotated, relative to the registration and regulation of legislative lobbyists.

PART D
LEGISLATIVE STAFF

RULE XII.
DEFINITION OF LEGISLATIVE STAFF

As used in Part D, “Central Legislative Staff” includes all staff and employees of *I Liheslaturan Guåhan*, excluding Members, including contract hire staff, whose positions are funded by *I Liheslaturan Guåhan* from any funds which are not specifically allocated to the Office of the Speaker, a Standing Committee of *I Liheslaturan Guåhan*, a contingency fund, a community service account or the office or account of a Member.

RULE XIII.
APPROVAL OF LEGISLATIVE STAFF.

Except for Attachés elected by the Members, no person may occupy any position within the Central Legislative Staff unless such position has first been approved by the Chairperson of the Committee on Rules, or is approved in the budget to be adopted pursuant to Rule XIV, such approval to include as to each position title, salary or compensation, job description, and an indication as to whether the position is full time or part time. The selection of individuals to occupy such approved Central Legislative slots *shall* be made by the Chairperson of the Committee on Rules.

Section 13.01. Executive Director. The Chairperson of the Committee on Rules may hire an Executive Director (“Director”), who *shall* be under the supervision of the Chairperson of the Committee on Rules, who may discipline and dismiss the Executive Director, and may be immediately responsible for the day-to-day operations and administration of *I Liheslaturan Guåhan*. The Director and the Deputy Director, if any, *shall* be appointed by the Chairperson and *shall* implement and enforce policies and regulations established and

appropriated to that person's duties, and *shall* perform such other duties as are assigned to that person by the Chairperson. The Director may recommend policy changes and new procedures to the Chairperson of the Committee on Rules. Legislative staff personnel, not employed by the Legislative Officers, the Standing Committees, or an individual Senator, and who are working for the Central Staff *shall* come under the supervision of the Director. The Director is designated the Disbursing Officer of *I Mina'trentai Unu Na Liheslaturan Guåhan*.

The Director *shall* be responsible for personnel processing, travel processing, property control, procurement of supplies and maintenance of all records of legislative expenses, including staff salaries, wages and working hours. In the absence of the Director, the Deputy Director, if any, *shall* perform the functions of the Director in an acting capacity. In the absence of the Director and the Deputy Director, if any, the Chairperson of the Committee on Rules *shall* appoint an Acting Director to act in such capacity and perform the functions of the Director.

(a) Supervision by Executive Director. The Central Legislative Staff *shall* be under the direction of the Executive Director, and the Chairperson of the Committee on Rules, and *shall* have such duties and carry out such responsibilities as *shall* be assigned to them from time to time. In performing any such duties, all employees of *I Liheslaturan Guåhan* *shall* maintain inviolate the confidences of each Senator and *shall* disclose or publish the same only when specifically authorized to do so.

Section 13.02. The Chief Fiscal Officer. The Chief Fiscal Officer *shall* be under the supervision of the Chairperson of the Committee on Rules, who *shall* have among that person's powers the authority to discipline and dismiss the Chief Fiscal Officer, and *shall* be immediately responsible for fiscal matters pertaining to *I Liheslaturan Guåhan*. The Chief Fiscal Officer and a Deputy Chief Fiscal Officer, if any, *shall* be appointed by the Chairperson. The Chief Fiscal Officer *shall* serve as the Certifying Officer of *I Liheslaturan Guåhan* and of *I Liheslaturan Guåhan's* Operations Fund, *shall* have overall responsibility for budgetary and accounting functions, subject to the direction and supervision of the Chairperson of the Committee on Rules, and *shall* perform such other duties as are assigned to the Chief Fiscal Officer by the Chairperson of the Committee on Rules.

The Chief Fiscal Officer *shall* make a monthly report to the Members as to expenditures under the Legislative Operation Budget. In the absence of the Chief Fiscal Officer, the Deputy Chief Fiscal Officer *shall* perform the functions of the Chief Fiscal Officer in an acting capacity. In the absence of the Chief Fiscal Officer and the Deputy, the Chairperson of the Committee on Rules *shall* appoint an Acting Chief Fiscal Officer to perform the functions of the Chief Fiscal Officer.

Section 13.03. Discharge of Employees. The Executive Director, with the concurrence of the Chairperson of the Committee on Rules, may suspend or discharge, or otherwise discipline, employees of the Central Staff of *I Liheslaturan Guåhan* without cause. Other employees may be suspended or discharged by the Senator, Officer, Committee Chairperson or Minority Office from whose budget they are paid without cause.

Section 13.04. Speech and Debate Clause Privilege Asserted. Unless otherwise expressly provided to the contrary, *I Liheslaturan Guåhan* hereby asserts its Speech and Debate Clause privileges on behalf of itself, its committees, and its staffers pursuant to Title 48 United States Code §1423c(b), Privileges of Members.

PART E
CENTRAL OPERATIONS
RULE XIV
PERSONNEL RULES AND REGULATIONS

Section 14.01. Scope. These Rules *shall* apply to all positions in *I Liheslaturan Guåhan*, except to a Senator, and except as herein otherwise provided, or as provided by the Chairperson of the Committee on Rules.

Section 14.02. General Rules. The following general rules *shall* apply to legislative personnel:

(a) **Personnel Elected by *I Liheslaturan Guåhan*.** The Legislative Counsel, the Clerk of the Legislature, the Sergeant-at-Arms and the Chaplain *shall* be elected by the Members of *I Liheslaturan Guåhan* as prescribed by law. The Legislative Secretary *shall* certify the results of such elections to the Chairperson of the Committee on Rules.

(b) **Employee of a Senator, Legislative Office or a Standing Committee.** An employee of a Senator, of a Legislative Officer, or of a Standing Committee *shall* be selected by the Senator, by the Officer or by the Chairperson of the Standing Committee, which selection *shall* be evidenced by a memorandum to the Chairperson of the Committee on Rules from the Senator, Officer or Chairperson. The signature of the Chairperson of the Committee *shall* be required for all hiring actions by *I Liheslaturan Guåhan*.

(c) **All Other Employees.** All other employees of *I Liheslaturan Guåhan* *shall* be selected by the Executive Director, except for the Executive Director in a manner prescribed by the Committee on Rules, Deputy Executive Director, Chief Fiscal Officer and Deputy Chief Fiscal Officer, whose methods of selection are elsewhere detailed, with the concurrence of the Chairperson of the Committee on Rules for positions which have been authorized by the Committee on Rules. Selection of an employee *shall* be evidenced by a memorandum from the Chairperson of the Committee on Rules to the Committee on Rules.

(d) Selection, Appointment and Dismissal of Employees. Unless otherwise specified by law or prescribed by the Chairperson of the Committee on Rules, the selection, appointment and dismissal of a full-time or part-time employee, not employed by the Officers, Standing Committees or the Minority *shall* be either by the Executive Director, with the concurrence of the Chairperson of the Committee on Rules, or by the Chairperson of the Committee on Rules; provided, that such selection, appointment or dismissal may be nullified by majority vote of the Committee on Rules.

(1) Resignation Required for a Public Declaration of Candidacy.

Any employee of *I Liheslaturan Guåhan*, contractual or otherwise, *shall* be required to resign such position or cancel such employment contract when said employee first makes a public declaration of candidacy to any elected office, except for District Boards of Education on Guam. A public declaration includes soliciting campaign contributions, having a fundraiser, preparing or distributing campaign materials or publicly declaring candidacy, whichever comes first.

Section 14.03. Administration. These Rules *shall* control the administration of personnel matters in *I Liheslaturan Guåhan*. Subject to these Rules and such other administrative regulations as are promulgated, the Executive Director *shall*:

- (i) advise the Chairperson of the Committee on Rules on policies and procedures concerning the administration of personnel matters;
- (ii) establish and maintain records of personnel employed by *I Liheslaturan Guåhan*;
- (iii) audit and investigate, from time to time, the operation and efficiency of the personnel program;
- (iv) carry out such other programs considered necessary and desirable to assure an equitable personnel system; and
- (v) *shall* be immediately responsible for the administration and enforcement of the personnel program.

Section 14.04. Obligations of Employment. These Rules *shall*, as nearly as conditions of sound administration allow, conform to the employment obligations which follow.

(a) **Compensation, When Not Payable.** Compensation may not be authorized or paid to any employee, unless rules and regulations have been complied with for initial employment or retention in the service of *I Liheslaturan Guåhan*.

(b) **Hours of Work.** Hours of work *shall* be from 8:00 a.m. to 5:00 p.m., Monday to Friday inclusive, or as set from time to time by the Chairperson of the Committee on Rules or the employee's supervisor.

(c) **Working Hours.** All full-time employees are required to put in no less than forty (40) hours per week or as otherwise approved by immediate supervisors.

(d) **Overtime Compensation.** Subject to the availability of funds and authorization in advance by the Executive Director or the Committee on Rules, an employee who works in excess of forty (40) hours per week *shall* receive overtime compensation at the rate of the regular wage plus fifty percent (50%) for each hour worked in excess of forty (40). If funds are not available for overtime, the Executive Director may authorize in advance: an employee who voluntarily works in excess of forty (40) hours per week *shall* receive compensatory time off at the rate of one and one-half times the total number of hours worked in excess of forty (40) hours. For central office employees, compensatory time off earned, but unused, must be taken with consent of the employee's immediate supervisor and before the end of the term or be forfeited.

(e) **Exceptions.** Those employees of an Officer of *I Liheslaturan Guåhan*, of a Standing Committee or of a Senator, who work at irregular hours at the direction of such Officer, Committee or Senator, *shall* be deemed to work the complete assigned and designated hours per week, as shown on their personnel action form, and their work records *shall* so indicate, but such employees *shall* receive no overtime, no compensatory time off nor night-time differential.

(f) **Outside Employment or Interests.** Employment or business interests of any full-time employee outside the government service may be permitted if it does not involve conflict of interest, incompatibility of jobs or hours, or improper representation as a public servant. Approval of the appropriate Committee Chairperson, for Committee

employees, or the Chairperson of the Committee on Rules, for general employees, *shall* be required prior to maintaining outside employment or business interests.

(g) Standard of Conduct. An employee *shall* devote full-time and attention to the employee's duties during working hours. The Employee's conduct, both private and public, *shall* be such as to bring honor and respect to the employee's office and *I Liheslaturan Guåhan*. All employees must extend due and proper courtesy and respect to the Members of *I Liheslaturan Guåhan*. No employee *shall* actively campaign against any political candidate of that employee's own party as reflected on the employee's voter registration record.

