

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
105-36 (COR)	James C. Moylan	AN ACT TO <i>REPEAL</i> AND <i>REENACT</i> ARTICLE 3 OF CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED, AND TO ADD A NEW § 15401(g) TO ARTICLE 4 OF CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO CREATING AN ELECTED GUAM ETHICS COMMISSION, AND TO REQUIRE THE COMMISSION TO CREATE A SECURE AND ANONYMOUS REPORTING CHANNEL FOR INDIVIDUALS TO SUBMIT ETHICAL VIOLATIONS.	4/5/21 4:27 p.m.						

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

**Bill No. 105-36 (COR)**

Introduced by:

James C. Moylan 

**AN ACT TO REPEAL AND REENACT ARTICLE 3 OF  
CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED,  
AND TO ADD A NEW § 15401(g) TO ARTICLE 4 OF  
CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED,  
RELATIVE TO CREATING AN ELECTED GUAM  
ETHICS COMMISSION, AND TO REQUIRE THE  
COMMISSION TO CREATE A SECURE AND  
ANONYMOUS REPORTING CHANNEL FOR  
INDIVIDUALS TO SUBMIT ETHICAL VIOLATIONS.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that Public Law 27-141 established the Guam Ethics Commission, to be an administrative process in promoting the highest standards of ethical conduct within the government of Guam, pursuant to the principles identified in Articles 1 and 2 of Chapter 15, 4 GCA. The objective was to assure that a balanced Commission was created, free from political bias, or from answering to the bodies who either appointed and/or confirmed them. The current makeup of the Commission constitutes seven members appointed by the Governor and confirmed by the Guam Legislature.

This Act allows the Guam Ethics Commission to serve the purpose which it was intended to by allowing the voters of Guam, and not elected officials, to select those whom they wish to serve in the capacity of this Commission. This would

1 remove any political biasedness and would result in a non-partisan body focused  
2 on the criteria which is mandated in law. Because they would be considered a non-  
3 partisan entity, there would not be any additional costs with ballot printing, as the  
4 election of the Commissioners of the Guam Election Commission would be on the  
5 same ballot as the Commissioners of the Consolidated Commission on Utilities,  
6 another non-partisan entity.

7 The Act further provides for the Commission to establish a secure and  
8 anonymous reporting channel to allow members of the public to be able to submit  
9 any known ethical violations in the government of Guam. An effective process  
10 would be one where the confidentiality of the informant is held to the highest of  
11 standards.

12 **Section 2.** Article 3 of Chapter 15, Title 4, Guam Code Annotated, is  
13 hereby *repealed, and reenacted* to read as follows:

14 **“ARTICLE 3**

15 **ELECTED GUAM ETHICS COMMISSION**

16 § 15301. Creation of Commission.

17 § 15302. Commissioners.

18 § 15303. Non-partisan Office.

19 § 15304. Terms of Office.

20 § 15305. Reporting Requirements.

21 § 15306. Vacancies.

22 § 15307. Compensation.

23 § 15308. Subpoena Powers.

24 **§ 15301. Creation of Commission.**

25 There is established within the government of Guam, an elected commission  
26 to be known as the ‘Guam Ethics Commission’, whose purpose is to exercise the  
27 authority pursuant to Article 4 of this Chapter. The Guam Ethics Commission,

1 hereinafter referred to as “Commission” shall be elected by the registered voters of  
2 Guam.

3 **§ 15302. Commissioners.**

4 The Commission shall be comprised of seven (7) Commissioners elected at  
5 large by the voters of Guam in a General Election. To be eligible to be a  
6 Commissioner, a person shall be a registered voter of Guam and a minimum of  
7 twenty-five (25) years of age and shall have been a resident of Guam for at least  
8 five (5) years immediately prior to the date of the Commissioner’s election. No  
9 person who has been convicted of a felony or convicted of a misdemeanor  
10 involving criminal sexual conduct or a crime of moral turpitude shall be eligible to  
11 serve on the Commission.

12 Members of the Commission shall not be an employee of the government of  
13 Guam or have any member of their immediate family employed by the government  
14 of Guam. A person shall not simultaneously serve as a Commissioner and an  
15 unclassified or contracted employee of the government of Guam. Persons retired  
16 from the government of Guam may serve as Commissioners.

17 At their first official meeting, the Commissioners shall elect from among the  
18 Commissioners a chairperson, who shall preside over meetings of the Commission.  
19 A majority of the Commissioners holding office shall constitute a quorum. The  
20 affirmative vote of the majority of the Commissioners holding office shall  
21 constitute the decision of the Commission. The Commission may adopt rules and  
22 regulations governing the conduct of its affairs.

23 **§ 15303. Non-partisan Office.**

24 The Office of Commissioner is a non-partisan office. Candidates for the  
25 Office of Commissioner shall not identify themselves as members of any political  
26 party in Guam for the purpose of their campaign, nor shall they receive any  
27 endorsement or material support from any political party in Guam during their

1 campaigns. No Primary Election is required for candidates for this office. No  
2 nominating petitions shall be required of any candidate for this Office. Any  
3 qualified person applying to the Guam Election Commission for candidacy to this  
4 office shall be placed on the General Election ballot. In each election, the  
5 candidates receiving the highest numbers of votes shall be the elected  
6 Commissioners, without regard to the actual number of votes cast or received, and  
7 no runoff elections shall be required.

