

# The constitution

legislature, by the affirmative vote of a majority of its members, may pass a bill referred by the governor in accordance with the governor's recommendations for change and return it to the governor for reconsideration. The governor may not refer a bill for amendment a second time.

c) The title and a summary of each bill enacted into law shall be published within seven days after its enactment. A legal challenge to legislative compliance with this subsection must be filed within thirty days of the enactment of the challenged law.

**Section 12. Impeachment.** The legislature may initiate impeachment proceedings against an elected official, justice of the supreme court, or judge of the superior court by the affirmative vote of two-thirds of its members. The judicial council shall remove an elected official, justice of the supreme court, or judge of the superior court, after hearing, upon the affirmative vote of two-thirds of its members. Causes for impeachment shall be commission of a felony, corruption, serious neglect of duty, or other violations of the public trust that affect the performance of official duties.

**Section 13. Limitations on activities.** A member of the legislature may not serve in any other position under Guam or the United States, including an independent board, agency, authority, or commission. A member of the legislature who has a direct financial interest in a bill before the legislature shall disclose that interest and may not vote on the bill.

**Section 14. Release of impounded funds.** The legislature, upon the affirmative vote of two-thirds of its members, may release funds appropriated by the legislature but impounded by the governor.

## ARTICLE VI. JUDICIAL BRANCH

**Section 1. Judicial power.** The judicial power of Guam shall be vested in a supreme court, a court of general jurisdiction designated the superior court, and courts of limited jurisdiction as may be established by law.

**Section 2. Supreme court.** The supreme court shall be the highest court of Guam and shall have appellate and original jurisdiction as provided by law. The supreme court shall consist of a chief justice and two associate justices. The number of justices may be increased by law only upon the recommendation of the judicial council.

**Section 3. Superior court.** The superior court shall have original jurisdiction over all causes of action, except for those exclusively vested in the supreme court or in the courts of limited jurisdiction, and may have appellate jurisdiction as provided by law. The number of superior court judges shall be provided by law, and the court may be divided into functional divisions as provided by supreme court rules.

**Section 4. Nomination, appointment, eligibility, tenure, and compensation of justices and judges.**

a) The governor shall fill each vacancy in the office of justice of the supreme court or judge of the superior court by appointing a person from a list of three or more nominees presented by the judicial council. Each appointment shall be submitted promptly to the legislature and shall become effective thirty calendar days after submissions unless disapproved by a majority of the members of the legislature.

b) A justice of the supreme court or judge of the superior court shall be a United States citizen, a bona fide resident of Guam for at least three years immediately preceding the date of the appointment, and licensed to practice law before the supreme court of Guam.

c) Each justice of the supreme court and judge of the superior court shall serve until death, retirement, removal, or rejection by the electorate.

d) At the first regular general election held more than four years after the date of appointment, and at every third regular general election thereafter, each justice of the supreme court and judge of the superior court shall be subject to approval or rejection in a non-

partisan election. The office of justice of the supreme court or judge of the superior court becomes vacant forty-five calendar days after the election at which the justice or judge declines to run or is rejected by a majority of those voting.

e) A justice or judge of the courts of Guam shall receive a salary and allowances as provided by law which shall not be decreased during the term of office.

f) The selection of judges of courts of limited jurisdiction and their qualifications, tenure, retirement, or removal may be provided by law.

**Section 5. Judicial council.** The judicial council shall consist of seven members: three elected by the Guam bar association from among its members; three non-attorney members appointed by the governor; and a seventh member selected by the other six. Nominees of the bar association and the governor must be confirmed by a majority of the members of the legislature. The council shall select a chairperson from among its members. Members of the council shall be compensated as provided by law. The council shall make recommendations for the improvement of the administration of justice to the supreme court and the legislature at least every two years and perform other duties provided by law and this constitution.

**Section 6. Limitations on activities.** No justice of the supreme court or judge of the superior court shall, while in office, engage in the practice of law or hold any other paid position or directly or indirectly contribute to or hold any office in a political organization or actively engage in partisan politics or, within one year after ceasing to hold judicial office, run for elective office.

**Section 7. Administration.** The chief justice shall administer the judicial system and may assign judges from one division of the superior court to another or, for temporary service, from one court to another.

**Section 8. Rulemaking power.** The supreme court shall propose rules governing the administration of all courts, civil and criminal procedure, judicial ethics, admission to, expulsion from, and governance of the Guam bar association, and other matters of judicial administration. A proposed rule shall become effective sixty calendar days after submission to the legislature unless disapproved by a majority of the members of the legislature. To practice law before the courts of Guam a person shall be a member of the Guam bar association.

**Section 9. Suspension.** Upon the recommendation of the judicial council, the governor may suspend a justice or judge for a period of up to sixty calendar days for causes as may be provided by law.

## ARTICLE VII. MUNICIPAL AND VILLAGE GOVERNMENT

**Section 1. Creation of municipal government.** Procedures for the creation of counties, cities, and other political subdivisions shall be provided by law. A referendum shall be held on the creation of a proposed political subdivision upon the petition of twenty-five percent of the registered voters of the proposed subdivision, except that any such referendum shall not be held more often than once every four years, shall be held twelve to eighteen months prior to the expiration of the term of office of the chief official of the existing village or subdivision, and shall take effect upon the expiration of the term of office of that official.

**Section 2. Referenda.** A political subdivision may be created only with the approval of a majority of those living within the proposed subdivision and voting in a referendum on the creation of the proposed subdivision. An existing village or municipality may not be annexed or incorporated without the approval of a majority of those living in that village or municipality and voting in a referendum on such annexation or incorporation.

