

*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)	Joe S. San Agustin	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	



# SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING  
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

May 12, 2021

**The Honorable Therese M. Terlaje**  
**Speaker**  
*I Mina'trentai Sais Na Liheslaturan Guåhan*  
**163 Chalan Santo Papa**  
**Hagåtña, Guam 96910**

**VIA: The Honorable Tina Rose Muña Barnes**  
Chairperson, Committee on Rules

**RE: Committee Report on Bill No.85-36 (COR) As Introduced**

Dear Speaker Terlaje:

Transmitted herewith is the Committee Report on **BILL NO. 85-36 (COR)** As Introduced by Joe S. San Agustin. **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.**

Committee votes are as follows:

3 TO DO PASS

0 TO NOT PASS

2 TO REPORT OUT ONLY

0 TO ABSTAIN

0 TO PLACE IN INACTIVE FILE

**COMMITTEE ON RULES**

**RECEIVED:**

May 12, 2021

2:27 P.M.

Respectfully,

Senator Joe S. San Agustin  
Chairperson, Committee on Appropriations

**Revision Rec'd:**  
May 14, 2021 @ 10:51 A.M.



# SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING  
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

## COMMITTEE REPORT

### BILL NO. 85-36 (COR)

As Introduced by Joe S. San Agustin

**“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.”**



# SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING  
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

11 MAY 2021

## MEMORANDUM

### TO: ALL MEMBERS

Committee on General Government Operations, Appropriations, and Housing

**From: Senator Joe S. San Agustin**  
Committee Chairperson

**Subject: Committee Report on Bill No. 85-36 (COR) As Introduced**

Transmitted herewith is the Committee Report on **BILL NO. 85-36 (COR)** As Introduced by Joe S. San Agustin. "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."

This report includes the following:

- Copy of COR Referral of Bill No. 85-36 (COR)
- Notices of Public Hearing and Other Correspondence
- Copy of Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Submitted Written Testimony and Supporting Documents
- Committee Report Digest
- Copy of Bill No. 85-36 (COR) As Introduced
- Copy of Fiscal Note from Bureau of Budget and Management Research
- Copy of Funding Availability Note from Office of Finance and Budget
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet, Your Attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

*Si Yu'os Ma'åse'.*

**Senator Joe S. San Agustin**  
Chairman, Committee on Appropriations



Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guåhan*

GUAM CONGRESS BUILDING

163 CHALAN SANTO PAPA

HAGÁTÑA, GUAM 96910

TEL 671-472-2461

COR@GUAMLEGISLATURE.ORG

March 19, 2021

# MEMO

**To:** **Rennae Meno**  
Clerk of the Legislature

**Attorney Ana Won Pat-Borja**  
Legislative Legal Counsel

**From:** **Vice Speaker Tina Rose Muña Barnes**  
Chairperson, Committee on Rules

**Re:** **Referral of Bill No. 85-36 (COR)**

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*Buenas yan Háfa adai.*

As per my authority as Chairperson of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of Bill No. 85-36 (COR) - Joe S. San Agustin – "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."

Please ensure that the subject bill is referred to the Committee on General Government Operations, Appropriations, and Housing, chaired by Senator Joe S. San Agustin.

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

  
**Vice Speaker Tina Rose Muña Barnes**  
Chairperson, Committee on Rules



Catherine Leon Guerrero &lt;cathy.senatorsa@gmail.com&gt;

**First Notice of Public Hearing on Wednesday, 21 April 2021 @ 9:00 a.m.**

1 message

Rose Mesa &lt;rose.senatorsa@gmail.com&gt;

Wed, Apr 7, 2021 at 1:47 PM

To: phnotice@guamlegislature.org

Cc: Management Information System &lt;mis@guamlegislature.org&gt;, Tom Unsioy &lt;sgtarms@guamlegislature.org&gt;, Joe San

Agustin &lt;protocol@guamlegislature.org&gt;

Bcc: cathy.senatorsa@gmail.com

7 April 2021

**MEMORANDUM****To: ALL HONORABLE Senators, Stakeholders and Media****From: Senator Joe S. San Agustin, Chairman****Subject: First Notice of Public Hearing on Wednesday, 21 April 2021 @ 9:00 a.m.*****Buenas yan Håfa Adai!***

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on General Government Operations, Appropriations and Housing will convene a public hearing on **Wednesday, 21 April 2021, beginning at 9 a.m.** in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña). The Committee will hear and accept testimonies on the:

**9 a.m.**

**Bill No. 85-36 (COR)** - Joe S. San Agustin **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.**

**Bill No. 89-36 (COR)** - Joe S. San Agustin **AN ACT TO AMEND §4703 (d)(1)(2) OF CHAPTER 4, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE THRESHOLD OF THE TOTAL COST OF PURCHASE FROM THREE HUNDRED THOUSAND DOLLARS (\$300,000) TO THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000) AND TO EXCLUDE OTHER COST IMPOSED ONTO THE PURCHASE OF A HOME**

**2 p.m.**

**Bill No. 99-36 (LS)** - Tina Rose Muña Barnes / James C. Moylan / Jose "Pedro" Terlaje / Joe S. San Agustin / Amanda L. Shelton / Clynton E. Ridgell / Frank Blas Jr. / V. Anthony Ada **AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE *INFA'MAOLEK FOR INMATES FUND*; AND TO CITE THIS ACT AS THE *INFA'MAOLEK FOR INMATES ACT OF 2021***

**Bill No. 102-36 (COR)** - Joanne Brown / Therese M. Terlaje / Telo T. Taitague **AN ACT TO ADD NEW §§ 8103(d), 8103.1, AND 8107(d), ALL OF CHAPTER 8, AND TO AMEND § 43122(a) OF ARTICLE 1, CHAPTER 43, ALL OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO INCREASING**

**PUBLIC ACCESS TO INFORMATION ON GOVERNMENT MEETINGS, DELIBERATIONS, AND  
DECISION MAKING BY REQUIRING BROADCASTING OF PUBLIC MEETINGS AND NOTICE  
OF AGENDA ITEMS.**

The Public Hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/112.4 and stream online via [I Liheslaturan Guåhan's live feed](#). A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

Written testimonies may also be submitted to the Office of Senator Joe S. San Agustin before the hearing via email at [senatorjoessanagustin@gmail.com](mailto:senatorjoessanagustin@gmail.com).

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Joe S. San Agustin at [senatorjoessanagustin@gmail.com](mailto:senatorjoessanagustin@gmail.com).

We look forward to your participation!

