

PUBLIC LAW 28-76

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

Bill No. 96 (EC)

As amended on the Floor.

Introduced by:

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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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that elected officials, executive department heads and deputies, and members of government boards and commissions are entrusted with great responsibility to run the affairs of our government with honesty and integrity, and must ensure that decisions be made for the greater good of the community rather than self interest. *I Liheslaturan Guåhan* also finds that elected officials, executive department heads and deputies, and members of government, including autonomous agencies, boards and commissions may need the training necessary to ensure conscientious decisions that, when absent, result in unconscionable acts against the government, the negligent

abuse of one's power and authority, and ultimately, the loss of trust and confidence of the community.

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

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 §15409 of Article 4, Chapter 15 of Title 4, Guam Code Annotated, is hereby *repealed* and *reenacted* to read:

“§15409. Applicability of Ethics in Government Program.

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

(b) Any person who is appointed to a position as board or commission member, including autonomous agencies, 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, shall attend an ethics in government program within the first six (6) months of his or her appointment. Additionally, appointed officials shall undergo refresher ethics in government program at least once every four (4) years. The Commission may grant permission for an appointed official to attend a later program for good cause shown. The Commission shall award a certificate of completion to those completing the program.”

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

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

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

- (1) Guam statutes concerning ethics;

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

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

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

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

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

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

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

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

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

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

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