

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

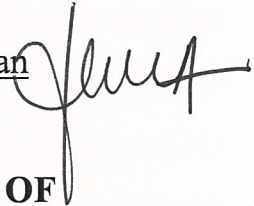
BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
265-35 (COR)	James C. Moylan	AN ACT TO REPEAL AND REENACT § 1118(a) OF CHAPTER 1, TITLE 2 GCA; TO AMEND § 1121.1 OF CHAPTER 1, TITLE 2 GCA; TO REPEAL AND REENACT § 1106 OF CHAPTER 1, TITLE 2 GCA; TO REPEAL § 1106.1 OF CHAPTER 1, TITLE 2 GCA; TO ADD § 1118.1 AND § 1118.2 TO CHAPTER 1, TITLE 2 GCA; TO AMEND § 1119 AND § 1120 OF CHAPTER 1, TITLE 2, GCA; TO ADD § 1128 TO CHAPTER 1, TITLE 2 GCA; TO AMEND § 1103(a) AND § 1103(c), OF CHAPTER 1, TITLE 4 GCA; TO AMEND § 4102(a)(1), § 4102(a)(11), § 4102(b), AND § 4105, ALL FROM CHAPTER 4, TITLE 4 GCA; TO AMEND § 6102, § 6103, § 6302, AND § 6304, ALL FROM CHAPTER 6, TITLE 4 GCA; TO AMEND § 5101(a) AND § 5101(a)(2) OF CHAPTER 5, TITLE 4 GCA; TO ADD § 8104(x) TO CHAPTER 8, TITLE 4 GCA; TO AMEND § 8121(a)(1) OF CHAPTER 8, TITLE 4 GCA; TO AMEND § 3204(a) OF CHAPTER 3, TITLE 19 GCA; TO AMEND § 7122 OF CHAPTER 7, TITLE 16 GCA; TO AMEND § 23104 OF CHAPTER 23, TITLE 5 GCA; TO AMEND § 6105(b), OF CHAPTER 6, TITLE 5 GCA; TO AMEND § 9103(p) OF TITLE 9, TITLE 22 GCA; TO REPEAL ALL OF CHAPTER 20, TITLE 17 GCA; AND TO ADD A NEW CHAPTER 16 TO TITLE 2 GCA; RELATIVE TO ENACTING <i>THE CITIZENS LEGISLATIVE REFORM ACT OF 2020</i> .	1/7/20 8:46 a.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. *265*-35 (COE)

Introduced by:

James C. Moylan



AN ACT TO *REPEAL AND REENACT* § 1118(a) OF CHAPTER 1, TITLE 2 GCA; TO *AMEND* § 1121.1 OF CHAPTER 1, TITLE 2 GCA; TO *REPEAL AND REENACT* § 1106 OF CHAPTER 1, TITLE 2 GCA; TO *REPEAL* § 1106.1 OF CHAPTER 1, TITLE 2 GCA; TO *ADD* § 1118.1 AND § 1118.2 TO CHAPTER 1, TITLE 2 GCA; TO *AMEND* § 1119 AND § 1120 OF CHAPTER 1, TITLE 2, GCA; TO *ADD* § 1128 TO CHAPTER 1, TITLE 2 GCA; TO *AMEND* § 1103(a) AND § 1103(c), OF CHAPTER 1, TITLE 4 GCA; TO *AMEND* § 4102(a)(1), § 4102(a)(11), § 4102(b), AND § 4105, ALL FROM CHAPTER 4, TITLE 4 GCA; TO *AMEND* § 6102, § 6103, § 6302, AND § 6304, ALL FROM CHAPTER 6, TITLE 4 GCA; TO *AMEND* § 5101(a) AND § 5101(a)(2) OF CHAPTER 5, TITLE 4 GCA; TO *ADD* § 8104(x) TO CHAPTER 8, TITLE 4 GCA; TO *AMEND* § 8121(a)(1) OF CHAPTER 8, TITLE 4 GCA; TO *AMEND* § 3204(a) OF CHAPTER 3, TITLE 19 GCA; TO *AMEND* § 7122 OF CHAPTER 7, TITLE 16 GCA; TO *AMEND* § 23104 OF CHAPTER 23, TITLE 5 GCA; TO *AMEND* § 6105(b), OF CHAPTER 6, TITLE 5 GCA; TO *AMEND* § 9103(p) OF TITLE 9, TITLE 22 GCA; TO *REPEAL* ALL OF CHAPTER 20, TITLE 17 GCA; AND TO *ADD* A NEW CHAPTER 16 TO TITLE 2 GCA; RELATIVE TO ENACTING *THE CITIZENS LEGISLATIVE REFORM ACT OF 2020*.