***UN DANGKOLO NA SI YU'OS MA'ÅSE'!***

***Very Respectfully,***

***RoseMarie T. Mesa  
Office Manager  
I Mina'trentai sais Na Liheslaturan Guåhan  
(Thirty-Sixth Guam Legislature)  
Senator Joe S. San Agustin  
Committee on General Government Operations, Appropriations, and Housing  
Office: 671-989-5445  
Email: [rose.senatorsa@gmail.com](mailto:rose.senatorsa@gmail.com)***



Joe S. San Agustin &lt;senatorjoessanagustin@gmail.com&gt;

**Second Notice of Public Hearing on Wednesday, 21 April 2021**

1 message

Rose Mesa &lt;rose.sensorsa@gmail.com&gt;

19 April 2021 at 07:55

To: phnotice@guamlegislature.org

Cc: Management Information System &lt;mis@guamlegislature.org&gt;, Joe San Agustin &lt;protocol@guamlegislature.org&gt;, Tom Unsiog &lt;sgtarms@guamlegislature.org&gt;

**19 April 2021****MEMORANDUM****To: ALL HONORABLE Senators, Stakeholders and Media****From: Senator Joe S. San Agustin, Chairman****Subject: Second Notice of Public Hearing on Wednesday, 21 April 2021*****Buenas yan Håfa Adai!***

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on General Government Operations, Appropriations and Housing will convene a public hearing on **Wednesday, 21 April 2021, beginning at 9 a.m.** in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña). The Committee will hear and accept testimonies on the:

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**Bill No. 85-36 (COR)** - Joe S. San Agustin **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.**

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**Bill No. 99-36 (LS)** - Tina Rose Muña Barnes / James C. Moylan / Jose "Pedro" Terlaje / Joe S. San Agustin / Amanda L. Shelton / Clynton E. Ridgell / Frank Blas Jr. / V. Anthony Ada **AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE *INAFAMAOLEK FOR INMATES FUND*; AND TO CITE THIS ACT AS THE *INAFAMAOLEK FOR INMATES ACT OF 2021***

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**DECISION MAKING BY REQUIRING BROADCASTING OF PUBLIC MEETINGS AND NOTICE OF AGENDA ITEMS.**

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We look forward to your participation!

***UN DÂNGKOLO NA SI YU'OS MA'ÅSE'!***

***Very Respectfully,***

***RoseMarie T. Mesa***

***Office Manager***

***I Mina'trentai sais Na Liheslaturan Guåhan***

***(Thirty-Sixth Guam Legislature)***

***Senator Joe S. San Agustin***

***Committee on General Government Operations, Appropriations, and Housing***

***Office: 671-989-5445***

***Email: [rose.senatorsa@gmail.com](mailto:rose.senatorsa@gmail.com)***

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To unsubscribe from this group and stop receiving emails from it, send an email to [phnotice+unsubscribe@guamlegislature.org](mailto:phnotice+unsubscribe@guamlegislature.org).



*Office of*  
***SENATOR Joe S. San Agustin***  
*I Mina' trentai Sais na Liheslaturan Guahan Thirty-Sixth Guam Legislature*

**PUBLIC HEARING**  
**Wednesday, April 21, 2021**  
Guam Congress Building Public Hearing Room

**AGENDA**

**9 a.m.**

**Bill No. 85-36 (COR) - Joe S. San Agustin 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.**

**Bill No. 89-36 (COR) - Joe S. San Agustin AN ACT TO AMEND §4703 (d)(1)(2) OF CHAPTER 4, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE THRESHOLD OF THE TOTAL COST OF PURCHASE FROM THREE HUNDRED THOUSAND DOLLARS (\$300,000) TO THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000) AND TO EXCLUDE OTHER COST IMPOSED ONTO THE PURCHASE OF A HOME**

**2 p.m.**

**Bill No. 99-36 (LS) - Tina Rose Muña Barnes / James C. Moylan / Jose "Pedro" Terlaje / Joe S. San Agustin / Amanda L. Shelton / Clynton E. Ridgell / Frank Blas Jr. / V. Anthony Ada AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE INAFA'MAOLEK FOR INMATES FUND; AND TO CITE THIS ACT AS THE INAFA'MAOLEK FOR INMATES ACT OF 2021**

**Bill No. 102-36 (COR) - Joanne Brown / Therese M. Terlaje / Telo T. Taitague AN ACT TO ADD NEW §§ 8103(d), 8103.1, AND 8107(d), ALL OF CHAPTER 8, AND TO AMEND § 43122(a) OF ARTICLE 1, CHAPTER 43, ALL OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO INCREASING PUBLIC ACCESS TO INFORMATION ON GOVERNMENT MEETINGS, DELIBERATIONS, AND DECISION MAKING BY REQUIRING BROADCASTING OF PUBLIC MEETINGS AND NOTICE OF AGENDA ITEMS.**

***Committee Chairman: General Government Operations, Appropriations, & Housing***

***Ran - Care Commercial Building, CBU #230, 761 South Marine Corps Dr., Tamuning, Guam 96913  
Tel: (671) 989-5445 \* Fax: (671) 969-6737 \* email: senatorjoessanagustin@gmail.com***





# GUAM ETHICS COMMISSION

*Kumision Dinisiplina I Guåhan*

April 20, 2021

Senator Joe S. San Agustin, Chairman  
Committee on General Government Operations, Appropriations,  
Housing, and the Office of Finance and Budget  
*I Mina Trentai'sais Na Liheslaturan Guåhan*  
36th Guam Legislature  
Ran Care Bldg., CBU 230  
761 S. Marine Corps Drive  
Tamuning, Guam 96931

Testimony in Support of Bill No. 85-36 (COR)

*Hafa Adai* Chairman San Agustin and Members of the Committee,

The Guam Ethics Commission offers testimony in support of Bill No. 85-36 (COR). The Commission believes the bill is necessary to affirm the independence of the Guam Ethics Commission. Bill 85-36 is a positive step in protecting the investments made in standing up an independent Ethics Commission, able to address community concerns of potential wrongdoing by government officials entrusted with public resources.

The Guam Ethics Commission's mandate is to uplift the public's confidence in government employees, programs, and operations by ensuring the practice and promotion of the highest standards of ethical behavior in the government of Guam. The Ethics Commission should be granted the opportunity to fulfill its mandate well into the future without any fear or retribution by any other office or official, through Bill No. 85-36.

The Guam Ethics Commission was first established in 1996 by the 23<sup>rd</sup> Guam Legislature via P.L. 23-105. It was later abolished by a subsequent P.L. 26-76; however, recognizing this unintended action the late Speaker vicente "ben" pangelinan through P.L. 27-141, revived the Guam Ethics Commission.

