

The constitution

Special report

ARTICLE XII. PUBLIC EMPLOYMENT AND SOCIAL SERVICES

Section 1. Code of ethics. A code of ethics applicable to all appointed and elected public officials and employees, including members of boards, commissions, and other bodies, shall be established by law. The code of ethics may provide for public disclosure by appointed or elected public officials of financial or personal interests to prevent conflicts of interest in the performance of official duties.

Section 2. Merit system. A system of public personnel administration, based on merit and fitness as demonstrated by examination or by other evidence of competence, shall be established by law.

Section 3. Pension and retirement rights. A mandatory pension plan for public employees may be provided by law. Membership in a public employees' pension system shall be a contractual relationship, the accrued benefits of which may not be diminished or impaired.

Section 4. Social services. Social services, including health care, should be provided by law to assist those who are unable to adequately provide for their own needs.

ARTICLE XIII. INITIATIVE AND RECALL

Section 1. Initiative. The people may enact laws and may repeal laws, except appropriations, by initiative. An initiative petition shall contain the text of the proposed law or the law sought to be repealed and be signed by twenty-five percent of the registered voters in each legislative district or forty percent of the registered voters in each of three-fifths of the legislative districts. These percentages may be reduced by law. An initiative petition shall take effect if approved at a regular general election by a majority of the persons voting in the election. A law enacted or repealed by initiative may not be vetoed by the governor and may not be repealed, amended, or re-enacted by the legislature except upon the affirmative vote of three-fourths of its members.

Section 2. Recall. The people may recall elected public officials, including justices and judges of the courts of Guam. A recall petition shall identify the public official sought to be recalled by name and office, state the grounds for recall, and be signed by twenty-five percent of the number of persons registered to vote in the most recent election for the public official. This percentage may be reduced by law. A special recall election shall be held not later than sixty calendar days after the filing of the recall petition. A public official shall be recalled upon the affirmative vote of a majority of the persons voting in the election. A recall petition may name only one public official to be recalled and may not be filed against an official more than once a year or during the first six months of a term of office.

ARTICLE XIV. CONSTITUTIONAL AMENDMENT

Section 1. Proposal of amendments. Amendments to this constitution may be proposed by the legislature or by constitutional convention.

Section 2. Legislative proposals. The legislature, by a vote of three-fourths of its members, may propose an amendment to this constitution that does not embrace more than one subject. An action of the legislature under this section may not be vetoed.

Section 3. Constitutional convention. The question, "Shall there be a constitutional convention to propose amendments to the constitution?" may be submitted by initiative to the voters at a regular general election no sooner than fifteen years after the effective date of this constitution. Upon the affirmative vote of a majority of the persons voting in the election, the legislature shall promptly convene a constitutional convention. Delegates to the convention shall be elected on nonpartisan basis.

Section 4. Ratification of amendments. A proposed amendment to this constitution shall be submitted to the voters for ratification at the next regular general election that is held at least sixty calendar days after the amendment is proposed. An amendment shall become effective if approved by three-fifths of the persons voting in the election.

TRANSITIONAL SCHEDULE

Section 1. Ratification of the constitution by the people of Guam. This constitution, as finally approved or modified by the Congress of the United States under section 5 of P.L. 94-584 (October 21, 1976), shall be submitted to the voters of Guam no later than ninety days after final approval or modification together with any formal comments made by the constitutional convention on any modification made by Congress. The constitutional as approved or modified by Congress shall be ratified upon the affirmative vote of a majority of those voting yes or no on the ratification question.

Section 2. Effective date. This constitution shall take effect immediately upon its ratification by the people of Guam except as provided in sections 3 and 6 of this transitional schedule.

Section 3. Elections.

a) If ratification occurs on or before August 15, 1978, an election shall be held on the first Tuesday following the first Monday of November in 1978 to fill the elective offices established by this constitution; members of the legislature shall be elected by district under subsection b) of this section; and notwithstanding the provisions of article III, section 3, the date for the primary election in 1978 shall be provided by law. If ratification occurs after August 15, 1978, the first election for legislators, attorney general, auditor general, and board of regents under this constitution shall be held on the first Tuesday following the first Monday of November in 1980; the plan for legislative districts in subsection b) of this section shall apply to that election; and other elective offices established by this constitution shall be filled at the regular general election in 1982. The Guam Legislature shall establish the procedures, including registration of voters, required to conduct the first election under this constitution and shall appropriate sufficient funds for the election.

b) The first legislature under this constitution shall consist of twenty-two members elected from the following districts: district 1: Santa Rita and Agat, electing three representatives; district 2: Piti, Asan-Maina, and Agana, electing two representatives; district 3: Agana Heights and Sinajana, electing two representatives; district 4: Mongmong-Toto-Maite, and Barrigada, electing three representatives; district 5: Mangilao and Chalan Pago-Ordot, electing two representatives; district 6: Yona and Talofoto-Ipan, electing two representatives; district 7: Umatac, Merizo and Inarajan, electing two representatives; district 8: Tamuning-Tumon, electing two representatives; district 9: Dededo, electing three representatives; and district 10: Yigo, electing one representative.