2020 JAN -7 AM 8:46



1 **Section 1. Short Title.** This Act may be cited as *The Citizens Legislative*
2 *Reform Act of 2020.*

3 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
4 that the Organic Act of Guam provided the Guam Legislature three unique
5 authorities within their role in the functioning of the Government of Guam. These
6 roles include the ability to propose laws via legislation, approve the budget of the
7 Government of Guam, and confirm all executive appointments. These are not only
8 the legal responsibilities of the Legislature, but essential functions.

9 The position of a Senator should be one of public service and not public
10 employment. There is a great responsibility placed within the seat of a lawmaker
11 when it comes to assuring that key priorities of the community are maintained, and
12 unfortunately ceremonial responsibilities, which may closely tie into campaign
13 opportunities, tend to take away from the true task at hand. Hence the enactment
14 of a Citizens Legislature, where the focus of policy would outweigh that of
15 ceremony, would serve the community greater in terms of assuring that key issues
16 such as public safety, economic activity, healthcare and education are prioritized.

17 Legislative service is more readily attainable by a broad spectrum of the
18 community, when the legislature meets in two regularly scheduled “30-day”
19 sessions per year, rather than pursuant to a calendar which allows for unlimited
20 sessions on a random, if not chaotic, basis. This further allows the legislative body
21 to focus on quality versus quantity, when it comes to the issues being legislated
22 and discussed. The people of Guam would be better served by a body where the
23 members of which come from all walks of life, and who understand that the
24 position is temporary; hence they would be able to practice urgency. Nothing
25 prevents the Governor of Guam from calling for a special session in the event of an
26 emergency.

1 Establishing a Legislative Research and Service Bureau would establish an
2 entity whose purpose would include, being able to provide the expertise in the
3 research and drafting of legislation, similar to that of the Library of Congress.
4 These are employees who would be classified, hence would not fear political
5 retribution if they were to assist a member of the minority or majority. It would
6 dissolve the current legislative central, and allow all administrative functions from
7 accounting, finance and other aspects to also be free from politics, and for
8 dedicated employees to wonder if they will have a job in the next legislature.

9 This Act would reduce the budget of the Guam Legislature from a maximum
10 cap of 2% of the government's revenue projection to a cap of 1%. It would
11 convert the position of "Senator" from a salaried position to one where the
12 lawmaker earns a stipend for every day in session. With a lowered budget,
13 senators would be housed within the Guam Congress, and while legislative and
14 committee staff would still be authorized, the "per office" budget shall be reduced,
15 while placing greater emphasis on the Legislative Bureau.

16 When it comes to "Part Time" Senators, this Act provides these individuals
17 the protection of employment from their private sector jobs, hence removing the
18 hesitation one may have when it comes to serving the community. Further, this
19 Act removes special privileges offered to Senators today including vehicle
20 privileges for the Speaker, special license plates for Senators, and an increase in
21 per diem for travel. Likewise it removes Senators from their authority to officiate
22 weddings and even placed a cap on the number of commendation resolutions that
23 can be introduced each month, to place more focus on policy versus optics.

24 Many naysayers over the years have claimed that a part time legislature
25 removes the ability for the community to discuss issues with their lawmakers. The
26 proper response to that is that is the senator and not the structure of the legislature
27 that determines the levels of communication between the two parties. Even in the

1 present structure of the Guam Legislature, if a Senator chooses to be non-
2 accessible, which is already taking place today, then that is their decision.