The Commission remained dormant until 2019, when the first appointees were nominated by Governor Lou Leon Guerrero and later confirmed by the Guam Legislature. The Commission is grateful for all the support received in achieving milestone accomplishments such as: putting in place a full complement of commission members, receiving its initial appropriation in the FY 2021 Budget Act, and the selection of an Executive Director. The Commission looks forward to continuing this progress.



## GUAM ETHICS COMMISSION

*Kumision Dinisiplina I Guåhan*

Furthermore, the Commission requests that the body consider the following amendments which would remove the Bureau of Budget and Management Research from applying any budgetary controls, and the Department of Administration from withholding allotments on any appropriation made to the Guam Ethics Commission. This is identical to previous language adopted to promote the independence of the Guam Election Commission, and similar to exclusions made for agencies like the Office of the Attorney General and the Office of Public Accountability among others, to ensure their independence.

The inclusion of this amendment identifies and closes a potential back door that any future administration may have to suppress the independent and apolitical work of the Guam Ethics Commission. As such the Guam Ethics Commission respectfully requests the following amendment be added into Bill 85-36:

### **§15407. Executive Director and Ethics Commission Staff**

- (a) The Guam Ethics Commission may employ such persons as it deems necessary for the performance of its functions. They 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 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 Title, and its rules and regulations.
  - (3) The Guam Ethics Commission's Executive Director shall submit the approved annual budget for each fiscal year, no later than a date prescribed by the I Liheslaturan Guåhan and shall include a detailed breakdown of the funding level necessary to meet all of its statutory requirements and abide by all policies and procedures set forth in its rules and regulations.



## GUAM ETHICS COMMISSION

*Kumision Dinisiplina I Guåhan*

- (4) The annual Guam Ethics Commission budgetary appropriation approved by the 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 Section 1303, of Chapter 1, Title 5 of the Guam Code Annotated.
- (5) The Guam Ethics Commission may draw against their respective appropriations as needed to meet their obligations in accordance with a drawdown schedule that the GEC submits to the Director of Administration no later than October 31 of each fiscal year. 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 the I Liheslaturan Guåhan to the Guam Ethics Commission.

Overall, the Commission is in support of Bill No. 85-36 (COR). Thank you for the opportunity to provide testimony on behalf of the Guam Ethics Commission. If I can provide further information, please feel free to contact me through email at [jesse.quenga@ethics.guam.gov](mailto:jesse.quenga@ethics.guam.gov).

*Si Yu'os Ma'ase!*

JESSE JOHN QUENGA, CM®  
Executive Director

Cc: Shannon J. Murphy, Chairwoman – Guam Ethics Commission  
Commissioners – Guam Ethics Commission



# SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING  
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

## COMMITTEE REPORT DIGEST

### I. OVERVIEW

**Bill No. 85-36 (COR)** was introduced on **March 16, 2021** by Senator Joe S. San Agustin. The bill was subsequently referred by the **Committee on Rules** to the **Committee on General Government Operations, Appropriations, and Housing** on **March 19, 2021**.

The Committee on General Government Operations, Appropriations, and Housing convened a public hearing on **Bill No. 85-36 (COR)** beginning at 9 a.m. on **Wednesday, April 21, 2021** in the **Guam Congress Building Public Hearing Room**.

#### Public Notice Requirements

Public Hearing notices were disseminated via **e-mail** to all senators and all main media broadcasting outlets on (First Notice), **Wednesday, April 7, 2021** (5-Day Notice), and (Second Notice) **Monday, April 19, 2021**. (48-Hour Notice).

#### Senators Present:

Senator Joe S. San Agustin, Chairman  
Senator Joanne M. Brown  
Senator Christopher M. Duenas  
Senator Sabrina F. Perez  
Senator James C. Moylan

#### Appearing before the Committee:

Jesse John Quenga, CM®, Executive Director, Guam Ethics Commission

#### Written Testimony Submitted:

Jesse John Quenga, CM®, Executive Director, Guam Ethics Commission

### II. SUMMARY OF TESTIMONY AND DISCUSSION

**The Public Hearing was Called-to-Order at 9:02 A.M.**

**Chairman Joe S. San Agustin:** Good morning and *Hafa Adai* to the committee on Government Operations, Appropriations, and Housing is now called to order. Today is Wednesday April 21<sup>st</sup> the time now is 9:02. Notice for the public hearing was disseminated via email to all Senators and main media broadcasting outlets. First public notice was issued on Wednesday, April 7<sup>th</sup>, and then followed by on April 19<sup>th</sup> and today is Wednesday, April 21<sup>st</sup> and the time now is 9:02. Committee will hear and accept testimonies on **Bill 85-36** introduced by myself **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**. I'd

like to acknowledge the presence of my colleague Senator Joanne Brown attending this public hearing. General rules for this public hearing those testifying on behalf of bill number 85-36 will be recognized. In the back to the panel, we have in our panel Mr. Quenga.

Written testimony shall be submitted to the committee, please provide my legislative staff with your written testimony for photocopy. Testimony may be read and lengthy testimony should be summarized to about five minutes, but we'll allow additional time as needed. Individuals will be allowed to present oral testimony once, once you are done, I'd ask that you remain in the room for additional testimonials may be desired by the members of the committee. Questions and testimonies shall be confined to the substance or nature of the agenda which is bill 85-36. Personal inference as to the character or motive of any senator or any individuals testify is not permitted. Any violations in this general rule conduct will result in the remove from the public hearing room. Proper forum and decorum will be practiced by all present in the public hearing room for these proceedings. Individuals who failed to maintain proper form decorum may be restricted from providing oral testimony and will be asked to leave the room. When you speak, please make sure that the microphone is "on" and that you speak into the microphone. Please state your name and your title for the record we'll now begin to discuss bill 85-36.

My colleagues and to the people of Guam bill 85-36 is **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.** The people of Guam desires to ensure that the standard of conduct is upheld by GovGuam officials. The Guam Ethics Commission has been dormant for many years after it was first established in 1996 and was not reactivated until 2019 via Executive Order. It is deemed necessary for our Island to have an Agency that will ensure that our Government Officials are upholding the highest standards of conduct. Our people will no longer remain silent and allow officials to do whatever they desire and ignore the consequences and impact of their actions.

This Bill will allow the Guam Ethics Commission to properly execute their duties without any influence or interference to accept complaints, conduct investigations and render judgments free from any potential conflict with Government Officials. Such Independence of the Agency is recognized by this Bill. We are elected and trusted by the People of Guam and their trust should be upheld and not disregarded because of improprieties and the Guam Ethics Commission will be the entity to ensure such trust is upheld.

