



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Office of the Speaker
MARK FORBES
Date: 11/28/05
Time: 4:30
Rec'd by: [Signature]
Print Name: [Signature]
28-05-0462

Dear Mr. Speaker:

Transmitted herewith is Bill No. 96 (EC), "AN ACT TO REPEAL AND REENACT SECTIONS 15409, 15410 AND 15411 OF ARTICLE 4, CHAPTER 15, OF TITLE 4, GUAM CODE ANNOTATED, TO ADD NEW SECTIONS 15412 AND 15413 OF ARTICLE 4, CHAPTER 15 OF TITLE 4, GUAM CODE ANNOTATED AND TO REPEAL SECTIONS 43116 AND 43117 OF ARTICLE 1, CHAPTER 43, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ETHICS IN GOVERNMENT PROGRAM FOR ELECTED OFFICIALS AND ANY PERSON WHO IS APPOINTED TO A POSITION AS BOARD OR COMMISSION MEMBER, DIRECTOR, DEPUTY DIRECTOR, OR BY WHATEVER TITLE DENOTES THE HEAD AND FIRST ASSISTANT OF A GOVERNMENT OF GUAM AGENCY, DEPARTMENT, PUBLIC CORPORATION, AUTHORITY, OR ANY OTHER ENTITY OF THE EXECUTIVE BRANCH" which I signed into law on November 25, 2005, as Public Law 28-76.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

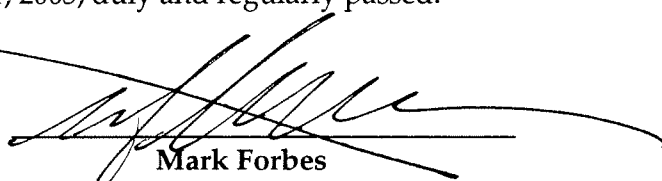
Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

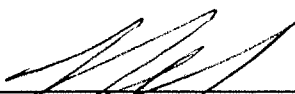
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 96 (EC) "AN ACT TO REPEAL AND REENACT SECTIONS 15409, 15410 AND 15411 OF ARTICLE 4, CHAPTER 15, OF TITLE 4, GUAM CODE ANNOTATED, TO ADD NEW SECTIONS 15412 AND 15413 OF ARTICLE 4, CHAPTER 15 OF TITLE 4, GUAM CODE ANNOTATED AND TO REPEAL SECTIONS 43116 AND 43117 OF ARTICLE 1, CHAPTER 43, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ETHICS IN GOVERNMENT PROGRAM FOR ELECTED OFFICIALS AND ANY PERSON WHO IS APPOINTED TO A POSITION AS BOARD OR COMMISSION MEMBER, DIRECTOR, DEPUTY DIRECTOR, OR BY WHATEVER TITLE DENOTES THE HEAD AND FIRST ASSISTANT OF A GOVERNMENT OF GUAM AGENCY, DEPARTMENT, PUBLIC CORPORATION, AUTHORITY, OR ANY OTHER ENTITY OF THE EXECUTIVE BRANCH," was on the 11th day of November, 2005, duly and regularly passed.


Mark Forbes
Speaker


Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 17th day of November, 2005,
at 11 o'clock A.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 11/25/05

Public Law No. 28-76

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 96 (EC)

As amended on the Floor.

Introduced by:

J. T. Won Pat
B. J.F. Cruz
F. B. Aguon, Jr.
J. M.S. Brown
Edward J.B. Calvo
Mike Cruz
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
A. B. Palacios
R. J. Respicio
Ray Tenorio
A. R. Unpingco

AN ACT TO *REPEAL* AND *REENACT* SECTIONS 15409, 15410 AND 15411 OF ARTICLE 4, CHAPTER 15, OF TITLE 4, GUAM CODE ANNOTATED, TO *ADD* NEW SECTIONS 15412 AND 15413 OF ARTICLE 4, CHAPTER 15 OF TITLE 4, GUAM CODE ANNOTATED AND TO *REPEAL* SECTIONS 43116 AND 43117 OF ARTICLE 1, CHAPTER 43, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ETHICS IN GOVERNMENT PROGRAM FOR ELECTED OFFICIALS AND ANY PERSON WHO IS APPOINTED TO A POSITION AS BOARD OR COMMISSION MEMBER, DIRECTOR, DEPUTY DIRECTOR, OR BY WHATEVER TITLE DENOTES THE HEAD AND FIRST ASSISTANT OF A GOVERNMENT OF GUAM AGENCY, DEPARTMENT, PUBLIC CORPORATION, AUTHORITY, OR ANY OTHER ENTITY OF THE EXECUTIVE BRANCH.



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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 elected officials, executive department heads and deputies, and members of
4 government boards and commissions are entrusted with great responsibility to run the
5 affairs of our government with honesty and integrity, and must ensure that decisions
6 be made for the greater good of the community rather than self interest. *I Liheslaturan*
7 *Guåhan* also finds that elected officials, executive department heads and deputies, and
8 members of government, including autonomous agencies, boards and commissions
9 may need training to ensure conscientious decisions that, when absent, result in
10 unconscionable acts against the government, the negligent abuse of power and
11 authority, and ultimately, the loss of trust and confidence of the community.

12 It is the intent of *I Liheslaturan Guåhan* for elected officials, executive
13 department heads and deputies, and members of government boards and commissions
14 to attend ethics training to raise the official’s awareness of the greater scope of
15 responsibilities his or her position holds. It is also the intent of *I Liheslaturan Guåhan*,
16 that the ethics training for elected officials, executive department heads and deputies
17 and members of government boards and commissions should encourage greater
18 accountability and the judicious use of authority for the greater good of the
19 community.

20 **Section 2.** §15409 of Article 4, Chapter 15 of Title 4, Guam Code Annotated,
21 is hereby *repealed* and *reenacted* to read:

22 **“§15409. Applicability of Ethics in Government Program.**

23 (a) Any person who is an elected official of the government of Guam shall
24 attend an ethics in government program within ninety (90) days of taking office.
25 Additionally, elected officials shall undergo refresher ethics in government program at
26 least once every four (4) years. The Guam Ethics Commission (“Commission”) may
27 grant permission for an elected official to attend a later program for good cause

1 shown. The Commission shall award a certificate of completion to those completing
2 the program.

3 (b) Any person who is appointed to a position as board or commission member,
4 including autonomous agencies, director, deputy director, or by whatever title denotes
5 the head and first assistant of a government of Guam agency, department, public
6 corporation, authority, or any other entity of the executive branch, shall attend an
7 ethics in government program within the first six (6) months of his or her
8 appointment. Additionally, appointed officials shall undergo refresher ethics in
9 government program at least once every four (4) years. The Commission may grant
10 permission for an appointed official to attend a later program for good cause shown.
11 The Commission shall award a certificate of completion to those completing the
12 program.”