(h) Not Employees. Unless specifically specified otherwise by the contract, persons who perform services pursuant to contract *shall* be deemed not to be employees of *I Liheslaturan Guåhan*.

Section 14.05. Appointment Procedures. The following procedures *shall* apply to appointments:

(a) Position Established by the Chairperson of the Committee on Rules. No person *shall* be appointed to, or employed in, or paid for service in any position in *I Liheslaturan Guåhan* until that position has been established by the Chairperson of the Committee on Rules.

(b) Authorized Positions Listed With the Committee on Rules. The Chairperson of the Committee on Rules *shall* maintain a list of authorized positions, showing by class of positions those that have been established and the current status of the positions. No change in the number of authorized positions on such list *shall* be made, except upon approval of the Committee on Rules.

Section 14.06. Classes of Employees. There are only two (2) classes of employees within *I Liheslaturan Guåhan* to read as follows:

(a) Class 1. Unrestricted Employees. When hired on a full-time basis, Class 1 Employees are eligible to receive full benefits, i.e. medical, dental and group life insurance, and may choose to join the Government of Guam Retirement Plan. Annuitants may not become Class 1 Employees without foregoing their annuities. If an employee is an

Unrestricted Employee, such status *shall* be indicated on all personnel documents pertaining to that employee, inclusive of personnel actions, etc.

(b) Class 2. Restricted Employees. Class 2 Employees are ineligible for medical, dental or life insurance benefits, but *shall* be entitled to government of Guam Workmen's Compensation. They may not join the Government of Guam Retirement Plan, but FICA must be paid on such employees, with *I Liheslaturan Guåhan* responsible for the employer's share of FICA. Restricted Employees hired by Committees or Senatorial offices *shall* have their employer's share of FICA paid out of Committee or Senatorial Office budgets allocated to the hiring Committee or Senatorial office. Restricted employees employed by the Central Operations of *I Liheslaturan Guåhan*, as attested to by the Chairperson of the Committee on Rules, *shall* have their employer's share of FICA paid out of the budget allocated to the Central Operations of *I Liheslaturan Guåhan*. Annuitants of the Government of Guam Retirement Fund may be restricted employees of *I Liheslaturan Guåhan* without losing their annuities. Restricted Employees are not eligible to accrue annual or sick leave. Working hours *shall* be determined by the appointing authority.

Section 14.07. Kinds of Positions. All positions *shall* be identified upon the records of *I Liheslaturan Guåhan* as "regular" or "temporary" in accordance with the action in setting up the positions.

(a) Regular Positions. "Regular position" *shall* mean full-time position without the time limitation of one (1) year or less.

(b) Temporary Appointment. "Temporary appointment" *shall* mean an appointment of a full-time position of one (1) year or less.

(c) Employee Contracts Prohibited. No employee of *I Liheslaturan Guåhan* may be hired on the basis of an employee contract. *I Liheslaturan Guåhan* is restricted in the use of contracts, except in such cases as there are clear contract deliverables, restricted periods of contract duration and only for such specialized services as cannot be obtained through the use of regular employees or in such case where the use of a regular employee for those services would be prohibitively expensive or would otherwise be inadvisable. It is not the intention of this Section to prohibit the use of

contracts for obtaining commonly recognized services, such as legal services, auditing services, specialized consulting services of limited duration, specialized research or construction and similar technical contracts.

Section 14.08. Pay Administration. Pay *shall* be administered as follows.

(a) **Basic Compensation.** “Basic Compensation Rates” means the hourly, weekly or annual pay rate used to determine an employee’s compensation in accordance with the salary schedule established by the Chairperson of the Committee on Rules. No Committee or Officer may subsidize the basic compensation of a non-Committee or non-Officer employee.

(b) **Shared Appointment.** An employee may be appointed for less than full-time employment by a Committee or Officer, and accept less than full-time employment with another Committee or Officer. The employee may not accept employment or compensation greater than the equivalent of a full-time position. Further, the employee may not be employed by more than three (3) Committees or Officers, or by both the Majority and Minority.

(c) **Funds for Salary.** A Committee or Office Budget may be used to supplement the salary of a legislative employee not employed by Central Operations.

(d) **Limitations During Last Six (6) Months of a Term.** The Chairperson of the Committee on Rules may, by resolution, set policies restricting salary increases, new hiring and new contracts during the last six (6) months of the term of *I Liheslaturan Guåhan*. No increase in excess of ten percent (10%) may be granted to any employee, new hire or contracted workers of *I Liheslaturan Guåhan* during the last six (6) months of a term without specific prior approval by statute or by prior written resolution of the Rules Committee.

Section 14.09. Leaves of Absence. The following sections apply to leave.

(a) **Unauthorized Absence.** Any employee who does not report for duty for ten (10) consecutive work days without permission from the Chairperson of the Committee on Rules or the employee’s Committee Chairperson, in the case of Committee

employees, *shall* be presumed to have abandoned that employee's position and may be dismissed.

(b) Leave of Absence Defined. A leave of absence is an approved absence from duty for a prescribed period of time, with or without pay.

(c) Leave of Absence Without Pay. Employees of *I Liheslaturan Guåhan* may be allowed a leave of absence without pay for a period not to exceed three (3) months. For good cause, such leave may be extended by the Chairperson of the Committee on Rules for an additional thirty (30) days. Acceptable reasons for leave without pay include military leave, maternity, paternity, sickness, travel abroad and those which the Chairperson of the Committee on Rules considers compatible with the interest of the service.

(d) Leave of Absence With Pay. The Chairperson of the Committee on Rules may authorize salary payments in whole or in part to an employee whose leave with pay has been approved.

(e) Revocation. Leave without pay or leave with pay may be revoked by the Chairperson of the Committee on Rules when the good of *I Liheslaturan Guåhan* may require it, or when evidence shows that the absent employee is engaged in activities for which leave could not have been granted in the first instance.

(f) Failure to Return to Duty. An employee who fails to report to duty at the expiration of leave of absence without acceptable reason may be considered as having resigned from the service.

(g) Holidays. Employees are not required to report to work on legal holidays. Essential services may be required by the Chairperson of the Committee on Rules to be carried out on such days by certain employees. When an employee is absent from duty either at the close of the work immediately preceding a holiday, or at the beginning of the work day immediately following a holiday, and such absence is determined to have been a leave without pay, the employee *shall* not be eligible for compensation for the holiday, but *shall* be on leave without pay status.

(h) Legal Holidays. Holidays *shall* be in accordance with §1000 of Title 1 of the Guam Code Annotated.

(i) Annual Leave Policy. The policy of *I Liheslaturan Guåhan* is that annual leave is a privilege granted for the mutual benefit of employees and the government in order to assure the frequent refreshment of the employee so that the employee may more effectively perform that employee's duties. Each employee may be required to take leave. However, leave may be denied by the Chairperson of the Committee on Rules when the services of the employee are required.

The minimum charge of leave *shall* be for one (1) hour. Under ordinary circumstances, unavoidable or necessary absence from duty of less than one (1) hour and tardiness may be allowed by the Chairperson of the Committee on Rules for good reasons without charge of leave.

(j) Annual Leave. Employees *shall* accrue annual leave at the same rate as other employees of the government of Guam, inclusive of restrictions in the total number of hours of annual leave that may be accrued.

(k) Leave Year. "Leave Year" means the period from the beginning of the first complete pay period in the calendar year commencing January 1 to the beginning of the first complete pay period in the following calendar year.

(l) Basis for Accrual. Annual leave *shall* accrue for each bi-weekly pay period in which an employee is in a pay status for the entire ten (10) days; otherwise, there *shall* be no accrual for such period.

(m) Accumulation. Annual leave accrued and unused in a leave year may be carried over to the next year.

(n) Lump Sum Payment. When an employee is separated, in lieu of being granted annual leave, the employee *shall* be given credit for any accrued and unused annual leave as of the date of separation. Any employee may, upon separation, apply for such a lump sum payment of accrued and unused leave. In computing such lump sum payment, leave on leave *shall* not be allowed. Except for rehire at the beginning of a new term, if any such employee is reinstated or re-employed by *I Liheslaturan Guåhan* prior

to the expiration of the period of leave on which lump sum payment is computed, the employee *shall* reimburse the government for any portion of such period which *shall* not have expired upon reinstatement or re-employment, and *shall* be credited with the unused leave balance for future use. An employee may, prior to taking authorized annual leave, receive a lump sum payment in advance for the period if such leave *shall* not be less than ten (10) consecutive work days. Except for rehire at the beginning of a new term, if any such employee returns to work status prior to the expiration of the leave period for which the employee received a lump sum payment in advance, the employee *shall* reimburse the government for any portion of such period which *shall* not have expired, and *shall* be credited with leave for future use.

(o) Sick Leave. Employees *shall* accrue sick leave at the rate of one-half day (4 hours) for each bi-weekly pay period in which they are in pay status for the entire ten (10) work days. Otherwise, there *shall* be no accrual for such period.

(p) Accumulation of Sick Leave. Unused sick leave may be accumulated and carried over to succeeding leave years without limitations, which policy includes accumulated sick leave by Members and employees of the previous Legislature (i.e. a Member or employee can carry over accumulated sick leave from one (1) Legislature to the next).

(q) When Allowed. Sick leave with pay *shall* be allowed whenever an employee is compelled to be absent from duty on account of illness or injury, or because of quarantine due to the employee's own or another's illness.

(r) Certification. If an employee is absent because of illness, injury or quarantine in excess of three (3) days, the employee *shall* be required to furnish a certification as to the incapacity from a licensed physician or other evidence administratively acceptable. The Chairperson of the Committee on Rules may require certification for such other period of illness it deems advisable. If the required certification is not furnished, all absence which would have been covered by the such certification may be charged to accrued annual leave at the employee's request, such absence *shall* be considered as leave without pay.

(s) **Maternity and Paternity Leave.** Employees occupying regular positions *shall* be entitled to paid Maternity and Paternity leave on the same basis and at the same rate as other employees of the government of Guam, inclusive of restrictions as to days which said leave can be used. Such maternity and paternity leave *shall* not exceed twenty (20) days encompassing the date of childbirth or adoption.

(t) **Incapacitation for Duty as the Result of On-the-Job Injury and Related Medical Treatment of the Injury.** Full-time employees of *I Liheslaturan Guåhan* *shall* be subject to the Workmen's Compensation Law, pursuant to Chapter 9 of Division 1 of Title 22, Guam Code Annotated.