I want to thank the Guam Ethics Commission for proposing this legislation, working to ensure their mandates are fulfilled and doing their absolute best while working with very minimal staffing. I ask my colleagues to support the Guam Ethics Commission by passing Bill 85.

*Si Yu'os Ma'ase!*

I'd like to also recognize the presence of Senator Sabina Perez and Senator Chris Duenas. I'll now ask the panel to go ahead and make their comments thank you.

**Jesse John Quenga, CM®, Executive Director, Guam Ethics Commission:** Thank you Chairman San Agustin. *Hafa adai* Chairman San Agustin to Senator Perez, Minority Leader Duenas and Senator Brown. My name is Jesse Quenga, I'm the executive director for the Guam Ethics Commission and I brought along with me Mr. Donovan Alger, who just started on Monday as our recent hire for the Ethics Commission. So, I'm throwing him in the deep end with me as we go through the process with the legislature. I'm here, I submitted written testimony I will read that testimony now into the record. (See Testimony from Mr. Quenga).

**Chairman Joe S. San Agustin:** Thank you Jesse, does Donovan want to speak on behalf of the Commission or are you just here to assist you if needed.

**Jesse John Quenga, CM®, Executive Director, Guam Ethics Commission:** That's correct.

**Chairman Joe S. San Agustin:** All right, Senator Brown do you have any questions you'd like to post to the Executive Director?

**Senator Joanne M. Brown:** Thank you very much Mr. Chairman, and I certainly appreciate the idea of making sure that the Ethics Committee is free from exterior influence from the Government or Government Officials or things of that nature. I think we can all understand that, but I have to say the amendments being put forth to me are just a bit much. You know the judiciary is supposedly free from political interference. But I don't have the judiciary coming in and reading a whole litany of protections with regards to their budget that we're supposed to put in place to the degree that is undefined. I don't know who in the Government of Guam has an undefined, you know budget for whatever they need for their mandates I appreciate the effort put forth, but I have a big concern about that. Because nobody has a limited budget in the Government of Guam and while, I recognize the Ethics Commission has a very important responsibility it's no more important than many other responsibilities in this Government within which we serve the public.

So, I have to say up front Mr. Chair I have objection to the you know five six points being put forth most of it related to the budget and an undefined budget ultimately, it's the responsibility of the legislature to determine what that budget is in the Government of Guam. And I don't think that needs to be defined in statute because that's no different between the Ethics Commission than the rest of the Government to include the Judiciary of which you know we're assuming nobody has influence of being able to call up and influence decisions that are made by judge and justices of our supreme court and our lower court here. So, while I recognize the importance of wanting to ensure you have the respective funding to do your job and mandate. I don't think it's any more important than the rest of the Government of Guam and i don't think it needs to be prescribed with regards to the legislation essentially that's being put forth to identify that the Ethics Commission is to be independent. Independent means, perhaps independent from exterior influence but not independence from the government and most importantly not independent from the people.

So, I just want to put that comment forth Mr. Chair because while I understand the important mission of the Ethics Commission, I don't think it's above or beyond other key responsibilities we have in the Government and I don't think the financial appropriations need to be outlined step by step by step by step with no defined limit. So, I just want to put that forth because the same argument can be brought from the Department of Education and they can say the very same thing every single department in the Government of Guam can come forth and say the very same thing. But again ultimately, it'll be the decision of the legislature assuming the executive signs it into law to determine what the budget is of the commission and everything else. So, I just have to say I think I think that would be an unnecessary component to add to the bill that you've introduced. thank you very much Mr. Chairman for the opportunity to comment on this bill.

**Chairman Joe S. San Agustin:** Thank you Senator Brown, Senator Perez, do you have any questions to the panel?

**Senator Sabrina F. Perez:** Thank you Mr. Chair, good morning Mr. Quenga and Mr. Donovan is that correct, yeah so. I just I guess I have some questions regarding, so, in the bill it states that the Guam Ethics Commission shall be an autonomous and independent commission and so, I guess in looking at the other examples of autonomous agencies here on Guam they have revenue they're revenue generating. And the other thing is that they do have authority to procure and so, I think that's some things to think about when we're talking about autonomous being an autonomous agency or commission. Is that is there revenue generating opportunity is there revenue generating revenue generated from this body? The other thing is you know the procurement authority to be truly autonomous you would need that and i don't see that in this particular legislation. Have you I guess the question is has that I guess thought been discussed within the commission?

**Jesse John Quenga, CM®, Executive Director, Guam Ethics Commission:** Yes, absolutely in fact Senator Perez it's your bill, bill 94-35 that would provide the commission to be somewhat semi-autonomous in the sense that giving the ethics and government program to the entire Government of Guam workforce will provide a steady revenue stream to support the function albeit not completely but we'll provide uh some additional supplemental resources.

**Senator Sabrina F. Perez:** Okay, yes thank you Mr. Quenga, in the bill itself we it was amended to basically require mandate the ethics training it did not include the the part about the funding part. So, that was you know the idea was that the appropriations would be the means to obtain the funding. And so, I guess that the concern is you know I guess the funding obviously is an issue and you know you don't want that to be a means to control the ethics commission and the importance of the autonomy I think is important in establishing and enforcing you know ethics issues I think I see that. in regards to you know autonomy I think there's still some kinks that need to be worked out in regards to this commission. And yeah, I think the budget budgetary process is there to kind of balance the needs of the government and yea I think I agree with the sentiments of my colleague that you know we have to weigh all these considerations unfortunately right.

**Jesse John Quenga, CM®, Executive Director, Guam Ethics Commission:** And Senator Perez, into Senator Brown's point, because I wish to clarify the proposed amendment. We do not disagree in fact the power of the purse still resides for the Guam Legislature it is the Guam legislature's innate power to provide appropriations to the Government of Guam as a whole. If you reflect on the five points provided it isn't that the commission would have its budget the full appropriation as requested, it's clearly identifying any appropriation made to the Ethics Commission would not be subject to the budgetary controls of the Bureau Budget and Management Research,

I can speak to our current fiscal year appropriations. The Ethics Commission is subject to like most Government of Guam Agencies is reserve in our annual preparation. And we already don't receive much so what we'd like to see is that liberty to be able to use the full budget. Imagine, if you will this twenty percent reserve is standard, but if the Ethics Commission has an increase in investigations against any particular administration. Whether this one or in the future and that administration has this opportunity to leverage BBMR to withhold even more funding. The proposed amendment suggests that in statute the Ethics Commission will not have that sort of blanket pressure upon them. So, that they're liberated to do the independent and apolitical work, but in no way does it suggest that the Ethics Commission and the Ethics Commission alone could provide for its full budget and that the legislature simply has to provide for it. We recognize there are limited resources, we just want whatever resources are identified by the legislature that we have the liberty to use it to the full extent in order to exert the powers that we have.