3 For those who claim that a part time legislature would take away the “checks
4 and balance” between the Legislative and Executive branches of government, once
5 again, it is the committee chairperson, and not the title, that determines the level of
6 oversights or scrutiny a lawmaker will bring to the table. Even today, if a senator
7 chooses to turn a blind eye to actions of the Executive Branch, it is their
8 prerogative. The same would go with public hearings, and whether the legislature
9 is in a status quo structure or a part time one, it is the senator who determines the
10 level they want to talk to the community.

11 There are those who claim that a part time legislature would be “owned” or
12 “controlled” by the wealthy or by big business. The reality is that the theory of
13 “puppet masters” has existed, continues to exist, and will unfortunately continue to
14 exist, regardless of the structure of the legislature. We have seen many self interest
15 bills introduced over the years, and it is the actions of the body of the legislature,
16 be it a full or part time that can refute such legislation, and not the structure of it.
17 On the contrary, a part time legislature would attract many qualified professionals
18 who don’t risk stepping away from their professions, who can bring much
19 expertise to the table.

20 Presently ten of the fifty states in the nation have a full time legislature, and
21 even heavily populated states such as Texas have conformed to a part time status.
22 Thus this is a proven system that is not unique to the governance of a state (or in
23 our case a territory). A Citizens Legislature DOES NOT take away from the
24 public’s right to speak to their senators, rather it places the focus on public service
25 and not public employment. If states with billions in a budget and millions in a
26 population can be structurally sound with their government, than nothing should
27 prevent a similar success for Guam and a part time legislature.

1 By reducing the perks or the glorifying of the title, the community attains
2 more public servants and fewer politicians. By shifting the compensation from a
3 salary to a stipend, the risks of “not” needing to get reelected are reduced, thus
4 allowing senators to focus more on policy versus ceremony. Allowing central staff
5 to be free of political pressure would result in a greater service for the community.
6 Lastly, a Citizens Legislature would result in a greater focus on priorities, and less
7 on ceremonial activities such as presenting commendation resolutions, officiating
8 wedding ceremonies, or cutting ribbons at ground breaking events.

9 **Section 3.** § 1118(a) of Chapter 1, Title 2, Guam Code Annotated, is hereby
10 *repealed and reenacted* to read as follows:

11 **§ 1118. Sessions of the *I Liheslaturan Guåhan* ~~Guam Legislature: Part Time~~
12 Legislature.**

13 ~~(a) The Legislature shall convene in a new regular session at the seat~~
14 ~~of Government at 10:00 a.m. on the first Monday in January of each year.~~
15 ~~The regular session shall continue for such period as each Legislature may~~
16 ~~determine, provided, however, that in no event shall a session continue~~
17 ~~beyond midnight of the day preceding the day upon which the next regular~~
18 ~~session of the Legislature is to convene.~~

19 “(a) Annual regular sessions of *I Liheslaturan Guåhan* shall be held as
20 follows:

21 (1) Convening upon the first Monday in January of each year,
22 the Legislature shall remain in session for no more than thirty (30)
23 consecutive days, and at the conclusion shall thereof adjourn to the
24 second Monday in June.

25 (2) Reconvening on the second Monday of June, *I Liheslaturan*
26 *Guåhan* shall thereupon remain in session no more than thirty (30)
27 consecutive days.

1 **Section 4.** § 1121.1 of Chapter 1, Title 2, Guam Code Annotated, is hereby
2 *amended* to read as follows:

3 **§ 1121.1. Budgetary Ceiling - Guam Legislature.**

4 The total budget of the Guam Legislature shall at no time exceed one ~~two~~
5 percent (12~~20~~%) of the Government of Guam revenue projections set for the same
6 fiscal year, as enacted into law in the Government of Guam Budget Act for that
7 fiscal year. The legislature must set a revenue projection for the Government of
8 Guam in the Annual Government of Guam Budget Act.

