I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
85-36 (COR) As substituted and amended on the Floor.	Joe S. San Agustin Tina Rose Muña Barnes Clynton E. Ridgell Amanda L. Shelton V. Anthony Ada Telo T. Taitague Frank F. Blas, Jr. Jose "Pedo" Terlaje James C. Moylan	AN ACT TO AMEND § 15301 OF ARTICLE 3 AND § 15407 BOTH OF ARTICLE 4, CHAPTER 15, TITLE 4 GUAM CODE ANNOTATED, RELATIVE TO REAFFIRMING THE INDEPENDENCE OF THE GUAM ETHICS COMMISSION.	3/16/21 3:30 p.m.	3/19/21	Committee on General Government Operations, Appropriations, and Housing	4/21/21 9:00 a.m.	5/14/21 12:47 p.m.	Request: 3/22/21 Waiver: 3/24/21	

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES
5/21/21	AN ACT TO *AMEND* § 15301 OF ARTICLE 3 AND § 15407 OF ARTICLE 4, CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REAFFIRMING THE INDEPENDENCE OF THE GUAM ETHICS COMMISSION.	5/28/21	6/1/21	6/12/21	36-28	6/11/21	Received: 6/11/21 Mess and Comm. Doc. No. 36GL-21-0680

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

June 11, 2021

Doc Type: 36GL-21-0680
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
06 11 2021
Time: 4:53pm
Received:

HONORABLE THERESE M. TERLAJE
Speaker
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Substitute Bill No. 85-36 (COR) - An Act to *Amend* §15301 of Article 3 and §15407 of Article 4, Chapter 15, Title 4, Guam Code Annotated, Relative to Reaffirming the Independence of the Guam Ethics Commission

Buenas yan Hafa Adai Madame Speaker:

First established in 1996, the Guam Ethics Commission was left without membership until our administration began appointing its first commissioners in 2019. Without a budget or any operational infrastructure, Executive Order No.2019-06 assigned the Civil Service Commission to offer the Guam Ethics Commission administrative assistance. By granting the Guam Ethics Commission more autonomy and direct access to its budgeted appropriations, Bill 85-36, now known as ***Public Law No. 36-28***, further solidifies the Guam Ethics Commission as an integral part of the system of accountability that is so necessary in our government.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

COMMITTEE ON RULES
RECEIVED:
June 11, 2021
5:29 P.M.

Enclosure(s): Bill No. 85-36 (COR) *nka P.L. 36-28*

cc: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Substitute Bill No. 85-36 (COR), "AN ACT TO *AMEND* § 15301 OF ARTICLE 3 AND § 15407 OF ARTICLE 4, CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REAFFIRMING THE INDEPENDENCE OF THE GUAM ETHICS COMMISSION,"** was on the 28th day of May 2021, duly and regularly passed.

Therese M. Terlaje

Therese M. Terlaje
Speaker

Attested:

Amanda L. Shelton

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1st day of June, 2021, at 1:46 o'clock P .M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 6/11/2021

Public Law No. 36-28

2021-13809
RCVD AT CENTRAL FILES
JUN 1 '21 PM1:46

Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 85-36 (COR)
As substituted; and amended on the Floor.

Introduced by:

Joe S. San Agustin
Tina Rose Muña Barnes
Clynton E. Ridgell
Amanda L. Shelton
V. Anthony Ada
Telo T. Taitague
Frank Blas, Jr.
Jose "Pedo" Terlaje
James C. Moylan
Telena Cruz Nelson
Joanne Brown
Christopher M. Dueñas
Sabina Flores Perez
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* § 15301 OF ARTICLE 3 AND § 15407 OF ARTICLE 4, CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REAFFIRMING THE INDEPENDENCE OF THE GUAM ETHICS COMMISSION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that there is a need to reaffirm the Guam Ethics Commission as an independent body that is able to adequately receive, hear, and render opinions on allegations of violations as authorized under Chapter 15 of Title 4, Guam Code Annotated.

The Ethics Commission was first established by Public Law 23-105, but was not an active entity of the government of Guam until it was reactivated via Executive Order 2019-06. *I Liheslaturan Guåhan* appropriated funds to the Guam Ethics Commission in Fiscal Year 2021, which initiated the process for the Commission to hire essential personnel to support its functions and secure an office location.

Many community members desire a government whose officials maintain a standard of conduct as defined by law, and value an Ethics Commission empowered to receive complaints, conduct investigations, and enter judgments, free from any potential influence or interference by government officials.