**Senator Sabrina F. Perez:** Okay thank you for that response, okay, reserve my questions thank you, thank you Mr. Chair.

**Chairman Joe S. San Agustin:** Thank you, Senator Duenas do you have any questions?

**Senator Christopher M. Duenas:** Yes, maybe more of a comment prior to that Mr. Chairman, and with the highest degree of respect towards yourself I believe bill 85 should be aptly titled the Fiscal Autonomy Act of 2021 for the Guam Ethics Commission. Mr. Quenga, Director Quenga you know you and I go back I have a great deal of respect for you. I know that you followed Governmental Operations through your entire time of education. As a matter of fact, I think either yourself or your brother served as a Governor for the day under the Guam department of youth affairs program. And so, I want to say at the outset I think you've developed well and that you have a great deal of understanding of Governmental Operations. I think what my colleagues have expressed here, is the fact that the Government of Guam you know has limited resources.

And especially, now you know we're looking at great opportunities ahead but we always know and understand that great shortfalls as well can befall us. In your presentation prior to just asking you one question, I want to reflect on an interview that you had on one of the media stations and I think you did really well in terms of expressing your views on the Ethics

Commission. And you even discussed another piece of legislation which is not on board today for discussion on the possibility of elected members. Jesse what I heard you say was that you understand that you serve at the pleasure of the board and I'm speaking to this because of the discussion of autonomy on the ethics board. You believe you serve at the discretion of the board, but you're quite aware though that the current structure is the Governor appoints the board the board is confirmed by the legislature the board serves at the pleasure of the Governor, yes?

**Jesse John Quenga, CM®, Executive Director, Guam Ethics Commission:** I don't believe that the board serves at the pleasure of the Governor, upon their confirmation by the Guam Legislature.

**Senator Christopher M. Duenas:** The Governor can ask for a board member's resignation at any given time are you aware of that.

**Jesse John Quenga, CM®, Executive Director, Guam Ethics Commission:** I am aware in our statute that the Governor can remove a member for cause. But that the Governor would have to provide such cause for removal.

**Senator Christopher M. Duenas:** We're going to have to research that and discuss that some more, but I don't believe I believe the Chief Executive has authority to remove or to ask for the resignation of any member or any board at any time for any reason. I don't believe the Guam Ethics Commission is separated from that. I believe the structure that is currently under that exists is that those board members serve at the pleasure of the Governor and I say that only to get to one thing, because I think you've made this point during the interview. And it's very it's very apropos to this particular bill.

You stated that you worked for the board and the reason why I made that you know brought that to your attention is because I don't think anybody is under any illusion that the Governor makes the recommendation to the board in terms of whom they want to see sitting in a position. Of course, the board makes the ultimate decision but the reason why I asked this of you is because I've had to make many long drives before down to Adelup contemplating on my position and positions that I've taken before as an administrator in this government. And so, I just wanted you on the record because I heard you say that, that you realize that if you have a difference with the Governor then it's your decision at the end of the day. Because the Governor could ask the board to reconsider your position, correct?

**Jesse John Quenga, CM®, Executive Director, Guam Ethics Commission:** The Governor has the ability to make any requests that they wish, but the board would like to build a Chinese wall between themselves and the front office. In order to effectuate what would be the intent of the establishment of an Ethics Commission that relationship shouldn't be non-existent in order for us to really be able to practice and put into practice what the intent is of the law.

**Senator Christopher M. Duenas:** Okay, but I'm glad that you I'm glad that you believe that and I'm glad that that is your understanding. But I just wanted to be sure because similar to this bill when you build this in to this bill saying that, that the BBMR has no purview. If we were short nurses, if we were short police officers in a critical way. If we were short of anything that's needed within our health system our public safety our education that was critical, would you still stand by the fact that your budget is locked in and cannot be appropriated for any reason at least a portion of it?

**Jesse John Quenga, CM®, Executive Director, Guam Ethics Commission:** Senator whatever portion is held in reserve it's insignificant compared to the total preparation made by the legislature for the entirety of Government of Guam. Ss an example, the General Fund alone represents 664 million dollars in appropriation and the Ethics Commission received 194 thousand dollars. So, that's rather minuscule compared to the entirety of the Government. If the Government finds a need to support the hiring of additional nurses and teachers, it should and would achieve that. But I don't think it could be achieved by withdrawing or withholding any appropriation to the Ethics Commission because our funds are really small.

**Senator Christopher M. Duenas:** See, and that's where I'm going to have a difference with you Jesse, I believe every penny in the Government of Guam counts and I've been in a situation Jesse, where we've actually rolled back salaries and done a 32-hour work week for the entire Government of Guam. And while you may not think that 190 some thousand dollars and maybe 20 or 30 or 40 percent of that can be significant. I believe that the taxpayers of Guam believe that every penny is sacred, and that if we did this for the active commission then what message are we sending as my colleague Senator Brown said, to other agencies that would say don't touch our budget. And see, this is a mentality Jess, that I want to put on the record here right now. That any time we take a position that the totality of the Government of Guam Budget is so enormous that just my ten thousand dollars or just my twenty thousand dollars doesn't matter.

That is a mindset that is a problem, because in but for the purposes of what we do here at the legislature and what the people demand on a daily basis for police on the streets for teachers there is there is no room for a pervasive attitude that even five thousand or ten thousand or twenty thousand dollars is insignificant to the grand scheme of things. Believe me I understand the importance of your mission and I understand that Senator Perez and others have put bills out to make sure that all Government of Guam employees understand ethics and government and things that we're doing here. But I will not as a sitting Senator now say that any amount of money is insignificant when we're talking about the true day-to-day life priorities of our Government.

**Jesse John Quenga, CM®, Executive Director, Guam Ethics Commission:** And thank you Senator, I just wish to clarify for the record were no disagreements, I think you and I both have an agreement that resources are precious. And I wish to clarify also, that my position was never that any amount was insignificant. It was that if the intention is to achieve such actions like hiring extra nurses or teachers that it would be better achieved through other initiatives. For

example, a cost to provide for uniforms for one Government of Guam agency is double the cost of our entire corporation. If we defer just the purchase of uniforms for an entity another entity you could achieve twice as much of our entire appropriation. So, that was the only point I was trying to make Senator Duenas.