**Section 3. Powers and structure.**

Powers necessary for the proper functioning of village and municipal government, including the enactment of local ordinances not inconsistent with law, zoning, and development and maintenance of local improvement projects, may be delegated to any village or political subdivision by general law. A minimum of one and one-half percent of the budget for each fiscal year shall be appropriated by law to the village and municipal governments, and provision may be made for the approval by the legislature of village or municipal expenditures. A political subdivision created under the provisions of this article shall have the power to frame and adopt a charter for self-government within the limits and under the procedures provided by general law.

## ARTICLE VIII. EDUCATION

**Section 1. Educational policy.** All persons are entitled to education according to their capabilities and shall be provided educational opportunities and programs within limitations provided by law.

**Section 2. Elementary, secondary, and higher education.** A uniform system of public elementary, secondary, and higher education, which shall include programs for persons with special educational needs and abilities, shall be provided by law. Funds necessary to maintain quality public education shall be appropriated annually. Elementary and secondary education shall be free and compulsory, within age and educational levels prescribed by law.

**Section 3. Board of education and board of regents.** Not less than five educational districts substantially equal in population shall be established by law. Each district shall elect at a regular general election two representatives, one to the board of education and one to the board of regents. Elected district board members shall serve for any number of four-year terms, and their qualifications and compensation shall be prescribed by law. A vacancy shall be filled by special election if more than six months remains in the unexpired term or, if less than six months remains, shall remain vacant until the next regular general election. One student representative, to be selected in a manner and for a term provided by law, shall serve on each board. The board of education shall direct and supervise public elementary and secondary education, and the board of regents shall direct and supervise public higher education. Each board shall have the authority to take all actions necessary and proper to effect its responsibilities as provided by law, including, but not limited to, the determination of conditions of employment and the receipt and disbursement of funds.

**Section 4. Coordination of educational policies.** The board of education and board of regents shall coordinate the educational policies set forth in this article by taking appropriate joint actions as may be provided by law. Representatives from boards and other public and nonpublic agencies responsible for education shall meet at least every two years to promote the uniformity and advancement of education on Guam by taking appropriate joint actions, including the adoption of resolutions and the recommendation of bills to the legislature. Funds necessary for such meetings shall be appropriated by law.

**Section 5. Aid to students of nonpublic schools.** The right of a student to fulfill compulsory attendance laws by attendance at a nonpublic school that meets standards set by the board of education is guaranteed. Financial and other aid may be extended in a manner not inconsistent with this constitution.

## ARTICLE IX. NATURAL RESOURCES

**Section 1. Environmental policy.** The land, water, and other natural resources of Guam shall be conserved and managed to preserve scenic beauty, guarantee clean air and pure water, encourage agriculture, and provide for recreation.

**Section 2. Land use.** A land use plan

shall be adopted by law identifying urban, rural, agricultural, and conservation areas. The uninhabited islands within the jurisdiction of Guam shall be identified as conservation areas. Public land shall not be sold but may be leased or exchanged.

**Section 3. Marine resources and submerged lands.** The marine resources and the submerged lands off the coast of Guam belonging to or under the jurisdiction of Guam shall be conserved, developed, and managed for the social and economic benefit of the people.

**Section 4. Eminent domain.** Guam shall have the power of eminent domain as a last resort to acquire property necessary for the accomplishment of a public purpose. Land obtained by eminent domain which is not initially used for the specific purpose for which it was obtained shall be returned to the original owner or the owner's successor as provided by law.

## ARTICLE X. TAXATION

**Section 1. Tax authority.** All taxes shall be levied by law, and the legislature may not surrender, suspend, or contract away its power to initiate tax legislation. A tax may be levied or an appropriation of public money made only for a public purpose.

**Section 2. Income tax.** Laws shall be enacted to administer and enforce the income tax and other related federal laws applicable to Guam.

**Section 3. Earmarking tax revenues.** Revenue from any tax, except the income tax, may be set aside for a specific public purpose by law.

**Section 4. Public debt limitation.** Public debt may be incurred which is required to be repaid from tax revenues and which is secured by the full faith and credit of Guam. Aggregate public debt may not exceed fifty percent of the total revenue collected in the previous fiscal year, and total repayments required in any fiscal year on the aggregate public debt may not exceed then percent of the revenue of the most recent fiscal year in which public debt was incurred. Bonds or other obligations of Guam payable solely from revenues derived from any public improvement or undertaking shall not be considered public debt within the meaning of this section.

**Section 5. Prohibition of use of public funds for religious purposes.** No public money or property shall ever be appropriated, supplied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such.

## ARTICLE XI. CHAMORRO CULTURE

**Section 1. Cultural development.** No law shall be passed abridging the development of the Chamorro culture, language, traditions, or customs. Places of significance to the culture, tradition, and history of the Chamorro people shall be preserved as provided by law. Study of Chamorro culture, including language, traditions, history and art, shall be an integral part of the public educational system established under article VIII of this constitution. A commission shall be established by law to study and promote the perpetuation of Chamorro culture and traditions.

**Section 2. Economic development.** To redress past discrimination and provide equal opportunity for the Chamorro people, special rights for Chamorros to offshore fishing and harvesting of marine resources may be provided by law.

**Section 3. Official languages.** Chamorro and English shall be the official languages of Guam, except that Chamorro shall be required for public acts and transactions only as provided by law. This constitution shall be published in both languages.

**Section 4. Official fruits.** The official fruits of Guam shall be the betel nut and the coconut.