Therefore, it is the intent of *I Liheslaturan Guåhan* to update Articles 3 and 4 of Chapter 15, Title 4, Guam Code Annotated, to reaffirm the independence of the Guam Ethics Commission.

Section 2. § 15301 of Article 3, Chapter 15, Title 4, Guam Code Annotated, is hereby *amended* to read as follows:

"**§ 15301. Guam Ethics Commission Established; Composition.**

There shall be within the government of Guam, an autonomous and independent commission to be known as the 'Guam Ethics Commission.' The Commission shall consist of seven (7) members to be appointed by *I Maga'håga*. Each appointee shall be a United States citizen and a bona fide resident of Guam. No person who has ever been convicted of a felony shall be eligible to serve on the Commission. Members of the Commission shall not be an employee, as defined herein, or have any member of their immediate family employed by the government of Guam. All appointments to the Guam Ethics Commission shall be confirmed by *I Liheslatura*.

The Chair of the Commission shall be elected by the majority of the Commission. The term of office of each member shall be for four (4) years, provided that of the original members, two (2) shall hold office for two (2)

years, two (2) shall hold office for three (3) years, and one (1) shall hold office for four (4) years. The determination of these members' length of office shall be by lot drawn by the members at their initial meeting. No person shall be appointed consecutively to more than two (2) terms as a member of the Commission.

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

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

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

"**§ 15407. Executive Director and Guam Ethics Commission Staff.**

(a) The Guam Ethics Commission may employ such persons as it deems necessary for the performance of its functions. It shall submit an annual budget request to the Legislature for its required operations.

(1) The Executive Director shall submit an annual fiscal year budget to the Guam Ethics Commission for its review and approval no later than January 31 of each calendar year.

(2) The Guam Ethics Commission shall review and approve a fiscal year budget necessary to meet all of the Commission's statutory

requirements and abide by all policies and procedures set forth in this Chapter and corresponding rules and regulations.

(3) The Guam Ethics Commission's Executive Director shall submit to *I Liheslatura* an approved annual budget for each fiscal year, no later than the date prescribed by *I Liheslaturan Guåhan*, and shall include a detailed breakdown of the funding level necessary to meet all of the Commission's statutory requirements and abide by all policies and procedures set forth in corresponding rules and regulations.

(4) The annual Guam Ethics Commission budgetary appropriations approved by *I Liheslaturan Guåhan* and signed into law by the Governor of Guam shall be exempt from the Bureau of Budget and Management Research, Office of the Governor of Guam, budgetary allotment control as generally provided in 5 GCA § 1303.

(5) The Guam Ethics Commission may draw against its respective appropriations as needed to meet its obligations in accordance with a drawdown schedule that the Guam Ethics Commission submits to the Director of Administration. If the Guam Ethics Commission fails to submit its drawdown schedule by October 31, the Director of Administration may withhold a drawdown request for the current fiscal year until such time the Commission submits its drawdown schedule for the entire fiscal year. The Director of Administration shall not, for any reason, withhold any amount appropriated by *I Liheslaturan Guåhan* to the Guam Ethics Commission.

(b) The Commission shall appoint an Executive Director who shall:

(1) administer the laws under this Chapter and all Commission policies, and ensure that investigations and subsequent

hearings are held in accordance with the procedures outlined in this Chapter;

(2) manage the daily operations of the Commission and perform duties as assigned by the Commission or specified by law or rule or regulation;

(3) be the ex-officio secretary for the Commission but shall not be a voting member thereof. As such secretary, the Executive Director shall keep the minutes of the Commission's proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the Commission shall prescribe; and

(4) be a member of the unclassified service and shall receive an annual salary within a range of compensation to be prescribed by the Commission in accordance with the laws of Guam. Said Executive Director shall serve at the pleasure of the Commission; provided, however, that the Executive Director may not be removed unless that person's removal is ratified by a vote of four (4) or more Commission members.

(c) Staffing for the Guam Ethics Commission.

(1) With the consent of the Guam Ethics Commission, the Executive Director is authorized to hire and dismiss staff to support the operations of the Guam Ethics Commission.

(2) The Executive Director shall be supervised by the Commission, and staff of the Commission shall be under the direct supervision of the Executive Director.

(3) The Executive Director is responsible for developing, initiating, and implementing workplace policies."

Section 4. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 5. Effective Date. This Act shall be effective upon enactment.