**Senator Christopher M. Duenas:** That's a great example Mr. Quenga and perhaps inevitably one day you're going to be on this side of the table and you will make those arguments and you will make a great point with regard to fine examples such as that. But the fact of the matter is I'm talking about a mindset, an attitude, a discussion of I could make those comparisons all day long. I could say if we didn't drive government vehicles only three days a week, we could save so much gas money that we can funnel all that money to the Ethics Commission. There are thousands of examples that we could use in our government in terms of talking about the resources of our government and how we could you know accomplish more. But the fact of the matter is what I'm alluding to is a mindset, a mindset that says this is locked in stone do not touch this. And that the idea is that and the reason for doing that, is because it is so insignificant to the grand scheme of things is a mindset. It's not about the dollars and cents I could be appropriate thirty thousand dollars from my legislative staff to our budget tomorrow and introduce a bill and give it to you. And the fact of the matter is that might be a prudent thing in a situation such as that, but I'm talking to a mindset and I'm hoping you can understand where I'm coming from. Thank you, Mr. Chairman.

**Chairman Joe S. San Agustin:** All right thank you, thank you Senator Duenas, Senator Moylan, did you have anything you wanted to make ask any questions in the panel of anything Senator Moylan?

**Senator James C. Moylan:** Thank you Mr. Chairman, thank you for the for your write-up Jesse and I'm apologize for my tardiness so I'll be happy to talk to you offline after this meeting but I appreciate it thank you Mr. Chairman.

**Chairman Joe S. San Agustin:** Thank you.

**Jesse John Quenga, CM®, Executive Director, Guam Ethics Commission:** Mr. Chair if I could provide one final point to the body, and thank you so much for having this public hearing. Really, sound policy is derived by this ongoing discussion and back and forth between the two parties. That's how we form a more perfect document and if the bill is imperfect then I'm depending on the Senators to provide their feedback and derive it a solution. What is proposed here by Senator San Agustin in bill number 85-36 is not unique to the Ethics Commission and in fact is already practiced for other entities like the Office of Public Accountability. We mirror in a lot of ways our functions and we're asking for equal treatment. If the Government recognizes an entity such as theirs in this way as well as others then we're asking to be brought into that same line and that same recognition.

**Chairman Joe S. San Agustin:** Thank you Jesse, and thank you colleagues for your questions and for all your statements, Senator Brown.

**Senator Joanne M. Brown:** Mr. Chair can I comment if I can, you know I appreciate again the testimony but I do have to say from the perspective and some of us here have been on both sides of the aisle we've run department and agencies and have served in the Guam Legislature. I understand the agenda that you have moving forward to ensure that your operations are you're able to execute your operations that your board is able to execute the operations and responsibilities that have been granted by law. I guess what is a little bothersome for me is you wanting to exert that and educate us on how to budget and I just don't think there's a need in the legislation as proposed by the good chairman to declare publicly and through statute the independence of the Ethics Commission.

But the budgeting process again is something that is and falls under the jurisdiction of the Guam Legislature and to dictate to us how we should go about doing that and that you will determine and the board will determine to what degree the needs are there you will do so as every other Government of Guam Department and agency to include the judiciary to include the Public Auditor. And I just think that's really the basic function of Government I know you're well educated in that and again I appreciate your enthusiasm and your interest of wanting to declare that. But I think the language is unnecessary now you mentioned oh that you know the Ethics Commission should be removed from the allotments of BBMR. If that's really the issue then that's not what the language is that you're proposing translates to me. That can be added as an amendment to the bill if the if the members of the Legislature determine that the work of the Ethics Commission is that exceedingly important that we should remove you from the budget allotments to ensure that you get your funds interrupt you know uninterrupted. And that there's no external influence of trying to distract you from your mission by not providing the funding.

But I guess what we're trying to relay here is that every department and agency is in the same situation I'm sure the Guam Memorial Hospital would love the language that you're asking for but do I think the work of the ethics commission is more important than saving lives in the Government? No, it's not at the top of the list, important but, if we're going to look at financial obligations of this Government and the performance of what is needed is it going to be you know the Firemen that are responding to a fire is that more important is the work of the Ethics Commission more important than that? I mean we can go on and on with regards to that so, I'm just saying it's a mindset perspective that I look at a little differently. I'm sure was elaborated by my other colleagues here they have a similar perspective and i'm just asking you to think about that a little more.

I understand your enthusiasm of wanting to you know ensure you're insulated I'm sure that your commission members will know how to do that if they because they also would have to respond ethically and responsibly. They'll have to be upright citizens in this community and removed from influence, because god forbid if that ends up being the case differently there's going to be a big issue. But to the point that that's going to be put in statute, I don't agree with that. And I just want to relay that I mean you've only been at this job for what a couple months? Yes, and I'm sure you probably have many years ahead, but I just have to say that the language

that you're proposing I think is unnecessary and a bit much. I mean I'd like to think we all would love to operate like that but that's not the real world and that's certainly not with the statutory authorities that we have to budget. We will note the concern, but I just relay what those reservations are and it's just something perhaps you just maybe need to think a little more about. thank you very much Mr. Chair.

**Chairman Joe S. San Agustin:** All right thank you Senator Brown and thank you colleagues, like I said earlier for your comments and your questions. Only on one note for Senator Duenas and to the people Guam, not all boards are required to respond to the Governor's call for removal. A very good board that I was part of the Governor has no influence just make sure you understand that, it may influence the members, that's called the Board of Education the Governor cannot remove any board member it's only the board can do it. Governor cannot remove the Superintendent, only the board can do it. So, I just want to make that, that one very clear. I don't know about the other Commission's Senator Duenas, but for the others I've never looked at it I never worked with them. But I know the Board of Education it's just a different group of folks. But moving along, thank you Jesse for your request for amendments.

But generally, I guess the bill is pretty much intact and then we'll work through your amendments, we'll take a look at it, I'll talk to the members and we'll see what we'll come up with something maybe similar but not exactly what you requested, okay. But and exactly what my colleagues have identified is that the Legislative bodies determines everybody's budget. And some have asked for more and many of them have gotten a lot less so, um let's just hope we can move forward and hope for a brighter future. and again, I thank my colleagues for those present today just to reiterate the passage of bill 85-36 will allow the Guam Ethics Commission to fully execute their duties that is mandated by law. Guam Ethics Commission is essential to the people of Guam and as it will help our community and the Government of Guam to identify officials that are not maintaining the highest standards of conduct defined by law.

I ask my colleagues for their support on the bill as it sits right now not the amendments and I look forward to seeing the change our island needs through the work of the Guam Ethics Commission. *Si Yu'os Ma'ase'* and for all present today, thank you for your participation the Committee will continue to receive testimony and please address your written testimony to the Committee on General Government Operation, Appropriation and Housing and submit it via email to [senatorjoessanagustin@gmail.com](mailto:senatorjoessanagustin@gmail.com) or to my office located at the Ran Care Building, second floor suite 3, 761 South Marine Corps Drive. Tamuning, Guam. *Si Yu'os Ma'ase'* for your attendance and participation in today's Hearing. And for those at home, thank you for watching this public hearing on bill 85-36 is now adjourned, is now 9:39 and thank, you thank you Jesse, thank you Donovan and Thank you Colleagues.