(u) **Bereavement Leave.** Two (2) days excused absences with pay and without charge to leave *shall* be granted upon death of an immediate family member; that is, someone within two (2) degrees of consanguinity.

(v) **Special Provisions.**

(1) Sick leave taken for trivial indispositions or falsification of an illness report *shall* be sufficient cause for dismissal from the service.

(2) Sick leave with pay *shall* be allowed during leave of absence or vacations, provided that any sick leave taken by an employee while on vacation must be supported by a medical certification or some other evidence.

(3) No employee *shall* undertake gainful employment while on sick leave status.

(4) The minimum charge of sick leave *shall* be one (1) hour.

(5) An employee who has suffered a serious illness or ailment which has exhausted the employee's sick leave and who intends to return to work may submit a written request for advance of sick leave to the employee's appointing authority. Each request for advance of sick leave must be accompanied by a certification of incapacitation for duty by the employee's physician. An advance of sick leave may not exceed thirteen (13) days, and *shall* be subject to approval by the Chairperson of the Committee on Rules.

(6) If an employee is separated from the service without having earned all of the sick leave allowed in advance and taken, there *shall* be deducted from any money due the employee at the time of separation, an amount equal to the employee's salary, for the period of unearned sick leave allowed and taken.

(w) Inclusion. The following Sections of this Rule apply to Members: Sections 14.09(m) through 14.09(p).

(x) Expiration of Appointments. All appointments to positions in *I Mina'trentai Unu Na Liheslaturan Guåhan* shall automatically expire on January 7, 2013. All lump sum payments due at the expiration of appointment, as opposed to resignation or other termination, *shall* be paid on or after January 7, 2013.

(y) Leave Sharing Program Policy and Procedures. In accordance with 4 GCA §4109.2 and §4109.3 the following *shall* serve as the policy on leave sharing and procedures governing *I Liheslaturan Guåhan*.

(1) General Policy. It *shall* be the policy of *I Liheslaturan Guåhan* to provide its employees the opportunity to voluntarily receive, donate or transfer leave to fellow employees or to employees within the other two (2) Branches of government who anticipate, or have exhausted, all their leave. The intention of the policy is to assist employees by placing them on "leave with pay" status, therefore preventing severe loss of income during such emergency situations.

The leave transfer program is further intended to address employees and members of their immediate family who suffer from a "medical emergency," such as catastrophic illness or injury that poses a threat of life or requires inpatient or hospice care, extensive outpatient treatment, quarantine, surgery recuperation or care at home that prohibits the employee from performing regular work duties. Such donation or transfer *shall* be based on the following provisions set forth in this Policy.

(2) Voluntary Transfer of Leave. Voluntary transfer or receipt of sick or annual leave *shall* be available to active employees of *I Liheslaturan Guåhan* consistent with 4 GCA §4109.2 and §4109.3.

(3) **Request Form.** All requests for transfer and use of leave *shall* be submitted to the Executive Director using forms that *shall* be designed by that Office for this purpose.

Section 14.10. Sexual Harassment. The following is the Sexual Harassment policy of *I Liheslaturan Guåhan*:

(a) Purpose.

(1) To set forth *I Liheslaturan Guåhan*'s policy on sexual harassment and communicate that any form of sexual harassment *shall* not be tolerated; and

(2) To set forth procedures for reporting and investigating complaints and for subsequent corrective action.

(b) Description. The Federal Equal Employment Opportunity Commission defines "sexual harassment" as unwelcome sexual advances, requests, favors and other verbal or physical conduct of a sexual nature when any one (1) of the three (3) criteria is met:

(1) Submission to such conduct is made, either explicitly or indirectly, a term or condition of an individual's employment;

(2) Submission to or rejection of such conduct by an individual is used as the basis of an employment decision affecting such individual; or

(3) Such behavior has the purpose or effect of unreasonably interfering with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

Sexual harassment may be in the form of verbal behavior, such as unwanted sexual comments, suggestions, jokes or requests for sexual favors, any non-verbal behavior which may include leering, pictures or cartoons and any physical behavior against a person's Body.

(c) Policy. Discrimination and/or harassment based upon race, sex, national origin, color or religion is unlawful pursuant to Title VII of the Civil Rights Act of 1964. Sexual Harassment is misconduct that undermines the integrity and quality of the workplace and employment relationships, and is unfair to the employee subjected to it, as well as their co-workers. All employees must be allowed to work in an environment free

from unsolicited and unwelcome sexual overtones. Sexual Harassment hurts morale and interferes with work productivity of the victims, co-workers and harassers. No one has the right or authority to harass employees.

I Liheslaturan Guåhan is committed to providing a working environment that is free from sexual harassment of any kind; further, *I Liheslaturan Guåhan* must annually conduct a sexual harassment workshop for all employees. Everyone must understand that sexual harassment is an unacceptable practice and *shall* not be tolerated in the work place. Therefore:

(1) All employees of *I Liheslaturan Guåhan* are responsible for creating a work environment free of sexual harassment.

(2) If an employee of *I Liheslaturan Guåhan* is found to have sexually harassed another employee, or other person having business with *I Liheslaturan Guåhan*, the harasser *shall* be counseled and may be subject to disciplinary action.

(3) Retaliation against employees of *I Liheslaturan Guåhan* who report sexual harassment, or who participate in an investigation, *shall* not be tolerated. Any employee found to have retaliated *shall* be counseled and subject to disciplinary action.

(4) Supervisors are responsible for taking reasonable and necessary steps to prevent the occurrence of sexual harassment in their work environment, and to take immediate corrective action if they become aware of sexual harassment. If the supervisor fails to do so, the supervisor *shall* be counseled, and may be subject to disciplinary action.

(5) All employees of *I Liheslaturan Guåhan* have the right to file a complaint internally, following the Sexual Harassment Complaint and Response Procedures. All complaints *shall* be kept confidential.

Internal Investigations of allegations of sexual harassment *shall* be done in a prompt and sensitive manner, and efforts *shall* be made, during the ongoing investigation process, to maintain confidentiality to the greatest extent possible. All employees are required to cooperate with such an investigation.

I Liheslaturan Guåhan does not intend to regulate social interaction or relationships which are consensual, voluntary and freely entered into by employees or individuals performing business with the office where such relationships do not impact the performance of professional duties.

(d) Sexual Harassment Complaint and Response Procedures.

(1) Reporting Procedures.

(A) One (1) employee for every one hundred (100) people *shall* be trained and selected as an Employee Counselor. The name of the employee *shall* be made available to all employees.

(B) An employee who believes they are being sexually harassed by another employee should immediately notify either the Employee Counselor or the Executive Director, or the Senator under whose jurisdiction the employee is assigned, and to provide all relevant facts pertaining to the alleged harassment. A complaint may be either verbal or written.

(C) An employee should report any incident of sexual harassment within a reasonable time after date of first occurrence, and in no event later than ninety (90) days after date of the first occurrence.

(D) These rules and any guidelines pertaining to procedures for reporting of sexual harassment in the workplace *shall* be made available to all employees of *I Liheslaturan Guåhan* upon initial hiring, or through the Employee Counselor.

If an allegation of sexual harassment is made against a Member of *I Liheslaturan Guåhan*, an employee may report the incident to the Senator under whose jurisdiction the employee is assigned, unless the supervising Senator is the subject of the allegations, in which case the employee may file a complaint under Rule XIX of these Standing Rules.

(2) Review. The Executive Director, Employee Counselor or Senator under whose jurisdiction the employee is assigned *shall* review all allegations of

sexual harassment referred to them. They *shall* have an ongoing obligation to immediately respond to a complaint of sexual harassment in the workplace. A complaint should first be reviewed informally with the person making the complaint to determine whether there are sufficient facts to warrant further action. If it is determined that the complaint alleges facts sufficient to warrant additional action, then the Employee Counselor *shall* refer the matter to the Executive Director, or Senator under whose jurisdiction the employee is assigned, in order to resolve the matter through informal counseling. Informal counseling may also include a verbal and/or written documentation of the facts of the harassment, and instructions to desist from future actions of such nature. If it is determined that a more formal investigation is warranted by the nature of the facts presented, a formal investigation may be held. Legal Counsel for *I Liheslaturan Guåhan* shall assist in the establishment of formal investigation procedures.

(3) Corrective/Disciplinary Action. If, upon completion of the investigation, there is a finding made that sexual harassment occurred, the matter *shall* be referred to the Senator under whose jurisdiction the offending employee is assigned for final action. An employee against whom a complaint for sexual harassment has been determined to have occurred may be issued a verbal or written warning, letter of reprimand or other disciplinary action of such nature, and further required to undergo proper counseling with regards to sexual harassment of a more serious nature. A sexual harassment complaint may be dismissed at the discretion of the Senator under whose jurisdiction the employee is assigned.

(4) Staff Cooperation. Supervisors, other employees or persons having business with *I Liheslaturan Guåhan* shall cooperate in all phases of investigation and ensuing action. Retaliation against the alleged victim, alleged harasser or any other person participating in the investigation is prohibited. Staff in work area where the incident occurred, and others involved in the investigation *shall* cooperate to minimize disruption and stress in the work unit by refraining

from unnecessary dissemination of information and speculation regarding the alleged acts or investigation.

RULE XV.
BUDGET OF *I LIHESLATURAN GUÅHAN*.

Section 15.01. Budget Required/Expenditures. Funds may not be expended by *I Liheslaturan Guåhan*, except after adoption of, and pursuant to, a budget, which budget *shall* be for not more than twelve (12) months; provided, that during the first three (3) months of a new Legislature, funds may be expended for a period not exceeding three (3) months after the swearing in of Senators, at the direction of the Chairperson of the Committee on Rules, without an approved budget. Such expenditures without a budget may not exceed one-fourth (1/4th) of the amount appropriated to *I Liheslaturan Guåhan* for that Fiscal Year, plus relocation allowances, unless the appropriation specifically provides otherwise.

Section 15.02. Adoption of Budget. A Legislative budget in conformance with this Rule may be adopted on the first day of Session. If not adopted on the first day of Session, a proposed Legislative budget in conformance with this Rule *shall* be prepared by the Chairperson of the Committee on Rules. Any conflicts or inconsistencies between this Rule XV and the budget *shall* be resolved in favor of the language in the budget.

Section 15.03. Budget Requirements. The Legislative budget *shall* show exact amounts allocated for Majority Senatorial offices, Minority Senatorial offices, Standing Committees, the Office of Speaker, Minority operations and Central Operations. Any funds not allocated to Majority Senatorial offices, Minority Senatorial offices, Standing Committees, the Office of the Speaker or contingency funds *shall* be deemed allocated to Central Operations.