13 **Section 3.** §15410 of Article 4, Chapter 15 of Title 4, Guam Code Annotated,
14 is hereby *repealed* and *reenacted* to read:

15 “§15410. **Ethics in Government Program Guidelines.** The ethics in
16 government program shall be provided by the University of Guam (“UOG”) or other
17 providers. The Public Auditor shall develop standards for the ethics program until the
18 Guam Ethics Commission is appointed and functioning, at which time the
19 Commission shall assume authority to develop the standards. The providers shall
20 repeat the course as necessary to accommodate those who are required to attend. The
21 course shall not exceed four (4) hours and shall be available in a single day and its
22 scheduling shall accommodate the different work schedules of the persons affected by
23 this Act.

24 (a) The program topics shall include, but not be limited to:

- 25 (1) Guam statutes concerning ethics;
26 (2) Guam statutes concerning lobbying;

- 1 (3) Group participation in discussing, analyzing, and solving general
- 2 ethics-related dilemmas;
- 3 (4) Guam procurement laws and regulations;
- 4 (5) Guam contracting laws and regulations;
- 5 (6) Parliamentary procedure;
- 6 (7) Fiduciary responsibility;
- 7 (8) Personnel policy;
- 8 (9) Government finance; and
- 9 (10) Open Government Law and Sunshine Reform Act of 1999.

10 (b) The cost of tuition, books and training materials for the ethics in government
11 program of the officials specified in §15409(b) of this Chapter, shall be paid by the
12 agency that employs the official.”

13 **Section 4.** §15411 of Article 4, Chapter 15 of Title 4, Guam Code Annotated,
14 is hereby *repealed* and *reenacted* to read:

15 “§15411. **Judicial Branch.** The Chief Justice of the Supreme Court shall have
16 jurisdiction and governance over all justices and judges of the judicial branch in
17 matters of ethics as covered in this Chapter 15.”

18 **Section 5.** A new §15412 is hereby *added* to Article 4, Chapter 15 of Title 4,
19 Guam Code Annotated, to read as follows:

20 “§15412. **Repeal.** Those portions of the Guam Code Annotated and the
21 Government Code of Guam, which are in conflict with any section of this Chapter, are
22 hereby *repealed*.”

23 **Section 6.** A new §15413 is hereby *added* to Article 4, Chapter 15 of Title 4,
24 Guam Code Annotated, to read as follows:

25 “§15413. **Severability.** If any part of this Chapter 15 shall, for any reason, be
26 adjudged by a court of competent jurisdiction to be invalid, or invalid as applied to a
27 class of cases, such judgment shall not affect, impair, or invalidate the remainder

1 thereof, and shall be confined in its operation to the part thereof directly involved in
2 the controversy in which such judgment shall have been rendered”.

3 **Section 7.** §43116 of Article 1, Chapter 43, Division 4 of Title 5 of Guam Code
4 Annotated, is hereby *repealed* in its entirety.

5 **Section 8.** §43117 of Article 1, Chapter 43, Division 4 of Title 5 of Guam Code
6 Annotated, is hereby *repealed* in its entirety.

7 **Section 9. Effective Date.** The provisions contained in this Act shall take effect
8 January 1, 2007.

I MINA' BENO E OCHO NA LIHESLAURAN GUAHAN
2005 (FIRST) Regular Session

Date: 11-11-05

VOTING SHEET

Bill No. 96 (EC) original

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSE</u>
AGUON, Frank B., Jr.					996
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F. II	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R. III		✓			
WON PAT, Judith T.	✓				

TOTAL 13 1 0 0 1

CERTIFIED TRUE AND CORRECT:

[Signature]
 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence

PL. 28-76



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

November 7, 2005

Speaker Mark Forbes
I Mina' Bente Ocho Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

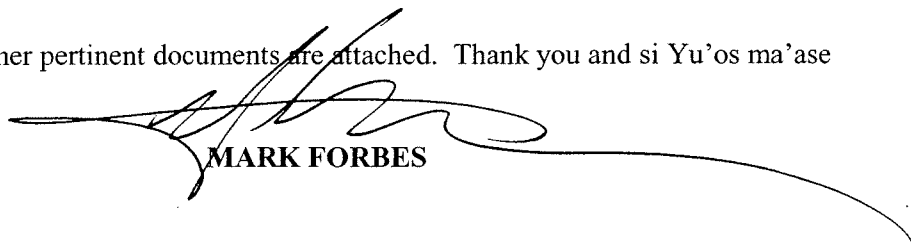
The Committee on General & Omnibus Matters to which Bill No. 96 was referred, wishes to report its findings and recommendations **TO DO PASS BILL No. 96 (EC)**: "An Act To Repeal And Reenact Sections 15409, 15410 And 15411 Of Article 4, Chapter 15, Of Title 4, Guam Code Annotated, To Add New Sections 15412 And 15413 Of Article 4, Chapter 15 Of Title 4, Guam Code Annotated And To Repeal Sections 43116 And 43117 Of Article 1, Chapter 43, Division 4 Of Title 5, Guam Code Annotated, Relative To Establishing An Ethics In Government Program For Elected Officials And Any Person Who Is Appointed To A Position As Board Or Commission Member, Director, Deputy Director, Or By Whatever Title Denotes The Head And First Assistant Of A Government Of Guam Agency, Department, Public Corporation, Authority, Or Any Other Entity Of The Executive Branch".

Transmitted herewith for your consideration and action is our committee report on the above subject matter.

The voting record is as follows:

6 TO PASS
0 NOT TO PASS
1 TO REPORT OUT ONLY
0 ABSTAIN
0 INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.


MARK FORBES

Attachments

MEMORANDUM

TO: Committee Members

FROM: Chairman 

SUBJECT: Committee Report- BILL No. 96 (EC): "An Act To Repeal And Reenact Sections 15409, 15410 And 15411 Of Article 4, Chapter 15, Of Title 4, Guam Code Annotated, To Add New Sections 15412 And 15413 Of Article 4, Chapter 15 Of Title 4, Guam Code Annotated And To Repeal Sections 43116 And 43117 Of Article 1, Chapter 43, Division 4 Of Title 5, Guam Code Annotated, Relative To Establishing An Ethics In Government Program For Elected Officials And Any Person Who Is Appointed To A Position As Board Or Commission Member, Director, Deputy Director, Or By Whatever Title Denotes The Head And First Assistant Of A Government Of Guam Agency, Department, Public Corporation, Authority, Or Any Other Entity Of The Executive Branch".