**The Public Hearing was adjourned at 9:39 A.M.**

### **III. Findings and Recommendations**

- The Committee finds the introduced Bill 85-36 (COR), intact and further discussion on amendment to be on the floor.
- Amendments presented by Executive Director Quenga allows the Guam Ethics Commission to submit an annual Budget and allow for the Commission to be independent from the reserve funds withhold by the Bureau of Budget and Management Research.
- The Committee Finds that the Guam Ethics Commission and the Office of Public Accountability are similar in duties and functions within the Government of Guam, as Guam Ethics Commission desires to be equally treated as the Office of Public Accountability is treated within the Government of Guam, which the amendments presented in their testimony reflected during the Public Hearing. Guam Ethics Commission desires the same treatment to fully execute their mandates by the law.

The **Committee on General Government Operations, Appropriations, and Housing** hereby reports out **Bill No. 85-36 (COR) –As Introduced by Senator Joe S. San Agustin – “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.”** with the recommendation TO DO PASS.

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

**Bill No. 85-36 (COR)**

Introduced by:

Joe S. San Agustin



**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.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds there is a need to reaffirm the Guam Ethics Commission as an independent body able to adequately receive, hear, and render opinions on allegations of violation as authorized in this Chapter.

The Ethics Commission was first established in P.L. 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 their functions and secure an office location.

Furthermore, many in the community desire a government where officials maintain their standard of conduct as defined in law, while also having an Ethics Commission empowered to receive complaints, conduct investigations, and render 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 Title 4 GCA Chapter 15.

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

3       **“§ 15301. Guam Ethics Commission Established. Composition.**

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

13       The Chairman of the Commission shall be elected by the majority of the  
14 Commission. The term of office of each member shall be for four (4) years, provided  
15 that of the original members, two (2) shall hold office for two (2) years, two (2) shall  
16 hold office for three (3) years, and one (1) shall hold office for four (4) years. The  
17 determination of these members length of office shall be by lot drawn by the  
18 members at their initial meeting. No person shall be appointed consecutively to more  
19 than two (2) terms as a member of the Commission.

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

24       Vacancies shall be filled for the remainder of the unexpired term in the same  
25 manner as the original appointments. *I Maga'lahi-Maga'håga* may remove or  
26 suspend any member of the Commission for cause, upon the filing of a written

1 finding with the Commission and upon service of a copy of the written findings on  
2 the member removed or suspended.”

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

5 **“§ 15407. Executive Director and Ethics Commission Staff.**

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

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

10 (1) administer the laws of Guam and all Commission policies; ensuring  
11 the conduct of investigations and subsequent hearings are held in  
12 accordance with the procedures outlined in this chapter.

13 (2) perform and discharge all of the powers, duties, purposes, functions  
14 and jurisdiction hereunder, or which hereafter by law may be vested  
15 in the Commission in accordance with the rules of the Commission,  
16 and subject to the right of appeal to the Commission.

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

23 (4) be a member of the unclassified service and shall receive an annual  
24 salary within a range of compensation to be prescribed by the  
25 Commission in accordance with the laws of Guam. Said Executive  
26 Director shall serve at the pleasure of the Commission; provided,  
27 however, that the Executive Director may not be removed unless

1           that person's removal is ratified by a vote of five (5) or more  
2           Commission members.

3       (c) Staff.

4           (1)the Executive Director is authorized to hire and dismiss staff to  
5           support the operations of the Ethics Commission.

6           (2)other than the Executive Director who is supervised by the  
7           Commission; staff are under direct supervision of the Executive  
8           Director.

9           (3)the Executive Director is responsible to develop, initiate, and  
10          implementing workplace policies.

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

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



Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guåhan*

GUAM CONGRESS BUILDING  
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March 24, 2021

# MEMO

**To:** Rennae Meno  
Clerk of the Legislature

**From:** Vice Speaker Tina Rose Muña Barnes  
Chairperson, Committee on Rules

**Re:** Fiscal Note Waiver for Bill No. 85-36 (COR)

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*Buenas yan Håfa adai.*

Attached, please find the fiscal note waiver for the following bill:

**Bill No. 85-36 (COR)**

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.





## BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR  
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LIEUTENANT GOVERNOR

MAR 23 2021

Vice Speaker Tina Rose Muña Barnes  
Chairperson, Committee on Rules  
*I Mina'trentai Sais na Liheslaturan Guåhan*  
36<sup>th</sup> Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

*Hafa Adai!* Vice Speaker Tina Rose Muña Barnes:

The Bureau requests that Bill No. 85-36 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Legislative Bill No. 85-36 is an act to amend § 15301 of Article 3 and § 15407 of Article 4, both of Chapter 15, Title 4 of the Guam Code Annotated, relative to reaffirming the autonomy and independence of the Guam Ethics Commission. Furthermore, the proposed legislation intends to codify the appointment of an Executive Director for the Commission and the duties of the position.

As the Bill is administrative in nature, it poses no fiscal impact upon any funds of the Government of Guam.

*Si Yu'os Ma'ase,*

LESTER L. CARLSON, JR.

OFFICE OF FINANCE AND BUDGET

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COMMITTEE ON GENERAL GOVERNMENT OPERATIONS,  
APPROPRIATIONS AND HOUSING

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SENATOR JOE S. SAN AGUSTIN

Tel: (671) 989-5445 / Fax: (671) 969-6737

Email: senatorjoessanagustin@gmail.com

March 30, 2021

MEMORANDUM

To: Senator Joe S. San Agustin  
*Chairman, Committee on General Government Operations, Appropriations, and Housing*

From: Stephen J. Guerrero  
*Director, Office of Finance and Budget*

Re: Funding Availability Note: Bill No. 85-36 (COR)

Hafa Adai Senator San Agustin,

Pursuant to the Standing Rules of the 36th Guam Legislature, the Committee on Appropriations and/or the Office of Finance and Budget (OFB) shall determine in writing if the funding source cited in Appropriation or Authorization for Appropriations bills are sufficient.

The Office has received Bill No 85-36 (COR), 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.

Bill No. 85-36 (COR) is administrative in nature, therefore, no financial impact is determined at this time.