Section 15.04. Specificity of Budget. The budget *shall* detail exact amounts allocated to each Senatorial office, the exact amount allocated to each Standing Committee of *I Liheslaturan Guåhan*, the exact amounts allocated to the Office of the Speaker, and the exact amount allocated to Minority operations. The budget need not detail how the funds allocated to each Senatorial office, each Committee, and the Office of the Speaker *shall* be allocated and spent by the Senator having responsibility therefore without the need to submit a further budget therefore.

Section 15.05. Personnel Services Budget. For expenditures for personnel services to be funded by funds allocated to Central Operations, including contract hires and personnel service contracts, each position to be funded must be identified showing at least:

- (a) Job title;
- (b) Brief job description for informational purposes only;
- (c) Whether full or part-time;
- (d) Department or Section of *I Liheslaturan Guåhan* where position is located;
- (e) Authorized salary; and
- (f) Personnel benefits.

Section 15.06. Central Operations Budget. The budget for Central Operations must identify each contract, including lease agreements, rental agreements and maintenance agreements, funded from funds in Central Operations if the total expenditure pursuant to such contract exceeds Five Thousand Dollars (\$5,000.00) during the life of the budget, and *shall* indicate:

- (a) The purpose of the contract;
- (b) The proposed dates and length of the contract;
- (c) The name of the contractor, if known;
- (d) Whether the contract is to be bid or negotiated; and
- (e) The amount budgeted for the contract.

Section 15.07. Budget Amendments. *I Liheslaturan Guåhan's* budget may be amended or modified by the Committee on Rules.

Section 15.08. Budget Accounting Practices. The accounts of *I Liheslaturan Guåhan shall* be kept in accordance with generally accepted accounting principals for government agencies, with complete, detailed monthly reports of all expenditures to be prepared within thirty (30) days of the end of each month showing the expenditures for the month and cumulative totals for the fiscal year, and showing all accounts payable.

Section 15.09. Budgetary Shortfalls. If funds are not available to *I Liheslaturan Guåhan* to cover all budgeted items, funds which are available *shall* be pro-rated on a monthly

basis based on the same ratio as the total funds available bear to the total amount of the budget divided by the total number of months which the budget covers, allocated among the following categories:

- (a) Each Majority Senatorial office;
- (b) Each Minority Senatorial office;
- (c) Each Committee;
- (d) The Office of Speaker;
- (e) Each contingency fund;
- (f) Minority operations, if any; and
- (f) Central Operations.

Section 15.10. Lapses in Central Operations. Lapses in Central Operations resulting from personnel lapses, including salary and all benefits, and from other lapses, *shall* immediately, upon lapsing, be placed in a Central Operations Lapse Fund, which may not be spent or obligated without first obtaining approval of the Chairperson of the Committee on Rules.

Section 15.11. Lapses in the Amounts Allocated to the Senators, Speaker, and Committee Chairpersons, and Contingency Funds. *I Liheslaturan Guåhan* encourages the Members to be thrifty. Therefore, any Member of *I Mina'Trenta Na Liheslaturan Guåhan* who is elected to *I Mina'trentai Unu Na Liheslaturan Guåhan* shall carry forward with that Member any surplus, lapsed, unspent or carry-over amounts from that person's office, contingency fund or Committee in *I Mina'Trenta Na Liheslaturan Guåhan*, or previous Legislatures, to follow the Member and not the position. In other words, if an Officer or a Chairperson of a Committee in *I Mina'Trenta Na Liheslaturan Guåhan* had lapses to carry over into *I Mina'trentai Unu Na Liheslaturan Guåhan*, and that person is elected to some other position or Chairpersonship in *I Mina'trentai Unu Na Liheslaturan Guåhan*, the carryover *shall* follow the Member, not the Committee or Office which that Member held. For the purpose of any statute describing a Member's budget, such budget *shall* include not only the amount budgeted for the Senator's office or Committee for the current Fiscal Year, but also all lapses carried forward, as well as

any amounts transferred into the accounts of the Member or Committee by other Members, Committees or by the action of the Chairperson of the Committee on Rules.

Section 15.12. Budgets for Legislative Funded Litigation. Members may initiate, continue or defend against any civil lawsuit, federal, local or otherwise, related to legislative power, legislative work, or taxpayer lawsuit with legislative funds, either under Committee, or Senatorial office.

RULE XVI

EXPENDITURES OF *I LIHESLATURAN GUÅHAN*.

Section 16.01. Approval and Certification. All proposed expenditures *shall* be approved by the Chairperson of the Standing Committee for expenditures of the Member's Committee or Legislative funds, the Minority Leader for expenditures of Minority funds or the Chairperson of the Committee on Rules for all other expenditures. All expenditures and obligations *shall* be within the budgetary guidelines of Rule 1.02(i), and the budget mandated there under, when adopted. Each expenditure *shall* be subject to certification of fund availability by the Certifying Officer, who *shall* also certify that the funds were expended in accordance with the budgetary requirements contained in Rule XV of these Rules, when adopted.

Section 16.02. Temporary Absence of Certifying or Disbursing Officer. The Chairperson of the Committee on Rules *shall* appoint an Acting Certifying Officer, or an Acting Disbursing Officer, during the temporary absence of the Chief Fiscal Officer or Executive Director, respectively.

Section 16.03. Payment of Officers and Employees. The Disbursing Officer *shall* draw warrants from the Legislative Operations Fund in favor of Officers, Attachés and employees in payment for services rendered, and no employee *shall* be paid in advance, except as otherwise provided in a written contract.

Section 16.04. Other Legislative Expenditures. The Disbursing Officer *shall* draw warrants for other Legislative expenditures.

Section 16.05. Contracts by *I Liheslaturan Guåhan*. Each contract on behalf of *I Liheslaturan Guåhan* *shall* be executed by the Speaker, attested to by the Legislative Secretary, and countersigned by the Chairperson of the Committee on Rules, consistent with approved policies of the Committee on Rules. In addition, if the expenditure authorized by the contract is on behalf of a Standing Committee, the contract *shall* also be countersigned by the Chairperson of the Standing Committee.

Section 16.06. Legislative Counsel Approval. Each contract of employment or retaining of an independent contractor *shall* be approved as to form by the Legislative Counsel.

RULE XVII.

PROCUREMENT AND SUPPLY REGULATIONS

Section 17.01. Purpose. It is the purpose of this Rule to provide standard procurement policies and procedures for *I Liheslaturan Guåhan*.

Section 17.02. General Policy. It *shall* be the policy of *I Liheslaturan Guåhan* to procure supplies and services from the lowest bidder, consistent with quality and service, and to conduct procurement activities in the manner that *shall* best serve the public interest.

Section 17.03. Definitions. As used in this Rule:

(a) “Supplies” means any item or article, except real estate, which is furnished to or used by *I Liheslaturan Guåhan*, including, but not limited to, printing of stationary, forms and journals; reproduction or publications and binding; repair and maintenance items, and fuel, furnishings and foodstuffs; and all materials and equipment;

(b) “Services” means any rental or facilities, remodeling, renovations or new construction of building, rental repair or maintenance of equipment, machinery or other personal property, but does not include contracts for professional or personal services, or other services incident to employment;

(c) “Procurement” means any authorized acquisition of supplies and services, including purchase, rental, lease, sale or trade by the Chairperson of the Committee on Rules, or its authorized delegate(s) within the purview of these regulations, and not in conflict with applicable laws;

(d) “Purchasing Agent” means the Executive Director;

(e) “Procurement Officer” means the employee authorized by the Chairperson of the Committee on Rules to procure supplies and service for *I Liheslaturan Guåhan* by purchase, rental, lease or trade; and

(f) “Central Procurement” means the Supply Management Division of the Department of Administration.

Section 17.04. Administration. Responsibility for the administration of this Rule is vested in the Executive Director, who *shall* be the Purchasing Agent, and who may, at the Executive Director’s discretion, use the services of central procurement.

(a) Duties and Responsibilities of the Purchasing Agent. The agent purchasing *shall*:

- (1) disqualify suppliers who default in performance, or who supply poor quality goods from any bidding or negotiation for a stated period of time not to exceed a maximum of one (1) year;
- (2) disqualify suppliers who failed to comply with appropriate licensing requirements;
- (3) regulate the storage and distribution of supplies to avoid loss and waste and account for properties and equipment, and to establish a replacement schedule to avoid costly maintenance of obsolete equipment;
- (4) prescribe the procedures and distribute forms to be used for submitting requisitions for supplies and services, and for processing procurement transactions; and
- (5) provide such other matters as may be required to effect this Rule.

(b) Duties and Responsibilities of the Procurement Officer. The Procurement Officer *shall*:

- (1) purchase or contract for the purchase of all supplies and services for *I Liheslaturan Guåhan* in accordance with the provisions of this Rule and applicable laws;
- (2) prescribe the manner, place and date of delivery of supplies and materials procured for *I Liheslaturan Guåhan*; prescribe the manner of inspecting supplies and materials upon delivery of the supplies before acceptance, and of making test of samples submitted with bids to determine compliance with ordering specifications; determine whether a surety bid bond or cash deposit *shall* be submitted with any bid, or whether a surety performance bond *shall* be required before a contract is entered into, and if required, to prescribe the amount thereof and to enforce forfeiture of such bond or deposit upon failure of the successful bidder to enter into contract within the prescribed time or to perform

the contract in a satisfactory manner; and prescribe, on item basis, the amount of liquidated damage to assess defaulter for breach of contract.

Section 17.05. Purchasing and Contracting Procedures. The following procedures *shall* govern all procurement of supplies and services, except office rental and renovation, or such services as could be obtainable through a professional services contract and professional services such as legal, accounting or research services. Should *I Liheslaturan Guåhan* determine to purchase an existing building or buildings, or real estate, for legislative use, such purchase may be handled through a process of negotiation:

(a) Sealed Bids. Procurement by sealed bid is optional for any purchase at the discretion of the Purchasing Agent and the Procurement Officer, but it is mandatory where the total cost is Ten Thousand Dollars (\$10,000.00) or more, except as otherwise provided.

(1) Procedure. The procedure to be observed when procuring by sealed bids is as follows.