Transmitted herewith for your information and action is the report on BILL No. 96 (EC) from the Committee on General and Omnibus Matters.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. BILL No. 96 (EC)
4. Public Hearing Sign-In Sheet
5. Fiscal Note/ Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

MARK FORBES


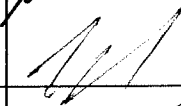

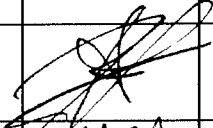
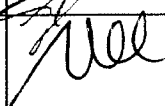


Attachments

COMMITTEE ON GENERAL AND OMNIBUS MATTERS

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
155 HESLER PLACE, HAGÅTNA, GUAM 96910

An Act To Repeal And Reenact Sections 15409, 15410 And 15411 Of Article 4, Chapter 15, Of Title 4, Guam Code Annotated, To Add New Sections 15412 And 15413 Of Article 4, Chapter 15 Of Title 4, Guam Code Annotated And To Repeal Sections 43116 And 43117 Of Article 1, Chapter 43, Division 4 Of Title 5, Guam Code Annotated, Relative To Establishing An Ethics In Government Program For Elected Officials And Any Person Who Is Appointed To A Position As Board Or Commission Member, Director, Deputy Director, Or By Whatever Title Denotes The Head And First Assistant Of A Government Of Guam Agency, Department, Public Corporation, Authority, Or Any Other Entity Of The Executive Branch.

VOTING SHEET

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Mark Forbes, Chairman		✓				
Edward J.B. Calvo		✓				
Lawrence F. Kasperbauer, Ph.D.				X		
Jesse A. Lujan						
Ray Tenorio		✓				
Michael Cruz, M.D.		✓				
Lou A. Leon Guerrero		✓				
Judith T. Won Pat		✓				
Benjamin J.F. Cruz						

lean

Introduced
FEB 14 2005
[Signature]

**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session**

Bill No. 96 (EC)

Introduced by:

J. T. Won Pat [Signature]
B.J.F. Cruz [Signature]

AN ACT TO REPEAL AND REENACT SECTIONS 15409, 15410 AND 15411 OF ARTICLE 4, CHAPTER 15, OF TITLE 4, GUAM CODE ANNOTATED, TO ADD NEW SECTIONS 15412 AND 15413 OF ARTICLE 4, CHAPTER 15 OF TITLE 4, GUAM CODE ANNOTATED AND TO REPEAL SECTIONS 43116 AND 43117 OF ARTICLE 1, CHAPTER 43, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ETHICS IN GOVERNMENT PROGRAM FOR ELECTED OFFICIALS AND ANY PERSON WHO IS APPOINTED TO A POSITION AS BOARD OR COMMISSION MEMBER, DIRECTOR, DEPUTY DIRECTOR, OR BY WHATEVER TITLE DENOTES THE HEAD AND FIRST ASSISTANT OF A GOVERNMENT OF GUAM AGENCY, DEPARTMENT, PUBLIC CORPORATION, AUTHORITY, OR ANY OTHER ENTITY OF THE EXECUTIVE BRANCH.

BOLD

BE IT ENACTED BY THE PEOPLE OF GUAM:

1
2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that elected officials, executive department heads and deputies, and members

PO.# → 1 ✓

1 of government boards and commissions are entrusted with great
2 responsibility to run the affairs of our government with honesty and integrity,
3 and must ensure that decisions as they pertain to the affairs of our
4 government, be made for the greater good of the community rather than self
5 interest. *I Liheslaturan Guåhan* also finds that elected officials, executive
6 department heads and deputies, and members of government boards and
7 commissions may need the training necessary to ensure conscientious
8 decisions that, when absent, result in unconscionable acts against the
9 government, the negligible abuse of one's power and authority, and ultimately ✓
10 the loss of trust and confidence of the community. It is the intent of *I*
11 *Liheslaturan Guåhan* for elected officials, executive department heads and
12 deputies, and members of government boards and commissions to attend
13 training opportunities, specifically ethics training, in the effort to raise the
14 official's awareness of the greater scope of responsibilities his or her position
15 holds. It is also the intent ^{of} *I Liheslaturan Guåhan* _{out} that the ethics training for ✓
16 elected officials, executive department heads and deputies, and members of
17 government boards and commissions should encourage greater accountability
18 and the recognition of the judicious use of one's authority for the greater good
19 of the community.

20 **Section 2.** §15409 of Article 4, Chapter 15 of Title 4, Guam Code
21 Annotated, is hereby repealed and reenacted to read: ✓

22 **"§15409. Applicability of Ethics in Government Program.**

23 (a) Any person who is an elected official of the government of Guam
24 shall attend an ethics in government program within ninety (90) days of
25 taking office. Additionally, elected officials shall undergo refresher ethics in

1 government program at least once every four (4) years. The Guam Ethics
2 Commission ("Commission") may grant permission for an elected official to
3 attend a later program for a good cause shown. The Commission shall award
4 a certificate of completion to those completing the program.

5 (b) Any person who is appointed to a position as board or commission
6 member, director, deputy director, or by whatever title denotes the head and
7 first assistant of a government of Guam agency, department, public
8 corporation, authority, or any other entity of the executive branch, shall attend
9 an ethics in government program within the first six (6) months of his or her
10 appointment. Additionally, appointed officials shall undergo refresher ethics
11 in government program at least once every four (4) years. The Commission
12 may grant permission for an appointed official to attend a later program for a
13 good cause shown. The Commission shall award a certificate of completion to
14 those completing the program."

15 Section 3. §15410 of Article 4, Chapter 15 of Title 4, Guam Code
16 Annotated, is hereby ~~repealed~~ and ~~reenacted~~ to read:

17 "§15410. Ethics in Government Program Guidelines. The ethics in
18 government program shall be established and administered by the University
19 of Guam ("UOG") [with the approval of the Guam Ethics Commission] UOG
20 shall repeat the course as necessary to accommodate ^{those?} who are required to
21 attend.

22 (a) The program shall include topics, but not ^{be} limited to:

- 23 (1) Guam Statutes concerning ethics;
24 (2) Guam Statutes concerning lobbying;

1 (3) Group participation in discussing, analyzing, and solving
2 general ethics-related dilemmas;

3 (4) Guam Procurement Laws & Regulations;

4 (5) Guam Contracting Laws & Regulations;

5 (6) Parliamentary procedures;

6 (7) Fiduciary responsibility;

7 (8) Personnel policy; and

8 (9) Government finance

9 (b) The cost of tuition, books and training materials for the ethics in
10 government program shall be at the personal cost of the elected official
11 specified in §15409 (a) of this Chapter.