9 **Section 5.** § 1106 of Chapter 1, Title 2, Guam Code Annotated, is hereby
10 *repealed and reenacted* to read as follows:

11 ~~**§ 1106. Legislative Compensation and Allowances.**~~

12 ~~Notwithstanding any other provision of law, legislative compensation and~~
13 ~~allowances shall be:~~

14 ~~(a) [Repealed.]~~

15 ~~(b) From the date of enactment of this Subsection (b) and until the end~~
16 ~~of Fiscal Year 2003, the annual salary of Senators of *I Mina'Bente Siete Na*~~
17 ~~*Liheslaturan Guåhan* [the Legislature] shall be based on eighty percent~~
18 ~~(80%) of the amount as computed according to Subsection (a) of this~~
19 ~~Section, for a reduction of twenty percent (20%).~~

20 ~~(c) In the event that the annual operating budget for the government of~~
21 ~~Guam expires and no new annual operating budget has been enacted into~~
22 ~~law in accordance with the Organic Act, or rolled over from the previous~~
23 ~~year, then the salaries of the Senators of *I Liheslaturan Guåhan* shall be~~
24 ~~suspended and will resume prospectively only when a new annual operating~~
25 ~~budget for the government of Guam is enacted into law. This subsection (c)~~
26 ~~shall be subject to the following provisions:~~

1 (1) ~~Such suspension of salaries shall not take place if the failure~~
2 ~~to enact an annual budget is due to an emergency resulting from a~~
3 ~~natural or other disaster, or hostile action.~~

4 (2) ~~The government of Guam's share of retirement, Social Security,~~
5 ~~and health and other insurance payments shall be the individual~~
6 ~~responsibility of the Senators of *I Liheslaturan Guåhan* for the suspension~~
7 ~~period.~~

8 **“§ 1106. Senatorial Stipends.**

9 Notwithstanding any other provision of law, rule or regulation, policy, or
10 procedure, the stipend of each member of *I Lisheslaturan Guåhan* [the Guam
11 Legislature] shall be One Hundred Dollars (\$100) for each day of attendance at a
12 session of *Lisheslaturan Guåhan* as recorded in the journal of Legislature. Such
13 compensation shall be paid out of funds to be appropriated to *I Lisheslaturan*
14 *Guåhan* [the Guam Legislature]. Any statute, rule or regulation which is
15 inconsistent with this section shall be repealed to the extent of such inconsistency.”

16 Section 6. § 1106.1 of Chapter 1, Title 2, Guam Code Annotated, is hereby
17 repealed in its entirety as follows:

18 **§ 1106.1. Senatorial Salaries.**

19 ~~Nothwithstanding any other provision of law, rule or regulation, policy, or~~
20 ~~procedure, the salary of each member of *I Lisheslaturan Guåhan* [the Guam~~
21 ~~Legislature] shall be paid at the rate of Fifty five Thousand Three Hundered Three~~
22 ~~Dollars (\$55,303) per annum; and the salary of the Speaker of *I Liheslaturan*~~
23 ~~*Guåhan* shall be paid at the rate of Sixty Thousand Eight Hundred Fifty Dollars~~
24 ~~(\$60,850) per annum. Such compensation shall be paid out of funds to be~~
25 ~~appropriated to *I Lisheslaturan Guåhan* [the Guam Legislature].~~

26 Section 7. § 1118.1 is hereby added to Chapter 1, Title 2, Guam Code
27 Annotated, to read as follows:

1 **“§1118.1 Leave of Absence from Employment for Legislative Sessions.**

2 Senators shall, on the days of every session of the legislature at which they
3 are in attendance, be entitled to be absent from any employment in which they are
4 then engaged. He or she shall not, because of the absence, be liable to the loss of
5 any employment, demotion or loss of seniority on account of such absence.”

6 **Section 8.** § 1118.2 is hereby *added* to Chapter 1, Title 2, Guam Code
7 Annotated, to read as follows:

8 **“§1118.2 Safeguarding Employment.**

9 (a) Notwithstanding any other provisions of the law, an employer
10 shall not deprive an employee of their employment, or threaten or otherwise
11 coerce them with respect thereto, because the employee is a senator.

12 (b) Any employer who violates §1118.2(a) shall be guilty of a petty
13 misdemeanor.

14 (c) If an employer discharges an employee in violation of §1118.2(a),
15 the employee within ninety days from the date of discharge may bring a civil
16 action for recovery of wages lost as a result of the violation and for an order
17 requiring the reinstatement of the employee. Damages recoverable shall not
18 exceed lost wages for six weeks. If they prevail, the employee shall be
19 allowed a reasonable attorney's fee fixed by the court.”