Section 4. Continuity of laws, executive orders, and regulations. Laws, executive orders, and regulations in force in Guam on the effective date of this constitution that are consistent with this constitution shall continue in force until they expire or are amendment or repealed. Laws, executive orders, and regulations that are inconsistent with this constitution shall be void to the extent of the inconsistency.

Section 5. Continuity of government employment and operations. Employees of the government of Guam and its political subdivisions on the effective date of this constitution shall be employees of the constitutional government on the same terms and conditions of employment as were enforceable against Guam or its subdivisions, until otherwise provided by law. Employees of the government of Guam and its

political subdivisions shall have the same functions and duties after becoming employees of the constitutional government until otherwise provided by law.

Section 6. Continuity of judicial matters. On the date of enactment of federal legislation regulating the relationship between the local courts of Guam and the federal judicial system, the superior court of Guam shall become the constitutional superior court of Guam and the judges serving on the superior court shall become judges of the constitutional superior court, except that the presiding judge of the superior court shall become the chief justice of the supreme court. Appeals on civil and criminal matters shall continue to vest in the United States District Court of Guam until such time as the supreme court assumes its functions under this constitution, at which time they shall vest in the supreme court. Civil and criminal matters pending before the superior court of Guam on the date of enactment of federal legislation regulating the relationship between the local courts of Guam and the federal judicial system shall remain pending before the constitutional superior court. Civil and criminal matters pending on appeal before the United States District Court of Guam on that date shall remain within the jurisdiction of that court until finally decided. Rules of the superior and other courts of Guam not contrary to or inconsistent with the provisions of this constitution shall remain in force until they expire or are altered or repealed. The chief justice of the supreme court, if appointed pursuant to the provisions of this section, and the judges of the superior court holding office on the effective date of this constitution shall be subject to approval or rejection by the voters as provided by this constitution at the regular general election held in 1980.

Section 7. Continuity of license to practice law. Persons licensed to practice law before the courts of Guam on the effective date of this constitution shall be licensed to practice law before the supreme court of Guam and shall be members of the Guam bar association.

Section 8. Continuity of village and municipal government.

a) The commissioner system in effect on the effective date of this constitution, as set forth in Title XVI of the Guam Government Code and amendment by Public Law 14-27, shall remain in force unless subsequently altered in accordance with the provisions of article VII of this constitution, except that, in addition to any powers set forth in Public Law 14-27, the Chief Executive Officer shall have the authority to communicate directly with any person, department, or agency, and each department and agency shall furnish to the Chief Executive Officer such information as may be required for the proper administration of village government.

b) Improvements in the existing form of village government that do not substantially alter the commissioner system may be provided by law.

c) Procedures required for the creation of counties and cities under article VII, section 1, shall be provided by law within one year of the effective date of this constitution.

Section 9. Prospective operation of rights. Any rights or obligations, procedural or substantive, created for the first time by this constitution shall be prospective and not retroactive.

Section 10. Succession. The constitutional government of Guam shall succeed to all rights and obligations of the previous government of Guam on the effective date of this constitution. The validity of all public and private bonds, debts, and contracts, and all claims, actions, and causes of actions, shall continue as if no change had taken place.

Signed and witnessed by the Delegates to the Guam Constitutional Convention 1977 at Agana, Guam, on the 15th day of December, 1977.

Carl T. C. Gutierrez
President

Mark Pappas Madonia
Mark R. Martinez
Tamuning - Tumon

Gregorio M. Borja
Santa Rita

Edward W. Charquialaf
Piti

Francisco O. Cruz
Agat

Joseph P. Cruz
Barrigada

Vicente T. Diaz
Asan-Maina

Steve Eichner
Tamuning - Tumon

Roque B. Eustaquio
Yona

Frank Flores
Yigo

Judith P. Guthertz
Mangilao

Frank C. Guzman
Dededo

Anthony C. Leon Guerrero
Yona

Frank G. Lujan
Chalan Pago - Ordot

Ernesto A. Natividad
Dededo

Jesus L. Perez
Barrigada

Vicente P. Perez
Mongmong-Toto-Maite

Jesus S. Quinata
Umatac

Vicente C. Reyes
Sinajana

Jose B. Sarmiento
Santa Rita

Joseph F. Soriano
Dededo

Jesus V. Tepaduro
Merizo

James H. Underwood
Agana

Donald I. Underwood, Sr.
Inarajan

Judith T. Won Pat
Sinajana

Antonio C. Yamashita
Tamuning - Tumon

Prosperina Tamora
Dededo

Attested:
Red S. Wilson
Secretary