12 (c) The cost of tuition, books and training materials for the ethics ⁱⁿ
13 government program of the appointed official specified in §15409 (b) of this
14 Chapter, shall be the responsibility of the agency the appointed official serves
15 on." ✓

16 Section 4. §15411 of Article 4, Chapter 15 of Title 4, Guam Code
17 Annotated, is hereby repealed and reenacted to read: ✓

18 "§15411. Judicial Branch. The Chief Justice of the Supreme Court shall
19 have jurisdiction and governance over all justices and judges of the judicial
20 branch in matters of ethics as covered in this Chapter 15."

21 Section 5. A new §15412 is hereby added to Article 4, Chapter 15 of Title
22 4, Guam Code Annotated, to read as follows: ✓

23 "§15412. Repeal. Those portions of the Guam Code Annotated and the
24 Government Code of Guam ^{out} which are in conflict with any section of this
25 Chapter ^{out} are hereby repealed." ✓

1 Section 6. A new §15413 is hereby added to Article 4, Chapter 15 of
2 Title 4, Guam Code Annotated, to read as follows:

3 ^{TAB} → **§15413. Severability.** If any part of this Chapter 15 shall, for any reason, be
4 adjudged by a court of competent jurisdiction to be invalid, or invalid as
5 applied to a class of cases, such judgment shall not affect, impair, or invalidate
6 the remainder thereof, and shall be confined in its operation to the part
7 thereof directly involved in the controversy in which such judgment shall
8 have been rendered. "

9 Section 7. §43116 of Article 1, Chapter 43, Division 4 of Title 5 of Guam
10 Code Annotated, is hereby repealed in its entirety.

11 ~~"§ 43116. Development of the Boards and Commissions Training~~
12 ~~Program. The University of Guam shall, within six (6) months of the receipt of~~
13 ~~funding for this Section, develop a training program for members of~~
14 ~~government of Guam boards and commissions. Such training programs shall~~
15 ~~include, but not be limited to, parliamentary procedures, ethics, fiduciary~~
16 ~~responsibilities, leadership and direction, personnel policy and government~~
17 ~~finance."~~

18 Section 8. §43117 of Article 1, Chapter 43, Division 4 of Title 5 of Guam
19 Code Annotated, is hereby repealed in its entirety.

20 ~~"§ 43117. Boards and Commissions Training. The University of Guam~~
21 ~~shall, beginning with calendar year 1999, conduct a training program for~~
22 ~~members of government of Guam boards and commissions developed under~~
23 ~~the provisions of § 43116 of this Chapter. Such training program shall be~~
24 ~~conducted at least twice per year. If there are fewer than five (5) board~~
25 ~~members who wish to take a scheduled course, the two year requirement may~~

1 ~~be waived. The cost of tuition for such training shall be the responsibility of~~
2 ~~the agency whose board or commission, the member serves on."~~

3 **Section 9. Effective Date.** The provisions contained in this Act shall
4 take effect January 2007.

**I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
COMMITTEE ON GENERAL & OMNIBUS MATTERS
SPEAKER MARK FORBES, CHAIRMAN**

COMMITTEE REPORT

ON

BILL NO. 96 (EC)

An Act To Repeal And Reenact Sections 15409, 15410 And 15411 Of Article 4, Chapter 15, Of Title 4, Guam Code Annotated, To Add New Sections 15412 And 15413 Of Article 4, Chapter 15 Of Title 4, Guam Code Annotated And To Repeal Sections 43116 And 43117 Of Article 1, Chapter 43, Division 4 Of Title 5, Guam Code Annotated, Relative To Establishing An Ethics In Government Program For Elected Officials And Any Person Who Is Appointed To A Position As Board Or Commission Member, Director, Deputy Director, Or By Whatever Title Denotes The Head And First Assistant Of A Government Of Guam Agency, Department, Public Corporation, Authority, Or Any Other Entity Of The Executive Branch.

I. OVERVIEW

The Committee on General and Omnibus Matters held a public hearing at 9:00 a.m. on September 01, 2005 in the Public Hearing Room, I Liheslaturan Guåhan. Public notice was given to all media (see facsimile confirmation page) on August 25 and August 29, 2005 and posted in the Government Meetings Section in the August 31, 2005 edition of the PDN.

Senators present at the public hearing were:

Speaker Mark Forbes, Chairman
Senator Lawrence F. Kasperbauer, Ph.D., Member
Senator Jesse A. Lujan, Member
Senator Ray Tenorio, Member
Senator Judith T. Won Pat, Member
Senator Benjamin J. F. Cruz, Member
Vice Speaker Joanne M.S. Brown
Senator Robert Klitzkie
Senator Adolpho B. Palacios, Sr.
Senator Rory J. Respicio

II. SUMMARY OF TESTIMONY

Individuals that appeared before the Committee to present oral and written testimony on the bill were as follows:

There are no oral and written testimonies on this bill.

Remarks:

The author of Bill No. 96, Senator Won Pat, briefly stated the intent of Bill No. 96. Senator Won Pat said that all elected government officials, executive department heads and deputies and members of boards and commissions be held accountable for their actions by the further understanding of their responsibilities of the positions they hold. She said this training opportunity will allow for such individuals to become more aware and accountable to the people.

III. FINDINGS AND RECOMMENDATION

The Committee on General and Omnibus Matters finds that the intent of Bill No. 96 would allow for all elected leaders and appointed heads and members of Executive boards and commissions to undergo training and education relevant to the positions they hold. The committee further finds that these elected and appointed positions form the leadership of our community and are ultimately held accountable for their actions and decisions. It is the finding of the committee that this measure will provide as a resource on the management and authority of leadership training and ethics accountability.

Accordingly, the Committee on General and Omnibus Matters to which BILL No. 96 (EC) was referred does hereby submit its findings and recommendations to I Mina' Bente Ocho Na Liheslaturan Guåhan **TO DO PASS BILL No. 96 (EC)**, "An Act To Repeal And Reenact Sections 15409, 15410 And 15411 Of Article 4,

Chapter 15, Of Title 4, Guam Code Annotated, To Add New Sections 15412 And 15413 Of Article 4, Chapter 15 Of Title 4, Guam Code Annotated And To Repeal Sections 43116 And 43117 Of Article 1, Chapter 43 Division 4 Of Title 5, Guam Code Annotated, Relative To Establishing An Ethics In Government Program For Elected Officials And Any Person Who Is Appointed To A Position As Board Or Commission Member Director, Deputy Director, Or By Whatever Title Denotes The Head And First Assistant Of A Government Of Guam Agency, Department, Public Corporation, Authority, Or Any Other Entity Of The Executive Branch.”

IV. PUBLIC HEARING AGENDA

AGENDA

COMMITTEE ON GENERAL & OMNIBUS MATTERS, and EXECUTIVE COMMITTEE

Public Hearing
Thursday, September 01, 2005, 9:00 a.m.

