


*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.						

***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.