8 **§ 15304. Terms of Office.**

9 (a) Except as provided in § 15306 and in Subsection (b) of this  
10 Section, each Commissioner shall be elected to serve a term of four (4)  
11 years, commencing on the First (1st) Monday of January following their  
12 election.

13 (b) The first election for members of the Commission shall occur  
14 during the General Election in November 2022. The four (4) candidates  
15 receiving the highest numbers of votes shall each be elected to serve a four  
16 (4) year term, and the three (3) candidates receiving the next highest  
17 numbers of votes shall each be elected to serve a two (2) year term.

18 **§ 15305. Reporting Requirements.**

19 Commissioners and candidates for the Office of Commissioner shall be  
20 subject to the same reporting requirements pertaining to their campaign  
21 contributions and expenditures as applied to candidates and members of I  
22 Liheslaturan Guåhan [the Legislature]. Commissioners and candidates for the  
23 Office of Commissioner shall be required to file a personal disclosure statement  
24 that shall contain the following items:

25 (a) the source of all wages and commissions paid to the  
26 Commissioner, or candidate for the Office of Commissioner;

1           (b) a list of all corporations or partnerships in which the  
2           Commissioner, or candidate for the Office of Commissioner, has a material  
3           interest of five percent (5%) or greater; and

4           (c) a list of all corporations, partnerships, or sole proprietorships in  
5           which the Commissioner, or candidate for the Office of Commissioner, has a  
6           material interest of fifty percent (50%) or more. A candidate for the Office  
7           of Commissioner shall be required to file the personal disclosure statement  
8           required by this Section with the Guam Election Commission upon filing  
9           that person's candidacy with the Guam Election Commission. A  
10           Commissioner is required to file the personal disclosure statement required  
11           by this Section on an annual basis on the same dates personal financial  
12           disclosures are required from members of I Liheslaturan Guåhan.

13   **§ 15306. Vacancies.**

14           (a) A permanent vacancy in the Office of a Commissioner shall be  
15           filled as follows:

16                   (1) If the vacancy to be filled is for twelve (12) months or more,  
17                   the vacancy shall be filled by the next highest vote-getter in the last  
18                   General Election for Commissioner.

19                   (2) If the vacancy to be filled is for less than twelve (12)  
20                   months, the position shall remain vacant until the next General  
21                   Election. For items (1) and (2) in determining how many months  
22                   remaining on the vacant position, the effective date of vacancy shall  
23                   be the date from which to measure the months remaining, and not the  
24                   date when the vacancy is filled.

25           (b) The vacancy being filled under this provision shall be for the  
26           remaining balance of the term of the vacated position.

27   **§ 15307. Compensation.**

1 Commissioners shall be compensated at the rate of Five Hundred Dollars  
2 (\$500.00) per month for their services. Commissioners shall not be eligible for  
3 government of Guam retirement or insurance benefits, or other benefits associated  
4 with government of Guam employment. Commissioners who are government of  
5 Guam retirees may serve on the Commission without giving up their retirement  
6 benefits.

7 **§ 15308. Subpoena Powers.**

8 The Chairperson of the Guam Ethics Commission, upon his or her own  
9 initiative, upon the request of any member of the Commission, or upon the request  
10 of any party before the Commission, may summon in writing any person to attend  
11 before a meeting of the Commission as a witness and in a proper case, to bring  
12 with him or her any book, record, or paper which may be deemed material as  
13 evidence in the case. The fees for such attendance shall be same as the fees of  
14 witnesses before the Superior Court, except that if the witness is a government  
15 employee no witness fees shall be given. The subpoena shall issue in the name of  
16 the Guam Ethics Commission and shall be directed to the person and shall be  
17 served in the same manner as subpoenas to appear and testify before the Superior  
18 Court. If any person or persons summoned to testify refuses or neglects to obey  
19 said subpoena, upon petition, the Superior Court may compel the attendance of  
20 such person or persons before the Commission or punish said person or persons for  
21 contempt in the same manner provided by law for securing the attendance of  
22 witnesses or their punishment for neglect or refusal to attend in the Superior  
23 Court.”

24 **Section 3.** § 15401(g) is hereby *added* to Chapter 15, Title 4, Guam Code  
25 Annotated to read as follows:

26 “(g) The Commission shall create a secure and anonymous reporting  
27 channel, inclusive but not limited to online access, for any individual who

1 wishes to report any ethical standards violated pursuant to Article 2 of this  
2 Chapter. The Commission *shall* protect the identity of the reporting  
3 individual and *shall be* authorized to develop the criteria needed to  
4 determine credible complaints. The Commission *shall* respond to any report  
5 no more than thirty (30) days from the date of an individuals submitted  
6 complaint.”

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

12 **Section 5. Effective Date.** The Act *shall* be effective upon enactment.