(A) A public notice requesting sealed bids *shall* be published at least once in a newspaper of general circulation on Guam, and at least five (5) days before the final date for submission of bids. Such notice *shall* include a general description of supplies or services to be procured, and *shall* state where bid forms and specifications are available and the time and place for the opening of bids. Such notice *shall* also be posted on a bulletin board to which the public has access, and in the Procurement Office of *I Liheslaturan Guåhan*. The Agent may also solicit bids by sending invitations by mail or messenger to prospective suppliers.

(B) Bids *shall* be submitted to the Agent, and *shall* be identified as bids on the envelope in such manner as the Agent may prescribe.

(C) Bids *shall* be opened in public at the time and place stated in the public notice.

(D) Each bid, with the name of the bidder, *shall* be entered on a record and the record of the successful bidder *shall*, after the award, be open to public inspection.

(E) Bids *shall* be awarded to the lowest responsible bidder.

(F) The Agent *shall* have the authority to reject all bids, in whole or in part, if the Agent determines it to be in the public interest.

(G) If bids are for the same unit price or total amount, in whole or in part, the Agent *shall* have authority to award the bid to one (1) of the tie bidders by drawing lots in public, or to reject all such bids.

(2) Determining Lowest Responsible Bidder. In determining the lowest responsible bidder, the Agent *shall* be guided by the following:

(A) compliance by the bidder with necessary licensing requirements;

(B) ability and sufficiency of financial resources of the bidder to perform promptly, or within the time specified, without delay or interference;

(C) quality of performance of the bidder with regard to awards previously made to the bidder;

(D) record of the bidder with respect to compliance with laws and regulations relating to procurement;

(E) quality and availability of the supplies or services offered by the bidder, and adaptability to the particular use required;

(F) ability of the bidder to provide future maintenance and service for the use of the subject of the award; and

(G) number and scope of conditions attached to bid.

(b) Open Market Procedure. Procurement on the open market is authorized when the cost is less than Ten Thousand Dollars (\$10,000.00), subject to the following:

(1) Less Than Twenty Dollars (\$20.00). When the total cost of a requisition is less than Twenty Dollars (\$20.00) procurement may be made by a Procurement Officer through petty cash.

(2) Less Than Five Hundred Dollars (\$500.00). When the total cost of a requisition is less than Five Hundred Dollars (\$500.00) procurement may be made by a Procurement Officer through “open” standing purchase orders issued to vendors quarterly for purchases totaling less than Five Hundred Dollars (\$500.00); or by purchase orders on “as needed” basis for any amount under Five Hundred Dollars (\$500.00).

(3) Five Hundred Dollars (\$500.00) or More, But Less Than Two Thousand Five Hundred Dollars (\$2,500.00). Where the total cost of a requisition is Five Hundred Dollars (\$500.00) or more, but less than Two thousand Five hundred Dollars (\$2,500.00), procurement may be made by solicitation of informal written or oral quotations on the open market, except that the Procurement Officer with the concurrence of the Purchasing Agent, may dispense with such solicitations and negotiate directly with a vendor when, in the opinion of the Chairperson of the Committee on Rules, it is deemed more advantageous to *I Liheslaturan Guåhan*.

(4) Two Thousand Five Hundred Dollars (\$2,500.00) or More, But Less Than Ten Thousand Dollars (\$10,000.00). Where the cost is Two Thousand Five Hundred Dollars (\$2,500.00) or more, but less than Ten Thousand Dollars (\$10,000.00), procurement may be made by solicitation of not less than three (3) informal written quotations on the open market of which a written record *shall* be kept, except that the Procurement Officer with the concurrence of the Purchasing Agent may dispense with such quotations and negotiate directly with a vendor when, in the opinion of the Chairperson of the Committee on Rules, it is deemed more advantageous to *I Liheslaturan Guåhan*.

(c) Exceptions. The exceptions to the Purchasing and Contracting Procedures are as follows:

(1) Exceptions to Requirements for Sealed Bids. Where the total cost is Ten Thousand Dollars (\$10,000.00) or more, exception to the requirement for a sealed bid is authorized only where at least one (1) of the following conditions exists, and the Purchasing Agent certifies this exception in writing:

(A) an emergency situation affecting the essential operations of *I Liheslaturan Guåhan* exists which will not allow the normal delay attendant to the sealed bid procedures;

(B) the procurement is for supplies or services for which it is impractical or impossible to secure competition;

(C) the procurement is for supplies which consist of technical equipment or component parts thereof for which procurement without sealed bids is necessary;

(D) the procurement is for supplies or services to be acquired from or through a Federal agency when costs are known to be lower than the prevailing market prices; or

(E) the procurement is for supplies which are offered through bargain sales, bankruptcy or receivership sales, or other dispositions of property at lower than prevailing market prices.

(2) Exception to Requirement to Procure from Local Suppliers. Whenever it is determined that the local franchised dealer or distributor is not able to furnish the required service or supply from shelf stock, the Purchasing Agent may authorize procurement direct to a manufacturer or supply distributor when the procurement is for supplies or equipment needed to meet an emergency or disaster, and the Purchasing Agent certifies this exception in writing, or when such purchase *shall* result in significant savings to the Legislature.

(3) Exception to Requirement to Procure Through Regular Procurement Channel. No Officer or employee of *I Liheslaturan Guåhan*, other than the Purchasing Agent or Procurement Officer, may procure supplies and

services from vendors, except those authorized in writing through a Petty Cash Fund.

Section 17.06. Prohibitions.

(a) No procurement of supplies or services *shall* be made, except in accordance with these Rules, and where authorized herein, with conditions and requirements prescribed by the Purchasing Agent. Except as may be authorized by the Purchasing Agent, no Member or employee of *I Liheslaturan Guåhan* is authorized to procure supplies or services, or enter into a contract or agreement to purchase, sell, exchange or trade or tender thereof, on behalf of *I Liheslaturan Guåhan* or any unit thereof. Neither the Purchasing Agent, nor the Purchasing Agent's designee, nor any procurement personnel of the Central Office may encumber or charge the funds of any Standing Committee or of any individual Senator, including the contingency funds of Legislative Officers, absent written authorization from the Chairperson of such Committee or by the Senator whose funds are involved. Where there has been an unauthorized procurement, *I Liheslaturan Guåhan* reserves the right, without liability, to rescind the procurement and to reject any delivery or tender of such supplies or services.

(b) Neither the Purchasing Agent, the Purchasing Agent's delegates nor any procurement personnel of *I Liheslaturan Guåhan* *shall* be financially interested, directly or indirectly, in any procurement for supplies or services for any unit of *I Liheslaturan Guåhan*. Neither the Agent, the Agent's delegates nor any procurement personnel of *I Liheslaturan Guåhan* *shall* accept or receive, directly or indirectly, from any supplier, either before or after, any procurement, whether by sealed bid or open market procedures, any compensation, gift, commission, reward, rebate or other benefits, either in money or anything of value, or any promise, obligation or contract for any future such benefit or employment. The Agent, delegate or other Legislative employee who so violates this provision *shall* be presumed to have abandoned and vacated that person's position, and *shall* be dismissed from service.

Section 17.07. Surplus Stock. All Committee Chairpersons and section heads of *I Liheslaturan Guåhan* *shall* submit to the Chairperson of the Committee on Rules, and in such

forms as it *shall* prescribe, reports showing stocks of all supplies, materials and equipment which are no longer used or which have become obsolete, worn out or scrapped. The Chairperson of the Committee on Rules may transfer such stock to another section or any branch of the government which has need for the item, or to a registered non-profit organization in Guam, or discard such stock if it cannot otherwise be disposed of.

Section 17.08. Stock of Departing or Retiring Members. Departing or retiring Members may be permitted to purchase items of equipment from the Guam Legislature for sentimental or commemorative purpose, at a cost determined equitable through depreciation and the age and condition of such equipment.

RULE XVIII

TRAVEL AND TRANSPORTATION

Section 18.01. General Rule. All persons traveling off-Island on official business for *I Liheslaturan Guåhan* shall provide themselves with funds sufficient for all current expenses. They *shall* exercise the same care in incurring expenses that a prudent person would if traveling on personal business.

Section 18.02. Purpose and Scope. The purpose and scope of this rule is to provide standard travel policies and written procedures and controls governing off-Island travel of Members and employees of *I Liheslaturan Guåhan*.

Section 18.03. General Policy. The policy of *I Liheslaturan Guåhan* is that all off-Island travel must be performed either for the direct benefit of the government of Guam, or to fulfill a real and legitimate obligation of the government of Guam. It is the further policy of *I Liheslaturan Guåhan* to permit travel off-Island of Members, Attachés and certain employees in an effort to keep abreast of new and recent developments in legislative proceedings, techniques, administration and procedures in the various state, national and international legislative bodies.

Section 18.04. Definitions. As used in this Rule, “traveler” means the person who is traveling off-Island on official business for *I Liheslaturan Guåhan*.

Section 18.05. Salary While on Travel Status. The traveler, when applicable, *shall* receive the traveler’s regular salary in addition to per diem expenses during the authorized travel time.

Section 18.06. Persons Authorized to Travel. The following persons are authorized to travel at government expense while on official business:

- (a) Members, Attachés and employees of *I Liheslaturan Guåhan*;
- (b) Persons under contract rendering service to *I Liheslaturan Guåhan*; and
- (c) The Speaker’s spouse.

Section 18.07. Request for Travel. The following applies to travel requests.

(a) **Who Can Request.** An Attaché and an employee who is not employed by the Committee, by an Officer or by the Minority *shall* submit a request for authorization to travel

to the Chairperson of the Committee on Rules. All other employee travel *shall* be requested by the employing entity.

(b) Notice of Travel by Member. A Member *shall* submit a notice of travel to the Chairperson of the Committee on Rules when the Member travels off-Island on official business. The notice *shall* contain information as to the purpose of the Member's travel, the Member's destination, duration of absence on official business and cost of the travel.

(c) Notice of Travel by an Officer, Chairperson or Minority Leader. An Officer, Chairperson or the Minority Leader *shall* submit a notice of travel to the Chairperson of the Committee on Rules when an employee or contractor under the Member's supervision will be traveling off-Island on official business. The notice *shall* contain information as to the person traveling, the duration of absence on official business, the purpose of the travel, the cost and the manner of financing.

(d) Travel Settlement. Any traveler, within ten (10) working days after completion of travel and return to Guam, *shall* submit a written settlement report to the Chairperson of the Committee on Rules on the Member's travel and the Member's expenses in excess of the per diem received, in the manner and form prescribed by the Chairperson of the Committee on Rules.

(e) No Salary for Late Settlement Report. Salary *shall* not be paid to any employee or Member whose settlement report is not filed within such ten (10) day period.