The following appointments will be heard;

Antonio M. Palomo: Member, Guam Historic Preservation Review Board
Rebecca Ann Duenas: Member, Guam Historic Preservation Review Board
Mark Zhao: Member, Guam Real Estate Commission

The following Bills will be heard by the Committee on General & Omnibus Matters;

Bill No. 66 (EC) - by F. B. Aguon Jr.

An Act Relative To Requiring The Proper Restoration Of Roadways And Highways That Are Partially Damaged Due To Construction Work To Their Pre-Construction Condition By The Contractor Prior To The Full Disbursement Of Public Construction Funds For Such Projects, And Empowering Guam's Village Mayors To Certify The Completion And Proper Re-Surfacing Of The Roadway Or Highway To Its Previous Condition.

Bill No. 75 (EC) - by Ray Tenorio

An Act To Amend Section 1903 Of Chapter 19 Of Title 1 Of The Guam Code Annotated Relative To The Term Of Office Of The Public Auditor.

Bill No. 96 (EC) - by J. T. Won Pat

An Act To Repeal And Reenact Sections 15409, 15410 And 15411 Of Article 4, Chapter 15, Of Title 4, Guam Code Annotated, To Add New Sections 15412 And 15413 Of Article 4, Chapter 15 Of Title 4, Guam Code Annotated And To Repeal Sections 43116 And 43117 Of Article 1, Chapter 43, Division 4 Of Title 5, Guam Code Annotated, Relative To Establishing An Ethics In Government Program For Elected Officials And Any Person Who Is Appointed To A Position As Board Or Commission Member, Director, Deputy Director, Or By Whatever Title Denotes The Head And First Assistant Of A Government Of Guam Agency, Department, Public Corporation, Authority, Or Any Other Entity Of The Executive Branch.

Bill No. 104 (LS) - by J. A. Lujan

An Act To Establish Strict Accountability For Adverse Effects On Personal Health And Environmental Quality As A Result Of New Landfill Facility Construction, Operation, Closing And Monitoring.

Bill No. 105 (LS) - by J. A. Lujan

An Act To Affirm Public Responsibility For Real Property Valuation Lost As A Result Of Landfill Construction And Operation.

Bill No. 125 (EC) - by E. J. B. Calvo

An Act Authorizing I Maga'lahren Guåhan To Exchange A Portion Of Government Land Within Lot Number 10120-R16, Municipality Of Dededo, With Lot Number 5400-R6, Municipality Of Mangilao, On A Value For Value Basis To Address The Protective Buffer Zone Requirements For The Department Of Corrections Pursuant To Public Law 17-54.

Bill No. 132 (EC) - by A. B. Palacios

An Act To Add Article 2 To Chapter 30 Of Title 5 Of The Guam Code Annotated, Relative To Creating The "Independent Counsel Act Of 2005."

Bill No. 139 (EC) - by R. J. Respicio

An Act To Create A Recycling Enterprise Zone At The Jose D. Leon Guerrero Commercial Port.

Bill No. 152 (LS) - By F. B. Aguon, Jr.

An Act Relative To Providing Additional Representation And Support To The People In The Villages Of Yigo And Mangilao At The Municipal Level Through The Establishment Of A Vice-Mayor Position For Each Of These Villages, In Recognition Of The Growing Resident Population In These Areas As The Second And Fourth Most Heavily Populated Villages In Guam And To Address The Corresponding Increasing Needs Of Its Residents; Thus Amending §§40101, Chapter 40, Division 4, Title 5, Guam Code Annotated.

Bill No. 170 (EC) - by Committee on Calendar, request of I Maga'láhen Guåhan the Governor of Guam in accordance with the Organic Act of Guam

An Act To Authorize The Lease For An Education Facility On Lot Marbo Base Command "B"-4, Approve The Request For Proposal And Reservation Of Funds For The Same.



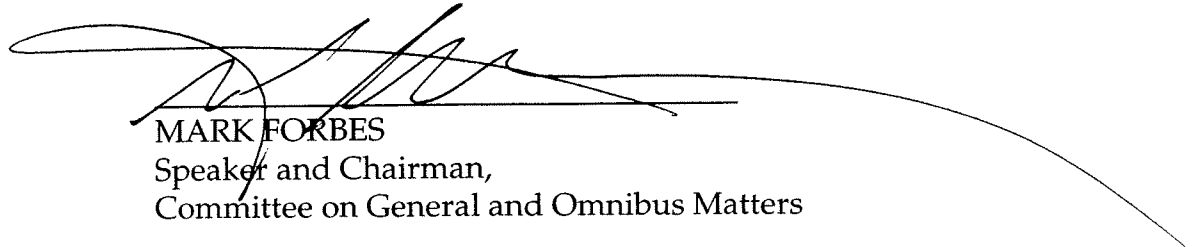
I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 96 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 96.



MARK FORBES
Speaker and Chairman,
Committee on General and Omnibus Matters



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

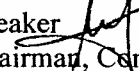
155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

August 25, 2005

MEMORANDUM

TO: All Media:
Pacific Daily News; 477-3079 KUAM; 637-9870
Marianas Variety; 648-2007 K-57/Power 98; 477-3982
K-Stereo; 477-6411 Hit Radio 100; 472-7663
Glimpses-Gu. Business 649-8883 Adventist World Radio 565-2983
Harvest Family Radio 477-7136 KPRG 734-2958
KISH 477-6411 Rlene Live

FROM: Speaker 
Chairman, Committee on General & Omnibus Matters, and
Executive Committee

SUBJECT: Notice of Public Hearing- **Thursday, September 01, 2005**

Please be informed that I have scheduled a public hearing on Thursday, September 01, 2005, 9:00 a.m., at the Public Hearing Room, Temporary Legislative Building, on the following appointments and bills:

The following appointments and bills will be heard;

Antonio M. Palomo: Member, Guam Historic Preservation Review Board
Rebecca Ann Duenas: Member, Guam Historic Preservation Review Board
Mark Zhao: Member, Guam Real Estate Commission

Bill No. 66 (EC) - by F. B. Aguon Jr.

An Act Relative To Requiring The Proper Restoration Of Roadways And Highways That Are Partially Damaged Due To Construction Work To Their Pre-Construction Condition By The Contractor Prior To The Full Disbursement Of Public Construction Funds For Such Projects, And Empowering Guam's Village Mayors To Certify The Completion And Proper Re-Surfacing Of The Roadway Or Highway To Its Previous Condition.

Bill No. 75 (EC) - by Ray Tenorio

An Act To Amend Section 1903 Of Chapter 19 Of Title 1 Of The Guam Code Annotated Relative To The Term Of Office Of The Public Auditor.

