

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
214-38 (COR) As amended by the Committee on Finance and Government Operations; and further amended on the Floor.	Eulogio Shawn Gumataotao Joe S. San Agustin Tina Rose Muña-Barnes	AN ACT TO <i>AMEND</i> ARTICLE 3, § 15401(a)(6), § 15401(b), § 15401(d), § 15401(e), AND § 15403, ALL OF CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE INDEPENDENCE AND EFFECTIVENESS OF THE GUAM ETHICS COMMISSION.	10/28/25 1:37 p.m. ^11/6/25 4:52 p.m.	11/7/25	Committee on Finance and Government Operations.	Request: 11/7/25 11/12/25	2/12/26 9:00 a.m.	3/12/26 As Amended.	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	LAPSED	NOTES	
	3/23/26	AN ACT TO <i>AMEND</i> §§ 15401(a)(6), 15401(b), 15401(d), 15401(e), AND 15403, ALL OF ARTICLE 3, CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE INDEPENDENCE AND EFFECTIVENESS OF THE GUAM ETHICS COMMISSION.	3/27/26	3/27/26	4/8/26	38-122	4/9/26	Received: 4/9/26 Mess and Comm. Doc. No. 38GL-26-2190	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via Email to: speakerblas@guamlegislature.org

38GL-26-2190

OFFICE OF THE SPEAKER
FRANK F. BLAS JR.

April 8, 2026

THE HON. FRANK BLAS, JR., *Speaker*
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

APR 08 2026

Time: 4:22pm
Received: desha collan

Re: Bill No. 214-38 (COR), "AN ACT TO AMEND §§ 15401(a)(6), 15401(b), 15401(d), 15401(e), AND 15403, ALL OF ARTICLE 3, CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE INDEPENDENCE AND EFFECTIVENESS OF THE GUAM ETHICS COMMISSION."

Håfa Adai Mr. Speaker,

Bill No. 214-38 (COR) would amend 4 GCA § 15403(c) in a manner that would require the Guam Ethics Commission (GECOM) to issue an administrative fine of up to \$5,000 per non-criminal violation of the code of ethics. The Legislature says these changes are needed to enforce ethics in the Government even though the Executive Director for the Ethics Commission testified on February 12, 2026, that there were only three cases referred to them in 2025. Disregarding the fact that there does not appear to be a need for this change, there are still fundamental issues with its language.

First, the Legislature claims to be strengthening the independence of GECOM by imposing a requirement on them to issue a fine in all cases that the Commission finds a violation occurred. GECOM will have no discretion as to whether or not to assess a fee when resolving the violation. Dictating to the Commission how they will resolve ethical violations does not increase their independence, it weakens it.

Second, the fines the Legislature is mandating GECOM to impose lack procedural due process rights. Nowhere in this bill did the Legislature provide an employee with an avenue to contest or appeal the required fine. The omission of an administrative or judicial remedy is significant. In Guam, we believe in the rule of law, and that principle requires that individuals affected by government action have a meaningful opportunity to be heard before penalties are imposed.

Third, the bill does not define what this "code of ethics" referred to in section 15403(c)(2) even is and Chapter 15 is silent in the definition section. Presumably, the Legislature is referring to Chapter 15 as a whole given the language found in 4 GCA § 15401(b). The law should make it clear to employees what conduct would result in a mandatory fine.

To: The Hon. Frank Blas, Jr., *Speaker*
Fr: The Hon. Lourdes A. Leon Guerrero, *Governor of Guam*
Date: April 8, 2026
Re: Bill No. 214-38 (COR)


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Finally, the violation language itself is vague. The Legislature mandates GECOM to impose this fine for *each* violation. How is the Legislature calculating a violation? Is it a single act? Each day the conduct occurred? Does the intent of the employee matter? For example, if an employee reasonably believed they were being ethical but the Commission later determined they were not, then this employee would be subjected to at least one mandatory fee for their violation, if not more, depending on how the violation is calculated. Furthermore, as stated above, said employee would have no remedy on challenging such a finding by the Commission. No employee of the Government, serving the people of Guam, should be subjected to a vague statute in which it is unclear what conduct is prohibited and when there are no procedural due process rights as I discussed above.

Despite my foregoing reservations, I am allowing Bill No. 214-38 (COR) to lapse into law without my signature as **Public Law No. 38-122**. It aligns GECOM's quorum and decision-making standards with that of the Civil Service Commission (CSC). Under current law, GECOM requires five of its seven members in order to take action. The CSC, like GECOM, has seven members of which only four are required for quorum and to cast an affirmative vote when taking action. This bill would bring parity to GECOM in its ability to oversee ethics complaints by changing its requirement from five members to four.

As part of implementing the new administrative fines, the bill requires GECOM to develop and enact regulations under the Administrative Adjudication Law. I ask the Commission to consider fairness and due process when drafting the regulations.

Senseramente,



LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Bill No. 214-38 (COR) nka P.L. 38-122
cc via email: *Honorable* Joshua F. Tenorio, *Segundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws



38GL-26-2190
Messages and Communications
RECEIVED
COMMITTEE ON RULES
April 9, 2026
2:44 p.m.
Marie Crisostomo