Section 18.08. Travel Allowance. Travel allowances *shall* be handled as follows.

(a) Funds. Funds for travel including per diem allowances and reimbursable expenses may be secured by way of a cash advance or by way of reimbursement upon completion of travel. Advances *shall* not exceed the per diem allowance set forth in §23104 of Chapter 23 of Division 2 of Title 5, Guam Code Annotated. Cost of car rentals and transportation is not included in the minimum per diem allowance, but *shall* be in addition to such per diem. If the traveler uses a hotel and car combination package wherein the charges are not broken down for hotel and car charges, then one half (1/2) of such charges that are not broken out *shall* be treated as car rentals.

(b) Recovery of Advances. The Chairperson of the Committee on Rules *shall* assure that an amount previously advanced is deducted from the total expenses allowed, or that it is otherwise recovered. In cases where the traveler is in a continuous travel status, or where periodic reimbursement vouchers are submitted on specific authorizations, the full amount of travel expenses allowed may be reimbursed to such traveler without deduction of the traveler's advance until such time as the final voucher is submitted. If the amount advanced is less than the amount of the voucher on which the advance is deducted, the traveler *shall* be paid the net amount. In the event the net exceeds the reimbursable amount, the traveler's reimbursement *shall* accompany the voucher. In the event of cancellation or indefinite postponement of authorized travel, the Executive Director *shall* take immediate steps to secure the refund of any advances that may have been made. Outstanding advances which have not been fully recovered by deductions from reimbursement vouchers or voluntary refunds by the traveler may be recovered promptly by the Executive Director, upon the approval of the Chairperson of the Committee on Rules, by set off of salary due, or by such other legal method of recovery as may be necessary; provided, that no such set-off of salary *shall* be undertaken until ten (10) days after the return to Guam of the traveler. No traveler *shall* be reimbursed for travel costs not actually incurred by the traveler.

Section 18.09. Members to Lease a Vehicle. Each Member is authorized to lease a vehicle for the use of the Member or Attaché and the office of the Member while traveling off-island on official government business.

Section 18.10. Travel Status. Personnel *shall* be considered on travel status only during the time when conducting official business away from their regular place of business, or while traveling to and from the place at which such official business is transacted. Travel status begins with departure of common carriers from Guam on which the traveler has the traveler's regular place of business and terminates upon the traveler's return to Guam.

Section 18.11. Allowance of Travel Time. The time considered as "official travel" *shall* be the reasonable time necessary to travel by air by the most direct route to and from the point, or points, specified in the travel authorization, plus the time necessary to transact

the required official business. Every effort should be made to reserve complete flight schedules well in advance to avoid delays at transfer points. Per diem payment for time lost due to faulty bookings by the traveler may be disallowed. Travel time in excess of direct flight time, when other means of transportation are used, may be charged to vacation time or leave without pay in the case of employees.

When a vacation or leave without pay is added at the beginning or end of official travel of an employee, the allowance for transportation at the beginning or end of official travel, as the case may be, *shall* be the cost of air passage by the most direct route as if such air transportation had been utilized.

All travel must be by a usually traveled and most direct route. Travel tickets *shall* be for complete routes, inclusive of stopover privileges whenever and wherever practicable, to minimize the cost of special or short-run trips, stopovers or backtracking.

When a vacation, unofficial business or leave without pay is included in, or added at, the beginning or end of official travel of an employee, the allowance for transportation *shall* not include additional travel costs resulting from unofficial travel or changes in itinerary as a result of unofficial travel, as the case may be, but the amount of expense born by *I Liheslaturan Guåhan* *shall* be the lower of the actual costs of transportation incurred by the traveler, or the cost of air passage and other necessary transportation from Guam and return by the most reasonably direct route available to and from the official destination(s), as if such reasonably direct transportation had been utilized, with any additional costs to be paid by the traveler.

Section 18.12. Routing of Travel. In computing reimbursement, all travel must be by reasonable routing, and by a usually traveled and most direct or economical route. Travel tickets *shall* be for complete routes, inclusive of stopover privileges whenever and wherever practicable, to minimize the cost of special or short-run trips, stopovers or backtracking.

Section 18.13. Per Diem Allowance. A per diem allowance is a specific allowance of money made available each day to cover the personal expenditures of a traveler, such as meals, lodging, laundry, trips and other necessary expenditures incident to travel. It is not intended to cover expenditures having to do with the conduct of official business.

(a) **Per Diem When Leave is Taken.** If leave of absence of an employee begins or terminates within the traveler's prescribed hours of duty, per diem allowance *shall* terminate or begin at the same time, but if leave of absence does not begin or terminate until after the traveler's prescribed hours of duty, the traveler *shall* be regarded as being in travel status until midnight of the day in which the leave of absence begins and from 12:01 a.m. of the day following the leave of absence. A traveler *shall* be considered in travel status on non-work days, unless the traveler returns to the traveler's regular place of work, or unless such non-work day is immediately preceded by leave of absence. Fractional leave of absence of an employee wholly within a day where for half of the prescribed worked hours, or less, *shall* be disregarded for per diem payment purposes. Where it exceeds half of the prescribed working hours, no per diem will be allowed.

(b) **Amount of Per Diem.** The per diem rates *shall* be as set forth in §23104 of Chapter 23 of Division 2 of Title 5, Guam Code Annotated. Under no circumstances *shall* per diem be allowed an employee at the employee's regular place of work.

(c) **Computing Per Diem.** Per diem allowances *shall* be computed in days. In computing the per diem, the calendar days, or any part thereof, "midnight to midnight" *shall* be the unit. Dates and times, beginning and ending, of travel must be shown in the travel voucher. In computing per diem, in cases where the traveler crosses the international dateline, actual elapsed time in days *shall* be used rather than days. Per diem *shall* be in addition to costs of car rental and ground transportation, which each Member, Attaché or employee is authorized. Hotel and car rental packages *shall* be equally split as to costs between hotel and car rental.

Section 18.14. Use of Leave While Traveling. When leave of absence of any kind is taken by an employee while in a travel status, the exact hour of departure from and return to duty status must be shown on the travel voucher.

(a) **Leave as a Result of Illness or Injury.** Whenever a Member, Attaché or an employee on official travel takes leave of absence due to illness or injury not caused by the individual's own misconduct, the prescribed per diem *shall* be continued not to exceed seven (7) days in any one (1) period of absence, unless, contingent upon the

circumstances in a particular case, a longer period is approved by the Chairperson of the Committee on Rules. Evidence of the illness or injury may be required to be submitted with the travel voucher. The type of leave and duration thereof must be shown on the voucher. The evidence filed under provisions of the leave rule *shall* suffice.

PART F

ETHICS AND STANDARDS

RULE XIX

CODE OF ETHICS AND STANDARDS

FOR THE LEGISLATIVE BRANCH

Section 19.01. Code of Ethics. There is established a Code of Ethics and Standards for the Members and staff of *I Liheslaturan Guåhan*.

Section 19.02. Standards of Conduct. A Member or staff employee of *I Liheslaturan Guåhan* shall:

- (a) devote full time and attention to the person's duties as a Member or staff employee of *I Liheslaturan Guåhan*;
- (b) uphold the Constitution of the United States and the Organic Act of Guam, and obey the statutes of the United States and of Guam; *and*
- (c) conduct the person's life, both public and private, so as to bring honor and respect to the person's office.

Section 19.03. Prohibited Conduct. No Member or staff employee of *I Liheslaturan Guåhan* shall:

- (a) engage in any private business activity which could in any way be construed as being in conflict with the performance of the person's duties and responsibilities as a Member or staff employee of *I Liheslaturan Guåhan*;

(b) travel at government expense for personal purposes or pleasure; file knowingly any false vouchers or statements to any agency of the government of Guam; or arrange for anyone else to travel at government expense for personal purposes or pleasure;

(c) dispense discriminatory or special favors, or receive benefits for the person or that person's family that could either affect or be construed to affect that person's judgment in any matter concerning the business of *I Liheslaturan Guåhan*, the Executive Branch or the Judicial Branch of government;

(d) make a private promise or binding agreement which could in any manner affect the person's performance of public duty;

(e) engage in business with the government which could reasonably be construed as influential on the performance of the person's duties; *and*

(f) use any information disclosed to the person privately during performance of the person's duties for personal gain or profit.

Section 19.04. Committee on Ethics and Standards. There is created within *I Liheslaturan Guåhan* a Standing Committee to be known as the '*Committee on Ethics and Standards*,' composed of such Members of *I Liheslaturan Guåhan*: four (4) Members of the Committee on Ethics and Standards *shall* be Members of the Majority, appointed by the Speaker; two (2) members of the Committee on Ethics and Standards *shall* be Members of the Minority, appointed by the Minority Leader. The Committee on Ethics and Standards *shall* select a Chairperson and Vice-Chairperson from among its Members.

(a) Vacancies. Vacancies in the Membership of the Committee on Ethics and Standards *shall not* affect the authority of the remaining Members to execute the functions of the Committee on Ethics and Standards, and *shall* be filled in the same manner in which the original appointments were made.

(b) **Quorum.** A majority of the Members of the Committee on Ethics and Standards *shall* constitute a quorum for the transaction of business, *except* that the Committee on Ethics and Standards may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(c) **Powers.** The Committee on Ethics and Standards is authorized:

(1) to investigate any alleged violation of the Code of Ethics and Standards committed by a Senator or employee of the Legislature during employment with the Legislature, where a complaint is made before July 2, 2012; and

(2) after its investigation, and if not dismissed, to recommend to *I Liheslaturan Guåhan* what disciplinary action, if any, should be taken in regards to an alleged violation of the Code of Ethics and Standards; *I Liheslaturan Guåhan* may by ten (10) votes, other than the subject Member, if applicable, adopt the recommendation of the Committee on Ethics and Standards or take any other disciplinary action(s) it deems appropriate, including, but not limited to, reprimand, suspension or discharge of employees, and in the case of Members, disciplinary action, including, but not limited to, censure, suspension or discharge;

(3) to recommend to *I Liheslaturan Guåhan* any changes in existing law or rules, or additions to said law or rules which the Committee on Ethics and Standards *shall* determine to be necessary or desirable to insure observance of the Code of Ethics and Standards;

(4) to sit and act during the present term of *I Liheslaturan Guåhan*, whether or *not* it is in Session, has recessed or adjourned, at such time and places within Guam as the Committee on Ethics and Standards may deem desirable;

(5) to hold hearings; *and*

(6) to require by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, reports, correspondence and documents, as it deems necessary. Subpoenas may be issued

under the signature of the Chairperson of the Committee on Ethics and Standards, or any Member designated by the Chairperson, and may be served by any person designated by such Chairperson or Member. The Chairperson of the Committee on Ethics and Standards, or any member thereof, may administer oaths to witnesses.