Bill No. 96 (EC) - by J. T. Won Pat

An Act To Repeal And Reenact Sections 15409, 15410 And 15411 Of Article 4, Chapter 15, Of Title 4, Guam Code Annotated, To Add New Sections 15412 And 15413 Of Article 4, Chapter 15 Of Title 4, Guam Code Annotated And To Repeal Sections 43116 And 43117 Of Article 1, Chapter 43, Division 4 Of Title 5,



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The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

August 29, 2005

MEMORANDUM

TO: All Media:
Pacific Daily News; 477-3079 KUAM; 637-9870
Marianas Variety; 648-2007 K-57/Power 98; 477-3982
K-Stereo; 477-6411 Hit Radio 100; 472-7663
Glimpses-Gu. Business 649-8883 Adventist World Radio 565-2983
Harvest Family Radio 477-7136 KPRG 734-2958
KISH 477-6411 Rlene Live

FROM: Speaker
Chairman, Committee on General & Omnibus Matters, and
Executive Committee

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Transmission Report

Date/Time
Local ID
Local Name
Company Logo

8-25-05; 4:23PM
4723510
Guam Legislature

This document was confirmed.
(reduced sample and details below)
Document Size Letter-S



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96810
Office (671) 472-3400 • Fax (671) 472-3510

Speaker Mark Forbes

FACSIMILE

Date: August 25, 2005 Time:
Fax No.: 477-3079 No. of Pages:
To: PDN Government Meetings
From: The Office of Speaker Mark Forbes
Re: Public Hearing Notice- Thursday, September 01, 2005
Note: We would like to reserve space in the government meeting notice section of the Pacific Daily News for Friday, August 26 and Saturday, August 27, 2005 to read:

"Committee on General and Omnibus Matters & Executive Committee: Public Hearing, Thursday, September 01, 2005, 9:00 A.M., Public Hearing Room, Temporary Legislative Building, Hagatna, Guam.

The following appointments and bills will be heard:

Antonio M. Palomo: Member, Guam Historic Preservation Review Board
Rebecca Ann Ducmas: Member, Guam Historic Preservation Review Board
Mark Zhao: Member, Guam Real Estate Commission

Bill No. 66 (EC) - by F. B. Agon Jr.
An Act Relative To Requiring The Proper Restoration Of Roadways And Highways That Are Partially Damaged Due To Construction Work To Their Pre-Construction Condition By The Contractor Prior To The Full Disbursement Of Public Construction Funds For Such Projects, And Empowering Guam's Village Mayors To Certify The Completion And Proper Re-Surfacing Of The Roadway Or Highway To Its Previous Condition.

Bill No. 75 (EC) - by Ray Tenorio
An Act To Amend Section 1903 Of Chapter 19 Of Title 1 Of The Guam Code Annotated Relative To The Term Of Office Of The Public Auditor.

Total Pages Scanned : 2 Total Pages Confirmed : 2

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	960	pdn	8-25-05; 4:21PM	1'45"	2/ 2	EC		CP 12.0

Notes :

EC: Error Correct
BC: Broadcast Send
CP: Completed
HS: Host Scan
HF: Host Fax

RE: Resend
MP: Multi-Poll
RM: Receive to Memory
HP: Host Print
HR: Host Receive

PD: Polled by Remote
PG: Polling a Remote
DR: Document Removed
FO: Forced Output
FM: Forward Mailbox Doc.

MB: Receive to Mailbox
PI: Power Interruption
TM: Terminated by user
WT: Waiting Transfer
WS: Waiting Send



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

FACSIMILE

Date: August 29, 2005

Time:

Fax No.: 477-3079

No. of Pages:

To: PDN Government Meetings

From: The Office of Speaker Mark Forbes

Re: Public Hearing Notice- Thursday, September 01, 2005

Note: We would like to reserve space in the government meeting notice section of the Pacific Daily News for Tuesday, August 30, Wednesday, August 31 and Thursday, September 01, 2005 to read:

“Committee on General and Omnibus Matters & Executive Committee: Public Hearing, Thursday, September 01, 2005, 9:00 A.M., Public Hearing Room, Temporary Legislative Building, Hagatña, Guam.

The following appointments and bills will be heard:

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Bill No. 75 (EC) - by Ray Tenorio

An Act To Amend Section 1903 Of Chapter 19 Of Title 1 Of The Guam Code Annotated Relative To The Term Of Office Of The Public Auditor.

Activity Report

Date/Time
Local ID
Local Name
Company Logo

8-29-05; 10:14AM
4723510
Guam Legislature

Calling **

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	14	clerks	8-26-05; 10:38AM	1'11"	2/ 2	EC		CP 12.0
2	21	sen frank aguon	2:16PM	27"	-/ 4	BC		0536
3	21	vice spkr brown	2:17PM	6'16"	4/ 4	EC	BC	CP 7200
4	21	sen calvo	2:23PM	1'43"	4/ 4	EC	BC	CP 21.6
5	21	sen bj cruz	2:26PM	2'12"	4/ 4	EC	BC	CP 24.0
6	21	sen m cruz	2:28PM	1'08"	1/ 4	EC	BC	0513 28.8
7	21	sen kasperbauer	2:30PM	2'17"	4/ 4	EC	BC	CP 14.4
8	21	sen leon guerrero	2:32PM	2'34"	4/ 4	EC	BC	CP 12.0
9	21	lujann	2:35PM	0"	-/ 4	BC		056D
10	21	sen palacios	2:36PM	1'51"	4/ 4	EC	BC	CP 19.2
11	21	sen respecto	2:38PM	3'00"	4/ 4	G3	BC	CP 12.0
12	21	sen tenorio	2:42PM	6'14"	4/ 4	G3	BC	0223 4800
								2, 4
13	21	sen unpingco	2:48PM	2'50"	4/ 4	EC	BC	CP 9600
14	21	sen won pat	2:51PM	0"	-/ 4	BC		056D
15	21	sen frank aguon	2:53PM	1'42"	4/ 4	EC	RE	CP 28.8
16	21	sen m cruz	2:55PM	0"	1/ 4	RE		056D
17	23	pdn	2:57PM	2'47"	4/ 4	EC	BC	CP 9600
18	23	marianas variety	3:01PM	2'42"	4/ 4	EC	BC	CP 12.0
19	23	kuam	3:05PM	1'56"	4/ 4	EC	BC	CP 14.4
20	23	hit radio	3:08PM	1'40"	4/ 4	EC	BC	CP 28.8
21	21	klitzkie	3:10PM	0"	-/ 4	BC		056A
22	23	guam business	3:12PM	0"	-/ 4	BC		056D
23	23	power ninty eight	3:19PM	0"	-/ 4	BC		056B
24	23	k stereo/klsh	3:29PM	0"	-/ 4	BC		056A
25	23	world radio	3:30PM	0"	-/ 4	BC		056B
26	23	family radio	3:30PM	0"	-/ 4	BC		056B
27	23	kprg	3:31PM	0"	-/ 4	BC		056B
28	23	rlene steffy	3:31PM	0"	-/ 4	BC		056B
29	24	pdn	3:32PM	1'52"	3/ 3	EC		CP 14.4
30	28	DPW	3:34PM	36"	1/ 1	EC		CP 26.4
31	29	96479224	3:35PM	1'08"	1/ 1	EC		CP 14.4
32	30	94727951	3:36PM	1'06"	1/ 1	EC		CP 24.0
33	31	94774826	3:38PM	45"	1/ 1	EC		CP 16.8
34	32	96462335	3:39PM	29"	1/ 1	EC		CP 28.8
35	33	94779402	3:40PM	30"	1/ 1	EC		CP 26.4
36	34	94770883	3:41PM	29"	1/ 1	EC		CP 28.8
37	35	94737024	3:41PM	1'08"	1/ 1	G3		CP 9600
38	36	94772689	3:43PM	60"	1/ 1	EC		CP 12.0
39	37	94725003	3:44PM	25"	1/ 1	EC		CP 28.8
40	41	97344130	3:46PM	1'17"	1/ 1	EC		CP 9600
41	39	GUAM ATTY GEN'L	3:48PM	59"	1/ 1	EC		CP 9600
42	38	94778777	3:49PM	0"	-/ 1			056D
43	42	96469403	3:50PM	44"	1/ 1	EC		CP 24.0
44	43	96440010	3:52PM	35"	1/ 1	EC		CP 24.0
45	79	DPW	4:09PM	34"	1/ 1	EC		CP 28.8
46	81	947787777	4:13PM	1'18"	1/ 1	G3		0223 9600
								1
47	85	94778777	4:20PM	1'57"	1/ 1	G3		0223 4800
								1
48	92	klitzkie	8-29-05; 9:15AM	0"	-/ 1			056B