20 **Section 9.** § 1119 of Chapter 1, Title 2, Guam Code Annotated, is hereby
21 *amended* to read as follows:

22 **§ 1119. Legislative Staff: Employment and Conditions Thereof.**

23 (a) The Legislature, in addition to the attaches referred to in § 1112 of
24 this Chapter, *may* employ ~~such other~~ classified and unclassified employees
25 in accordance with ~~as it may from time to time require.~~ ~~Notwithstanding the~~
26 ~~provisions of the Personnel Law and the Compensation Law, the methods of~~
27 ~~appointment and promotion and the compensation, tenure, leave and other~~

1 conditions of employment of such employees and attaches *shall be* such as
2 the Legislature may from time to time fix by its Standing Rules or by
3 resolution.

4 (b) The Committee on Rules, or its functional alternative, *shall* certify
5 the amount of compensation due such employees and attaches in accordance
6 with the said Standing Rules or resolution of the Legislature and the
7 disbursing officer of the Legislature *shall* thereupon pay the same in
8 accordance with said certification.

9 (c) Notwithstanding any provision of law to the contrary, and to
10 provide for an orderly transition from one Legislature to another, it shall be
11 the duty and obligation of all attaches ~~and employees~~ of the Legislature, to
12 remain at their posts and perform their duties until otherwise relieved or
13 until their services are terminated by an incoming Legislature. ~~The Chairman~~
14 ~~of the Rules Committee of an outgoing Legislature, within ten (10) days~~
15 ~~following the declaration of results and issuance of certificates of election~~
16 ~~under the Election Law, shall account for and effect the orderly turn-over of~~
17 ~~legislative keys and other property, records and files to the Legislature~~
18 ~~designated for the purpose by the majority of the incoming Legislators.~~

19 (d) It is impracticable to appoint legislative attaches, the executive
20 director and staff of an individual Senator, or standing committee of the
21 Legislature in accordance with the merit system.

22 **Section 10.** § 1120 of Chapter 1, Title 2, Guam Code Annotated, is hereby
23 *amended* to read as follows:

24 **§ 1120. Legislature's Employees Retirement Benefits.**

25 (a) The classified employees, qualified staff of an individual Senator,
26 or standing committee of the Legislature, executive director, and attaches of
27 the Legislative Branch are entitled to the same retirement benefits, subject to

1 the same contributions and conditions as employees of the Executive Branch
2 of the government of Guam as provided by 4 GCA Chapter 8.

3 **Section 11.** § 1128 is hereby *added* to Chapter 1, Title 2, Guam Code
4 Annotated, to read as follows:

5 **“§ 1128. Commendation and/or Congratulatory Resolutions.**

6 No Senator shall introduce more than two (2) Legislative Resolutions a
7 month involving a Commendation, Recognition, or Congratulatory intent. The
8 monthly limits pursuant to § 1128 of this Chapter shall not pertain to any
9 Legislative Resolution whose intent is related to the Legislature’s operations,
10 personnel, amendments towards the Standing Rules, or the main sponsor stating
11 their position on a particular issue.”

12 **Section 12.** § 1103(a) and § 1103(c) of Chapter 1, Title 4, Guam Code
13 Annotated, are hereby *amended* to read as follows:

14 (a) *I Maga’lahen Guåhan* [The Governor] by Executive Order,~~*I*~~
15 ~~*Liheslaturan Guåhan* [the Legislature] through its Committee on Rules and~~
16 the Judicial Council by rule, shall prescribe the use of government vehicles
17 assigned respectively to the Executive Branch,~~Legislative Branch~~ and
18 Judicial Branch, and shall take appropriate action to discipline any member
19 of their respective branches who shall violate this Section. Such action may
20 be, by way of administrative fine, suspension or removal, and in the case of
21 members of the classified service shall be taken pursuant to the Personnel
22 Law. Such action shall not preclude prosecution for any criminal offense.

23 (c) The provisions of this Section shall not apply to any vehicle
24 assigned for the use of *I Maga’lahen Guåhan* [the Governor], *I Segundu na*
25 *Maga’lahen Guåhan* [the Lt. Governor], ~~the Speaker of *I Liheslaturan*~~
26 ~~*Guåhan* [the Legislature],~~ the Presiding Judge of the Superior Court of
27 Guam, and the Chief Justice of the Supreme Court of Guam.