Respectfully,

Stephen J. Guerrero




*Office of*  
**SENATOR Joe S. San Agustin**

*I Mina' trentai Sais na Liheslaturan Guåhan Thirty-Sixth Guam Legislature*

**COMMITTEE VOTE SHEET**

**BILL NO. 85-36 (COR)** As Introduced by Joe S. San Agustin. **"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."**

Committee Members	Signature	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
<b>Senator Joe S. San Agustin</b> <i>Chairman</i>	 5/12/21	✓				
<b>Senator Amanda L. Shelton</b> <i>Vice Chairperson (Gen Govt Operations, Appr &amp; Housing)</i>						
<b>Senator Clynton E. Ridgell</b> <i>Vice Chairman (Appropriations) Member</i>						
<b>Speaker Therese M. Terlaje</b> <i>Member</i>						
<b>Vice-Speaker Tina Rose Muña Barnes</b> <i>Member</i>						
<b>Senator V. Anthony Ada</b> <i>Member</i>	E-vote 05/12/21			✓		
<b>Senator Frank F. Blas Jr.</b> <i>Member</i>	E-vote 05/12/21			✓		
<b>Senator Jose "Pedro" Terlaje</b> <i>Member</i>	E-vote 05/12/21	✓				
<b>Senator Mary Camacho Torres</b> <i>Member</i>	E-vote 05/12/21	✓				

*Committee Chairman: General Government Operations, Appropriations, and Housing*

**Ran - Care Commercial Building, CBU #230, 761 South Marine Corps Dr., Tamuning, Guam 96913**  
**Tel: (671) 989-5445 \* Fax: (671) 969-6737 \* email: senatorjoessanagustin@gmail.com**



Michaela Celorio <msacelorio.senatorsa@gmail.com>

## Request for E-vote: Bill 85-36 (COR) As Introduced

9 messages

Michaela Celorio <msacelorio.senatorsa@gmail.com>

Wed, May 12, 2021 at 9:14 AM

To: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Senator Tony Ada <senatorvanthonyada@gmail.com>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>  
Cc: "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Catherine Leon Guerrero <cathy.senatorsa@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>

Hafa Adai Committee Members,

Please see attached Committee Report for Bill 85-36 (COR) - **"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."** As Introduced by Joe S. San Agustin

Please indicate your preferred actions from the following;

- ☐ To Do Pass
- ☐ To Do Not Pass
- ☐ To Report Out Only
- ☐ To Abstain
- ☐ To Place in inactive File

Please submit your vote **ASAP**. Your vote will be filed with the Committee on Rules.

Thank you.

Best,

Michaela Celorio

Research Policy Analyst

Office of Senator Joe S. San Agustin

I Mina'Trentai Sais Na Liheslaturan Guahan

36th Guam Legislature

Chairman, Committee on General Government Operations, Appropriations & Housing

Office of Finance and Budget

Email: msacelorio.senatorsa@gmail.com

Tel: (671) 989-5445



Bill 85-36 (COR) As Introduced.pdf

1012K

Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>

Wed, May 12, 2021 at 9:33 AM

To: Michaela Celorio <msacelorio.senatorsa@gmail.com>

Cc: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Senator Tony Ada <senatorvanthonyada@gmail.com>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Catherine Leon Guerrero <cathy.senatorsa@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>

To do pass.

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**The Office of Senator Jose "Pedo" Terlaje**  
Committee on Public Safety, Emergency Response,  
Military and Veterans Affairs, Mayors' Council, and Public Transit

36th Guam Legislature  
*I Mina'trentai Sais na Liheslaturan Guåhan*

777 Route 4, MVP Center - Units 101/ 102, Sinajana, GU 96910  
Tel: (671) 989-5301/ 3218  
Email: senatorpedo@senatorjpterlaje.com

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**Senator Tony Ada** <senatorvanthonyada@gmail.com>

Wed, May 12, 2021 at 9:36 AM

To: Senator Pedo Terlaje <senatorpedo@senatorjpterlaje.com>

Cc: Michaela Celorio <msacelorio.senatorsa@gmail.com>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Catherine Leon Guerrero <cathy.senatorsa@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>

To Report Out Only

Tony

On May 12, 2021, at 9:34 AM, Senator Pedo Terlaje <senatorpedo@senatorjpterlaje.com> wrote:

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**Michaela Celorio** <msacelorio.senatorsa@gmail.com>

Wed, May 12, 2021 at 9:45 AM

To: Senator Pedo Terlaje <senatorpedo@senatorjpterlaje.com>

Hafa Adai, Sen. Terlaje

Your vote has been received and will be filed with COR.

Thank you.

Best,  
Michaela Celorio

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**Michaela Celorio** <msacelorio.senatorsa@gmail.com>

Wed, May 12, 2021 at 9:47 AM

To: Senator Tony Ada <senatorvanthonyada@gmail.com>

Hafa Adai Senator Ada

Your vote has been received and will be filed with COR.

Thank you.

Best,  
Michaela Celorio  
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**Senator Mary C. Torres** <senatormary@guamlegislature.org>  
To: Michaela Celorio <msacelorio.senatorsa@gmail.com>

Wed, May 12, 2021 at 11:50 AM

To do pass.

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### Office of Senator Mary Camacho Torres

Suite 807, DNA Building  
238 Archbishop Flores St.  
Hagatna, Guam 96910  
T: 475-6279 E:senatormary@guamlegislature.org

On Wed, May 12, 2021 at 9:14 AM Michaela Celorio <msacelorio.senatorsa@gmail.com> wrote:  
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**Michaela Celorio** <msacelorio.senatorsa@gmail.com>  
To: "Senator Mary C. Torres" <senatormary@guamlegislature.org>

Wed, May 12, 2021 at 11:52 AM

Hafa Adai Sen. Torres

Your vote has been received and will be filed with COR.

Thank you.

Best,  
Michaela Celorio

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[Quoted text hidden]

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**Senator Frank Blas Jr.** <frank.blasjr@senatorfrankblas.com>  
To: Michaela Celorio <msacelorio.senatorsa@gmail.com>  
Cc: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Senator Tony Ada <senatorvanthonyada@gmail.com>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Catherine Leon Guerrero <cathy.senatorsa@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>

Wed, May 12, 2021 at 1:18 PM

To report out

Sent from my iPad

On May 12, 2021, at 9:14 AM, Michaela Celorio <msacelorio.senatorsa@gmail.com> wrote:

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<Bill 85-36 (COR) As Introduced.pdf>

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**Michaela Celorio** <msacelorio.senatorsa@gmail.com>

Wed, May 12, 2021 at 1:22 PM

To: "Senator Frank Blas Jr." <frank.blasjr@senatorfrankblas.com>

Hafa Adai Senator Blas!

Your vote has been received and will be filed by COR.

Thank you.

Best,  
Michaela Celorio

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