Total 79

** Called **

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	12	6716497766	8-26-05; 10:01AM	1'14"	1	EC		CP 7200
2	17	4775984	10:51AM	60"	1	EC		CP 21.6
3	19	4775984	10:54AM	56"	1	EC		CP 21.6
4	77	671 4778082	3:55PM	4'11"	2	EC		CP 12.0
5	88	6714775637	8-28-05; 3:00PM	2'23"	1	G3		CP 4800
6	90	6716478860	11:23PM	3'20"	1	EC		CP 21.6

Total 7

Notes :

EC: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
BC: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
HS: Host Scan	HP: Host Print	FO: Forced Output	WT: Waiting Transfer
HF: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send

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& DRIED FLOWERS



LOCAL NEWS

Wildlife refuge closed on Labor Day

The Guam National Wildlife Refuge, Ritidian Unit, will be closed to the public on Monday in observance of the federal Labor Day holiday, a statement from the refuge said. The refuge will resume regular hours of operation of 8:30 a.m. to 4 p.m., seven days a week, on Tuesday, the statement added.

Pacific Collection closed on Fridays

The University of Guam's Richard F. Taitano Micronesian Area Research Center's Pacific Collection will be closed on Fridays, according to a UOG statement. Call 735-2150 for more information.

Pacific Daily News

GOVERNMENT MEETINGS

Aug. 31

Guam Housing Corp. board of directors' regular meeting: 3 p.m. Aug. 31, GHC conference room, Suite 535, ITC Building, Tamuning. For special accommodations, call 647-4143, ext. 140.

Guam Parole Board regular hearing: 8:30 a.m. Aug. 31, Parole Services Division, 404 East Sunset Blvd., Tiyan. Call 473-7001/7005.

Sept. 1

A.B. Won Pat Guam International Airport Authority board of directors regular meeting: 3 p.m. Sept. 1, terminal conference room 3, Tamuning. Agenda copies available during meeting; parking is available in the public parking lot. For special accommodations, call 646-0300.

Committee on General and Omnibus Matters public hearing: Public hearing 9 a.m. Sept. 1, Legislature's public hearing room, Hagåtña.

Appointments of Antonio M. Palomo and Rebecca Ann Duenas as members. Guam Historic Preservation Review Board; and Mark Zhao, member, Guam Real Estate Commission.

▲ Bill 66, requiring proper restoration of roadways and highways that are partially damaged due to construction work to their preconstruction condition by the contractor prior to the full disbursement of public construction funds for such projects, and empowering Guam's village mayors to certify completion and proper resurfacing of roadway/highway to its previous condition;

▲ Bill 75, relative to the term of office of the Public Auditor;

▲ Bill 96, relative to establishing an ethics in government program for elected officials and any person who is appointed as board or commission member, director, deputy director, or by whatever title denotes the head and first assistant of a government of Guam agency, department, public corporation, authority, or any other entity of the executive

ON THE NET

▲ For the complete, searchable database of upcoming government meetings, visit www.guampdn.com



branch;

▲ Bill 104, establishing strict accountability for adverse effects on personal health and environmental quality as a result of new landfill facility construction, operation, closing and monitoring;

▲ Bill 105, affirming public responsibility for real property valuation lost as a result of landfill construction and operation;

▲ Bill 125, authorizing the governor to exchange a portion of government land within Lot 10120-R16, Dededo, with Lot 5400-R6, Mangilao, on a value-for-value basis to address the protective buffer zone requirements for the Department of Corrections;

▲ Bill 132, relative to creating the Independent Counsel Act of 2005;

▲ Bill 139, to create a recycling enterprise zone at the Jose D. Leon Guerrero Commercial Port;

▲ Bill 152, to provide additional representation and support to residents of Yigo and Mangilao at the municipal level through the establishment of a vice mayor position for these villages;



▲ Bill 170, authorizing the lease for an education facility at Marbo base command B-4, and approve request for proposal and reservation of funds for same, requested by the governor. Call 472-3409.

Workers Compensation Commission, Department of Labor, meeting: 6:30 p.m. Sept. 1, third floor, GCIC Building, Hagåtña. Agenda copies available at commission's office. For special accommodations, call 475-7033.