(d) Rights of the Accused. The Committee on Ethics and Standards *shall* accord any person accused of violating the Code of Ethics and Standards every opportunity to speak before the Legislative Body during a Committee of the Whole *before* the Body takes final action on a recommendation of the Committee, by that person alone or with counsel, and to testify on that person's behalf.

(e) Rules of Procedure for the Legislative Committee on Ethics and Standards. The following Rule 1 to Rule 29 are hereby adopted for initial use of the Committee on Ethics and Standards. The Committee may, from time to time, make, amend, and repeal such rules, not inconsistent with law or other provisions of these Standing Rules, as in the opinion of the Committee, seem appropriate for the carrying out of this Standing Rule XIX, or for the efficient administration thereof, including every matter or thing required to be done or which may be done with the approval or consent or by order or under the direction or supervision of or as prescribed by the Committee.

**RULES OF PROCEDURE
FOR THE LEGISLATIVE COMMITTEE ON
ETHICS AND STANDARDS.**

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RULES OF PROCEDURE

RULE 1: Purpose of Rules

These rules for the Committee on Ethics and Standards are established to provide for its operation in a manner which will enable it to execute properly the powers and duties vested in it, including the conduct of hearings in a fair and impartial manner, consistent with protection of the

constitutional rights of person involved in the proceedings and the preservation of the public good.

RULE 2: Definitions

AS USED IN THESE RULES:

"Committee" means the Thirty-first (31st) Guam Legislature's Committee on Ethics and Standards.

"Hearing" means any meeting in the course of an investigatory proceeding (other than a preliminary conference or interview at which no testimony is taken under oath) conducted by the Committee for the purpose of taking or adducing testimony or receiving other evidence.

"Meeting" means the convening of the Committee for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter.

"Respondent" means a Senator or employee of the Legislature against whom a complaint of misconduct has been brought before the Committee.

"Witness" means a person who testified to what he or she has seen, heard or otherwise observed.

"Counsel" means an attorney admitted or licensed to practice before the Courts of Guam or specially admitted *pro hac vice*.

RULE 3: Nature and Confidentiality of Proceeding

The Committee, in conducting business, *shall* be guided by the provisions of the Code of Ethics and Standards for the Legislative Branch as set forth in Rule XIX, Standing Rules of the Guam Legislature.

RULE 4: Committee Functions

Pursuant to Rule XIX of the 31st Guam Legislature Standing Rules, the Committee:

(a) May investigate and / or hear all complaints of any alleged violation of the Code of Ethics and Standards by a Senator or employee of the Legislature occurring during employment with the Legislature, if, and *only* if, said complaint has been filed with the Committee in the matter prescribed herein.

(b) After a full investigation and hearing, *shall* report and make recommendations to the Legislature regarding what disciplinary action, if any, should be taken.

(c) May refer to the Guam Ethics Commission any matters involving an elected official.

(d) After full investigation and hearing, if the Committee believes that there is cause for the possible filing of criminal charges, it may recommend the referral of possible criminal charges stemming from the complaint to the Attorney General's Office or appropriate authority for its disposition.

(e) *Shall* recommend to the Legislature any changes in existing law or rules or additions to said law or rules which the Committee *shall* determine to be necessary or desirable to ensure observance of the Code of Ethics and Standards.

RULE 5: Finance and Staff

The Committee may employ for the duration of its business professional, technical, clerical or other personnel as necessary for the proper performance of its duties, to the extent of funds made available to it by the Committee on Rules for such purpose and subject to such restrictions and procedures relating thereto as may be provided by law or any applicable rules of the Legislature.

RULE 6: Membership, Quorum, and Voting

(a) The committee *shall* be composed of six (6) members of the Legislature. Four (4) members of the Committee *shall* be members of the Majority Party, appointed by the Speaker. Two (2) members of the Committee *shall* be members of the Minority appointed by the Minority Leader. The Committee *shall* select a Chairperson and Vice Chairperson from among its members.

(b) Vacancies in the membership of the Committee *shall* not affect the authority of the remaining members to execute the functions of the Committee, and *shall* be filled in the same manner in which the original appointments were made.

(c) Four (4) members of the Committee *shall* constitute a quorum for the transaction of business.

(d) No action *shall* be taken by the Committee at any meeting unless a quorum is present. Except as prohibited by Rule XVIII, Section 18.05, of the Standing Rules of the 31st

Guam Legislature, action may be taken by affirmative vote of no less than four (4) members present and voting at a meeting at which there is a quorum.

(e) Pursuant to Section 18.05 of Rules XVIII of the Standing Rules of the 31st Guam Legislature, the affirmative vote of a majority of all members of the Committee *shall* be required to introduce or report a resolution out of committee. For purposes of this Section, a vote by a member "to report out only" or abstain or any other qualified vote *shall* not be considered an affirmative vote to report such bill or resolution out of Committee.

(f) Subject to concurrent dismissal by the Speaker, any member may be removed by the Speaker for two (2) unexcused absences from a meeting or hearing noticed pursuant to these rules. The Speaker *shall* then appoint a new member.

RULE 7: Hearings and Meetings

(a) The Committee may hold hearings or meetings as it deems appropriate for the performance of its duties at such time and places as it determines.

(b) Members of the Committee *shall* be given at least three (3) days' notice of any meeting to be held concerning any procedural matter. Members of the Committee *shall* be given at least seven (7) days' notice of any meeting to be held concerning any substantive matter.

(c) Members of the Committee *shall* be given five (5) working days notice, and a second notice at least forty-eight (48) hours prior to the start of a Hearing.

(d) The Chairperson *shall* deliver to the Speaker and the Executive Director of the Guam Legislature the notice setting forth the Committee's name, time and place, and a statement of the subject matter of the hearing or meeting. A hearing or meeting, and any action there taken, *shall* not be deemed invalid solely because notice was not given in accordance with this requirement. A meeting or hearing can be recessed by the Chairperson or majority vote of the members present to continue the following working day or to a date certain in the future.

(e) A hearing or meeting *shall* not be conducted by the Committee unless a quorum is present. The Committee may, by majority vote, establish a subcommittee, consisting of not less than three (3) members who *shall* be members of the Committee. The Chairperson of the Committee *shall* be an ex officio member of all subcommittees. A Subcommittee may hold working sessions without a quorum as long as evidence is not received.

(f) A meeting of the Committee or a subcommittee to discuss a complaint against an employee or a Senator *shall* be closed to the public and to all parties.

(g) A special meeting may be called at any time by the Chairperson or by a majority of the members of the Committee, by delivering personally or by mail written notice to each Committee member.

(h) A hearing of the Committee or a subcommittee to receive evidence or take testimony on a complaint against an employee or a Senator *shall* be closed to the public unless the senator or employee subject of the complaint requests a public hearing. The Committee *shall* exclude from any hearing, during the examination of a witness, any or all other witnesses in the matter being investigated by the public agency, but may not exclude the respondent or the complainant.

RULE 8: Form of Complaints

Complaints must be in writing and signed by the Complainant. Complaints and information about Senators and employees of the Legislature must be verified as true or that the complainant believes them to be true under threat of penalty and perjury under the Laws of Guam. Verification in the form or substantially similar to the Verification of Complaint form attached to these Rules *shall* be attached to a complaint. Complaints *shall* be made no later than July 2, 2012.

RULE 9: Notice to Respondent

(a) Immediately upon receiving a complaint the Chairperson *shall* notify the Respondent by giving Respondent a copy of the complaint.

(b) A Committee *shall* not recommend or adopt a final disposition of a matter other than dismissal without first notifying the respondent in writing of the substance of the complaint, affording respondent the opportunity to appear before the Committee, a subcommittee, or legal counsel to present respondent's position; and reports to or by the Committee *shall* include the substance of the Respondent's position on the complaint.

RULE 10: Screening of Complaints

(a) Immediately upon receiving a complaint or information about a Senator or employee of the Legislature, and ensuring that Legal Counsel has no conflict in the matter, the Committee may screen the complaint or may refer the matter to a subcommittee or to the Committee's legal counsel to screen it to determine whether the alleged facts, if true, would constitute a violation of the legislature's Code of Ethics and Standards. Committee Counsel or the subcommittee *shall*, within thirty (30) days or sooner if directed by the Committee, report back to the Chairperson whether the allegations, if true, would constitute prohibited conduct under the legislature's code of Ethics and Standards.

(b) After screening of the complaint or information and before the investigation of such complaint or information has commenced, the Committee *shall* thereupon, by majority vote of its members, determine whether or not the complaint or information screened warrants further investigation or action by the Committee, subcommittee, or committee legal counsel. If not enough votes are obtained, then the item remains on agenda until the committee votes to either go forward, refer to inactive file, or dismiss.

(c) The Committee, its subcommittee, and its legal counsel, *shall* screen all charges on a confidential basis, having available all the powers herein provided or provided pursuant to 2 GCA Chapter 3, and proceedings at this stage *shall* not be public. The Chairperson with the consent of the Committee may release information regarding a pending complaint to the news media or the general public and the legal counsel *shall* not discuss the matter with the media except on consent of the Committee.

RULE 11: Preliminary Investigation by Committee Legal Counsel or Subcommittee

(a) Upon the authorization and instruction of the Committee, as provided in Rule 9, committee legal counsel, a subcommittee, or the Committee itself *shall* conduct a preliminary investigation of any complaint or information that concerns a Senator or employee of the Legislature and alleges facts which, if true, would constitute a violation of the Legislature's Code of Ethics and Standards. A subcommittee or Committee legal counsel, or his or her designee, including a qualified investigator under committee legal counsel's supervision, may interview witnesses and gather evidence in the course of the preliminary investigation. At any time during the course of the preliminary investigation, upon learning of facts or circumstances

clearly exonerating the respondent, the subcommittee or Committee's legal counsel *shall* inform the Committee of such information and immediately recommend a dismissal of the proceeding.

(b) The Committee, its subcommittee, and its legal counsel, *shall* conduct the preliminary investigation of all charges on a confidential basis, having available all the powers herein provided or provided pursuant to 2 GCA Chapter 3, and proceedings at this stage *shall* not be public. The Chairperson with the consent of the Committee may release information regarding a pending complaint to the news media or the general public and the legal counsel *shall* not discuss the matter with the media except on consent of the Committee.