1 **Section 13.** § 4102(a)(1) of Chapter 4, Title 4, Guam Code Annotated, is
2 hereby *amended* to read as follows:

3 **§ 4102. Classified and Unclassified Services.**

4 All offices and employment in the Government of Guam, except for
5 employment as academic personnel of the Guam Community College (GCC) and
6 the University of Guam (UOG), as the term academic personnel is defined in
7 enabling laws of GCC and UOG, shall be divided into classified and unclassified
8 services as follows:

9 (a) The unclassified service shall include the positions of:

10 (1) elective officials, except Senators of the Guam Legislature;

11 **Section 14.** § 4102(a)(11) of Chapter 4, Title 4, Guam Code Annotated, is
12 hereby *amended* to read as follows:

13 (11) all legislative employees legislative attaches, the Executive
14 Director and staff of an individual Senator, or Standing-Committee of
15 the Legislature;

16 **Section 15.** § 4102(b) of Chapter 4, Title 4, Guam Code Annotated, is
17 hereby *amended* to read as follows:

18 (b) The classified service shall include all other positions in the
19 government of Guam, including classified employees of the Guam
20 Legislature’s Legislative Research and Service Bureau, except Senators.

21 **Section 16.** § 4105 of Chapter 4, Title 4, Guam Code Annotated, is hereby
22 *amended* to read as follows:

23 **§ 4105. Departmental Rules.**

24 (a) Rules subject to criteria established by this Chapter governing the
25 selection, promotion, performance, evaluation, demotion, suspension and
26 other disciplinary action of classified employees shall be adopted by the
27 Guam Legislature by Resolution, Board of Directors of the Antonio B. Won

1 Pat International Airport Authority, Guam; the Board of Directors of the
2 Guam Economic Development and Commerce Authority; the Board of
3 Directors of the Guam Housing Corporation; the Board of Commissioners of
4 the Guam Housing and Urban Renewal Authority; the Guam Judicial
5 Council; the Board of Directors of the Jose D. Leon Guerrero Commercial
6 Port; the Guam Education Policy Board; the Board of Regents of the
7 University of Guam; the Guam Community College Board of Trustees; the
8 Board of Trustees of the Guam Memorial Hospital Authority; the Board of
9 Directors of the Guam Visitors Bureau; and the Consolidated Commission
10 on Utilities on behalf of the Guam Waterworks Authority and the Guam
11 Power Authority, with respect to personnel matters within their respective
12 Branches, agencies, public corporations or departments, and by the Director
13 of Administration as to all other Executive Branch employment

14 (b) Such rules shall, to the extent practicable, provide standard
15 conditions for entry into and the other matters concerning the government
16 service. The personnel rules adopted for the Guam Economic Development
17 and Commerce Authority, the Guam Housing Corporation, the Guam
18 Housing and Urban Renewal Authority, the University of Guam, the Guam
19 Community College, the Antonio B. Won Pat International Airport
20 Authority, Guam, the Jose D. Leon Guerrero Commercial Port, the
21 Department of Education, the Guam Memorial Hospital Authority, by the
22 Director of Administration and by the Consolidated Commission on Utilities
23 shall require that all their classified employee appeals, except academic
24 personnel of the Guam Community College and the University of Guam in
25 conformance with Title 4 GCA § 4403(h), be heard by the Civil Service
26 Commission ('Commission').

1 (c) (1) The personnel rules adopted for the Judicial Branch by
2 the Judicial Council shall require that the Council hear all classified
3 employee appeals.

4 (2) The personnel rules adopted for the legislative branch by
5 the Guam Legislature shall require that a committee appointed by the
6 Speaker shall hear all classified employee appeals.

7 (32) Personnel rules governing any other Executive Branch
8 entities shall require that their classified employee appeals be heard by
9 the Commission.

10 (43) Rules concerning the Executive Branch shall take effect
11 upon their approval by the Director of Administration, by Executive
12 Order of *I Maga'lahaen Guåhan* and filing with the Legislative
13 Secretary.