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 96 (EC)

Introduced by:

J. T. Won Pat 
B.J.F. Cruz 

AN ACT TO REPEAL AND REENACT SECTIONS 15409, 15410 AND 15411 OF ARTICLE 4, CHAPTER 15, OF TITLE 4, GUAM CODE ANNOTATED, TO ADD NEW SECTIONS 15412 AND 15413 OF ARTICLE 4, CHAPTER 15 OF TITLE 4, GUAM CODE ANNOTATED AND TO REPEAL SECTIONS 43116 AND 43117 OF ARTICLE 1, CHAPTER 43, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ETHICS IN GOVERNMENT PROGRAM FOR ELECTED OFFICIALS AND ANY PERSON WHO IS APPOINTED TO A POSITION AS BOARD OR COMMISSION MEMBER, DIRECTOR, DEPUTY DIRECTOR, OR BY WHATEVER TITLE DENOTES THE HEAD AND FIRST ASSISTANT OF A GOVERNMENT OF GUAM AGENCY, DEPARTMENT, PUBLIC CORPORATION, AUTHORITY, OR ANY OTHER ENTITY OF THE EXECUTIVE BRANCH.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that elected officials, executive department heads and deputies, and members

1 of government boards and commissions are entrusted with great
2 responsibility to run the affairs of our government with honesty and integrity,
3 and must ensure that decisions as they pertain to the affairs of our
4 government, be made for the greater good of the community rather than self
5 interest. *I Liheslaturan Guåhan* also finds that elected officials, executive
6 department heads and deputies, and members of government boards and
7 commissions may need the training necessary to ensure conscientious
8 decisions that, when absent, result in unconscionable acts against the
9 government, the negligible abuse of ones power and authority, and ultimately
10 the loss of trust and confidence of the community. It is the intent of *I*
11 *Liheslaturan Guåhan* for elected officials, executive department heads and
12 deputies, and members of government boards and commissions to attend
13 training opportunities, specifically ethics training, in the effort to raise the
14 official's awareness of the greater scope of responsibilities his or her position
15 holds. It is also the intent *I Liheslaturan Guåhan*, that the ethics training for
16 elected officials, executive department heads and deputies, and members of
17 government boards and commissions should encourage greater accountability
18 and the recognition of the judicious use of one's authority for the greater good
19 of the community.

20 **Section 2.** §15409 of Article 4, Chapter 15 of Title 4, Guam Code
21 Annotated, is hereby repealed and reenacted to read:

22 **“§15409. Applicability of Ethics in Government Program.**

23 (a) Any person who is an elected official of the government of Guam
24 shall attend an ethics in government program within ninety (90) days of
25 taking office. Additionally, elected officials shall undergo refresher ethics in

1 government program at least once every four (4) years. The Guam Ethics
2 Commission ("Commission") may grant permission for an elected official to
3 attend a later program for a good cause shown. The Commission shall award
4 a certificate of completion to those completing the program.

5 (b) Any person who is appointed to a position as board or commission
6 member, director, deputy director, or by whatever title denotes the head and
7 first assistant of a government of Guam agency, department, public
8 corporation, authority, or any other entity of the executive branch, shall attend
9 an ethics in government program within the first six (6) months of his or her
10 appointment. Additionally, appointed officials shall undergo refresher ethics
11 in government program at least once every four (4) years. The Commission
12 may grant permission for an appointed official to attend a later program for a
13 good cause shown. The Commission shall award a certificate of completion to
14 those completing the program."

15 **Section 3.** §15410 of Article 4, Chapter 15 of Title 4, Guam Code
16 Annotated, is hereby repealed and reenacted to read:

17 **"§15410. Ethics in Government Program Guidelines.** The ethics in
18 government program shall be established and administered by the University
19 of Guam ("UOG") with the approval of the Guam Ethics Commission. UOG
20 shall repeat the course as necessary to accommodate who are required to
21 attend.

22 (a) The program shall include topics, but not limited to:

23 (1) Guam Statutes concerning ethics;

24 (2) Guam Statutes concerning lobbying;

- 1 (3) Group participation in discussing, analyzing, and solving
2 general ethics-related dilemmas;
3 (4) Guam Procurement Laws & Regulations;
4 (5) Guam Contracting Laws & Regulations;
5 (6) Parliamentary procedures;
6 (7) Fiduciary responsibility;
7 (8) Personnel policy; and
8 (9) Government finance

9 (b) The cost of tuition, books and training materials for the ethics in
10 government program shall be at the personal cost of the elected official
11 specified in §15409 (a) of this Chapter.

12 (c) The cost of tuition, books and training materials for the ethics
13 government program of the appointed official specified in §15409 (b) of this
14 Chapter, shall be the responsibility of the agency the appointed official serves
15 on.”

16 **Section 4.** §15411 of Article 4, Chapter 15 of Title 4, Guam Code
17 Annotated, is hereby repealed and reenacted to read:

18 “§15411. **Judicial Branch.** The Chief Justice of the Supreme Court shall
19 have jurisdiction and governance over all justices and judges of the judicial
20 branch in matters of ethics as covered in this Chapter 15.”

21 **Section 5.** A new §15412 is hereby added to Article 4, Chapter 15 of Title
22 4, Guam Code Annotated, to read as follows:

23 “§15412. **Repeal.** Those portions of the Guam Code Annotated and the
24 Government Code of Guam, which are in conflict with any section of this
25 Chapter, are hereby repealed.”

1 **Section 6.** A new §15413 is hereby added to Article 4, Chapter 15 of
2 Title 4, Guam Code Annotated, to read as follows:

3 “**§15413. Severability.** If any part of this Chapter 15 shall, for any reason, be
4 adjudged by a court of competent jurisdiction to be invalid, or invalid as
5 applied to a class of cases, such judgment shall not affect, impair, or invalidate
6 the remainder thereof, and shall be confined in its operation to the part
7 thereof directly involved in the controversy in which such judgment shall
8 have been rendered.

9 **Section 7.** §43116 of Article 1, Chapter 43, Division 4 of Title 5 of Guam
10 Code Annotated, is hereby repealed in its entirety.

11 ~~“**§ 43116. Development of the Boards and Commissions Training**~~
12 ~~**Program.** The University of Guam shall, within six (6) months of the receipt of~~
13 ~~funding for this Section, develop a training program for members of~~
14 ~~government of Guam boards and commissions. Such training programs shall~~
15 ~~include, but not be limited to, parliamentary procedures, ethics, fiduciary~~
16 ~~responsibilities, leadership and direction, personnel policy and government~~
17 ~~finance.”~~

18 **Section 8.** §43117 of Article 1, Chapter 43, Division 4 of Title 5 of Guam
19 Code Annotated, is hereby repealed in its entirety.

20 ~~“**§ 43117. Boards and Commissions Training.** The University of Guam~~
21 ~~shall, beginning with calendar year 1999, conduct a training program for~~
22 ~~members of government of Guam boards and commissions developed under~~
23 ~~the provisions of § 43116 of this Chapter. Such training program shall be~~
24 ~~conducted at least twice per year. If there are fewer than five (5) board~~
25 ~~members who wish to take a scheduled course, the two-year requirement may~~

1 ~~be waived. The cost of tuition for such training shall be the responsibility of~~
2 ~~the agency whose board or commission, the member serves on."~~

3 **Section 9. Effective Date.** The provisions contained in this Act shall
4 take effect January 2007.