RULE 12: Preliminary Recommendation by Committee Legal Counsel or Subcommittee

The Preliminary recommendation for disposition of a complaint following preliminary investigation by the legal counsel or subcommittee *shall* be either, that there is reason to believe that a violation of the Code of Ethics and Standards has been committed and the complaint warrants a full investigation and hearing by the Committee, or that the complaint should be dismissed. A preliminary recommendation *shall* be made not later than thirty (30) days after the referral for preliminary investigation is made by the Committee, unless extended by the Chairperson or the Committee.

RULE 13: Resolution Approving Full Investigation and Hearing

If a majority of the members of the Committee conclude that there is reason to believe that a violation of the Code of Ethics and Standards has been committed and the complaint warrants a full investigation and hearing by the Committee, then the Committee *shall* by formal Committee Resolution authorize a full investigation and set a time and place for a hearing, giving notice to the complainant and the Respondent.

RULE 14: Hearing

(a) The Hearing *shall* commence no later than thirty (30) days after service of the Resolution on the Respondent, unless otherwise directed by the Committee.

(b) All witnesses *shall* testify under oath and the hearings *shall* be closed to the public and other witnesses, unless the party complained against requests an open hearing. The

Committee *shall* not be bound by the strict rules of evidence but the Committee's findings must be based upon competent and substantial evidence.

(c) All testimony and other evidence taken at the hearing *shall* be preserved by electronic digital recording. Copies of such record *shall* be available only to Members of the Legislature.

(d) After conclusion of an evidentiary or investigative hearing, deliberations of the Committee *shall* be closed to the public and to all parties.

RULE 15: Issuance of Subpoenas

(a) The Committee *shall* have the authority to issue subpoenas and subpoenas duces tecum in order to compel the attendance of witnesses or the production of documents before it, or both, in accordance with 2 GCA Chapter 3. The Committee *shall* have the standing, authority and jurisdiction to determine and impose Legislative Contempt in accordance with 2 GCA Chapter 3, and to make such further orders as it deems appropriate to effectuate its powers under these Rules, and additionally to apply to the Superior Court of Guam for an order to compel the attendance or the production of documents, or both, before it. The Committee may continue the requirement of attendance of a witness, to provide testimony or to provide for additional, supplementary document production by that witness, or both, at the hearing at which the witness was ordered to attend. The Committee *shall* adhere to the requirements of 2 GCA Chapter 3 in the conduct of its investigation and hearing.

(b) Any person who is served with a subpoena also *shall* be served with a copy of the resolution authorizing the investigation and a copy of these rules, a general statement informing him or her of the subject matter of the Committee's investigation or inquiry and, if personal appearance is required, a notice that he or she may be accompanied by counsel of his or her own choosing.

RULE 16: Conduct of Hearings

(a) The Chairperson of the Committee, if present and able to act, *shall* preside at all hearings of the Committee and *shall* conduct the examination of witnesses or supervise examination by other members of the Committee, and members of the Committee's staff who

have been authorized to examine witnesses. In the Chairperson's absence or disability, the Vice-Chairperson *shall* serve as presiding officer.

(b) No hearing, or part thereof, *shall* be televised, filmed or broadcast except upon request of the Respondent and approval of the Committee by majority vote of the members.

(c) The Hearing *shall* be conducted in accordance with 2 GCA Chapter 3.

RULE 17: Rights to Counsel and Submission of Questions

(a) Every witness at a Committee hearing may be accompanied by counsel of his or her own choosing, who may advise the witness as to his or her rights; provided, that limitations may be prescribed by the Committee to prevent obstruction of or interference with the orderly conduct of the hearing.

(b) Any witness at a hearing, or his or her counsel, may submit to the Committee proposed questions to be asked of the witness or any other witness, or a written or verbal statement, relevant to the matters upon which there have been questions or submission of evidence, and the Committee *shall* ask such of the questions or any other questions as it may deem appropriate to the subject matter of the hearing.

RULE 18: Testimony

(a) The Committee *shall* cause an electronic digital record to be made of all proceedings in which testimony or other evidence is received or adduced, which record *shall* include rulings of the Chairperson, questions of the Committee and its staff, the testimony or responses of witnesses, sworn written statements which the Committee authorizes a witness to submit, findings of facts, and such other matters as the Committee or Chairperson may direct.

(b) All testimony given at a hearing *shall* be under oath or affirmation unless the requirement is dispensed with in a particular instance by majority vote of the Committee members present at the hearing.

(c) The Chairperson or a designee, including the legislative Sergeant-at-Arms or Assistant Sergeant-at-Arms, may administer oaths or affirmations to a witness in any matter under examination in furtherance of a legislative proceeding, whether he is under subpoena or not.

(d) The Chairperson at a hearing of the Committee may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document. Unless the direction is overruled by majority vote of the Committee members present, disobedience *shall* constitute grounds for citation for contempt, except that production of any book, paper or other document may be required only by subpoena.

(e) A witness at a hearing, or his or her counsel, with the consent of a majority of the Committee members present at the hearing, may file with the Committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter and scope of the Committee's investigation or inquiry.

(f) A witness at a hearing, upon his or her advance request and at his or her own expense, *shall* be furnished a recording of his or her testimony.

(g) Testimony and other evidence given or adduced at a hearing closed to the public *shall* not be made public, unless authorized by consent of the Respondent and majority vote of the committee, which authorization *shall* also specify the form and manner in which the testimony or other evidence may be released. Nothing herein *shall* be construed to prevent a witness or other supplier of evidence from disclosing such of his or her own testimony or other evidence concerning matters which only he or she could claim a privilege against disclosure.

RULE 19: Final Argument

(a) Respondent or Respondent's counsel *shall* be permitted to present to the Committee oral comments on all evidence received by the Committee. Respondent's arguments to the Committee *shall* be limited to commenting on the evidence received and *shall* not include argument on recommended punishment. Final argument by Respondent *shall* take place after all evidence is received by the Committee, and as soon thereafter as Respondent may be heard.

(b) The Chairperson of the Committee, or his designee, *shall* preside at Respondent's presentation and *shall* control the manner and length of Respondent's final argument.

RULE 20: Final Disposition

The Committee may direct that Committee Legal Counsel *shall* recommend a final disposition of the matter not later than thirty (30) days after the completion of the full investigation and hearing and the later submission of any evidence agreed to be received by the

Committee. A recommendation for final disposition may also be submitted by a Committee Member. The recommendation for final disposition *shall* include, but not be limited to, the following:

- (a) Name of Respondent;
- (b) Act or acts Respondent committed, if any, which violated the Code of Ethics and Standards;
- (c) Conclusions of law upon which Committee Legal Counsel or Member bases the violation;
- (d) On determination that a violation has occurred, the recommended punishment for the violation or violations.

RULE 21: Approval of Disposition

The Committee *shall* review the recommendations for final disposition submitted and may approve, disapprove, or modify the recommendations for final disposition.

When the Committee, after due hearing, believes that there is cause for the possible filing of criminal charges, it may also recommend referral of the complaint to the Attorney General's Office or appropriate authority for its disposition.

RULE 22: Resolution

On adoption of a final disposition which includes the Committee's determination that a violation has occurred, the Committee *shall* prepare a written resolution containing the following information and upon approval by the Committee, submit it to the body of the Legislature for its approval pursuant to Section 19.04(c)(2), *infra*:

- (a) Name of respondent
- (b) The act or acts respondent committed, and whether any such acts violated the Code of Ethics and Standards;
- (c) The disciplinary action recommended by the Committee for the violation or violations.

RULE 23: Notification of Complainant and Respondent

The Complainant and the Respondent *shall* be notified in writing, within a reasonable time, of the final disposition of the matter following full investigation and hearing by the Committee.

RULE 24: Record-Keeping

(a) In matters where the Committee makes a finding of a violation of the Code of Ethics and Standards by a Senator or employee of the Legislature, the documentation thereof *shall* not be destroyed and all records thereof *shall* be placed in both the legislative archives and the official legislative depository.

(b) In matters where the Committee dismisses the complaint or makes a finding of non-occurrence of prohibited conduct by a Senator or employee of the Legislature, the documentation thereof may be placed in the legislative archives and be destroyed after five (5) years.

(c) All Legal opinions and Rules and Regulations adopted or prepared for the Committee *shall* be kept for future reference. These documents *shall* be placed in legislative archives at the end of term of the Committee.

(d) All records concerning ongoing cases *shall* be transmitted to the next legislature with recommendations.

(e) The committee *shall* keep an electronic digital record of its hearings which *shall* be maintained as part of the official records of the committee. The chairperson of the committee *shall* be responsible for ensuring that all official records of the committee are maintained and forwarded to the legislative archives via the speaker for permanent housing upon the disposition and conclusion of each ethics complaint consistent with this Rule. The executive director of the legislature *shall* ensure that all records of the committee are properly secured, stored, and maintained at the legislative archives.

RULE 25: Interested Persons

(a) Any person whose name is mentioned or who is otherwise identified during a hearing of the Committee and who, in the opinion of the Committee, may be adversely affected thereby, may, upon such person's request or upon the request of any member of the Committee, appear personally before the Committee and testify in his or her own behalf, or, with the Committee's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing.

(b) Upon the consent of a majority of its members, the Committee may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear,

appearance or submission of evidence *shall* limit in any way the Committee's power of subpoena.

RULE 26: Limitation of These Rules

Nothing contained in these rules *shall* be construed to limit or prohibit the acquisition of evidence or information by the Committee by any lawful means not provided for herein.

RULE 27: No Authority to Grant Immunity

The Committee *shall* have no authority to grant immunity to witnesses or any other person.

RULE 28: Recusal of Committee Members

If a member of the Committee is accused of an ethics violation, he or she *shall* recuse himself or herself from any participation in the matter. The Speaker *shall* then appoint a part-time member of the Committee to act only in matters regarding that complaint or, if the Speaker is the accused Senator, the Vice Speaker *shall* appoint the part-time member.

RULE 29: Rights to Counsel

The Respondent *shall* have the right to counsel at all stages of these proceeding. Counsel *shall* enter an appearance by serving the Chairperson with a written Entry of Appearance. Respondent's Counsel may not communicate with any member of the Committee individually regarding a pending matter before the Committee, without consent of the Committee, and *shall* communicate with the Committee via the Chairperson only as specifically authorized by these Rules.

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