

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2013 (FIRST) Regular Session**

2013 MAR 13 12:31

Bill No. 65-32 (COR)

Introduced by:

**Michael F.Q. San Nicolas**  
\_\_\_\_\_

**AN ACT TO PROVIDE FOR EDUCATIONAL PROGRAMS  
FOR NEW MEMBERS OF BOARDS AND COMMISSIONS  
BY ADDING A NEW SECTION §43116 TO 5 GCA.**

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

2       **Section 1. Short Title.** This act shall be cited as the “Responsible Board and  
3 Commission Education Act”.

4       **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
5 Public Law 24-191 established a single educational program of the University of  
6 Guam to train members of boards and commissions. This educational program was  
7 repealed by Public Law 28-76.

8       *I Liheslaturan Guåhan* further finds that, although the existence of training for  
9 board members is beneficial to the operation of boards and commissions, each board  
10 and commission generally has its own specific statute and rules and regulations which  
11 it must follow. Such a program should be optimized to deal with matters most  
12 relevant for each board and commission.

13       Additionally, *I Liheslatura* finds that errors by the members of boards and  
14 commissions can result in procurement delays as well as litigation which have cost the  
15 government significant sums, historically.

16       Therefore, it is the intent of *I Liheslaturan Guåhan* to establish training and  
17 curriculum to educate members of boards and commissions on the various statutes,

1 rules and regulations which they must follow and of which they must be aware to  
2 accomplish the purposes for which each board or commission is established, by  
3 adding a new §43116 to 5 GCA.

4 **Section 3. Boards and Commissions Educational Programs.** A *new* §43116  
5 is hereby *added* to 5 GCA, to read:

6 **“§43116. Boards and Commissions Educational Programs.**

7 (a) Development of Training and Curriculum. Each board or commission shall  
8 have an educational program established to prepare its members for the duties of the  
9 board or commission to which they are appointed. Such educational program shall  
10 cover procurement law, as applicable, applicable statutes and rules and regulations  
11 which govern the board or commission and their respective areas of purview. Each  
12 educational program shall be established, within ninety (90) days of the enactment of  
13 this Section, by the Director of the agency with which the board or commission is  
14 associated, or, if there is no such agency, then the Governor or his designee. Each  
15 educational program shall be updated, as needed, no less than annually, to reflect any  
16 changes to procurement law, applicable statutes, and rules and regulations. The  
17 Director of each agency shall report to the Governor within thirty (30) days when  
18 member(s) of an associated board or commission complete the applicable educational  
19 program. The Director or his designee shall conduct the training sessions at a time and  
20 location to be determined by the Director, in compliance with the Americans with  
21 Disabilities Acts and other relevant statutes.

22 (b) Education of Current Board or Commission Members. Each member of a  
23 board or commission shall complete the applicable educational program within thirty  
24 (30) days of the establishment of the program.

1           (c) Education of New Board or Commission Members. Each new member of a  
2 board or commission shall complete the applicable educational program within thirty  
3 (30) days of his appointment to the board or commission.

4           (d) Continuing Education for Board or Commission Members. Each year, the  
5 members of each board and commission shall, as a form of continuing education,  
6 complete the applicable educational program for the board or commission on which  
7 they serve.

8           (e) Failure to Complete an Educational Program. Failure to complete an  
9 educational program within one hundred eighty (180) days of a board or commission  
10 member's appointment shall result in the member's removal and the appointment of a  
11 new member to fill the vacancy, pursuant to 2 GCA §2101. Actions of a board or  
12 commission shall not be invalidated by the failure of a member to complete the  
13 applicable educational program.”