14 (54) Rules concerning the Guam Legislature and the Judicial
15 Council shall take effect upon adoption by the Judicial Council of
16 Guam and filing with the Legislative Secretary and Compiler of Laws.

17 **Section 17.** § 6102 of Chapter 6, Title 4, Guam Code Annotated, is hereby
18 *amended* to read as follows:

19 **§ 6102. Purpose.**

20 The purpose of this Chapter is to provide a uniform and unified system of
21 position classification and compensation for the Executive, Legislative, and
22 Judicial Branches of the Government of Guam. The only exceptions are Senators
23 of the Guam Legislature and is for academic personnel of the Guam Community
24 College and the University of Guam which as institutions of higher education,
25 must adhere to accreditation standards established by the appropriate accrediting
26 bodies. The term academic personnel refers to the definitions provided in 17 GCA

1 § 31106 and § 16112, governing academic personnel of Guam Community College
2 and the University of Guam.

3 **Section 18.** § 6103 of Chapter 6, Title 4, Guam Code Annotated, is hereby
4 *amended* to read as follows:

5 **§ 6103. Scope.**

6 Unless otherwise specified, this Chapter shall apply to all positions, officers,
7 and employees, classified and unclassified, as the case may be, inclusive of the
8 Executive, Legislative, and Judicial Branches, autonomous and semi-autonomous
9 agencies, public corporations, and other public instrumentalities of the government
10 of Guam. The provisions of this Chapter do not apply to Senators of the Guam
11 Legislature and academic personnel of the Guam Community College and the
12 University of Guam. The employment and terms and conditions of employment of
13 academic personnel shall be exclusively governed by provisions of the enabling
14 laws of Guam Community College and the University of Guam pertaining to
15 academic personnel, as set forth in Title 17, Guam Code Annotated.

16 **Section 19.** § 6302 of Chapter 6, Title 4, Guam Code Annotated, is hereby
17 *amended* to read as follows:

18 **§ 6302. Administration.**

19 (a) The Director of Administration shall adopt and apply the currently used
20 unified pay schedule based on the Hay methodology or any other classification
21 methods and salary administration to the extent he deems appropriate. The unified
22 pay schedule, either by the Hay Group or any other experts in classification and
23 pay, shall be administered by the Director of Administration, ~~and~~ by the Judicial
24 Council for the Judicial Branch, and by Guam Legislature by Resolution.

25 (b) ~~The Director of Administration, the Guam Legislature by resolution, and~~
26 ~~the Judicial Council may reassign pay grades as they find deem necessary.~~

27 ~~Reassignment shall be based upon the calculation of Hay points or points~~

1 established by other experts and shall be performed by technical staff trained in the
2 classification and compensation evaluation system for the sake of consistency and
3 uniformity of results. The technical staffs of the Human Resources Division in the
4 Executive Branch, the Guam Legislature, and the Judiciary Human Resources
5 Office, shall coordinate their efforts in implementing the Hay methodology or any
6 other classification and pay system.

7 (c) The Director of Administration, the Guam Legislature by Resolution, and
8 the Judicial Council shall establish appropriate policies and procedures for
9 implementing the provisions of this Article for their respective jurisdictions.

10 **Section 20.** § 6304 of Chapter 6, Title 4, Guam Code Annotated, is hereby
11 *amended* to read as follows:

12 **§ 6304. Differential Pay.**

13 The Director of Administration, the Guam Legislature by Resolution, and
14 the Judicial Council shall establish and implement uniform differential pay
15 policies. All statutes, rules, regulations, and policies which are not covered by or
16 inconsistent with the policies set forth herein, are hereby repealed upon
17 establishment of uniform pay policies.

18 **Section 21.** § 5101(a) and § 5101(a)(2) of Chapter 5, Title 4, Guam Code
19 Annotated, are hereby *amended* to read as follows:

20 **§ 5101. Definitions.**

21 In this Chapter:

22 (a) *Employee* means a person employed in ~~the Executive Branch of~~
23 the government of Guam, including autonomous and semiautonomous
24 agencies thereof, or in the Judicial Branch with the following exceptions:

25 (1) A person holding elective office;

26 ~~(2) A special or Staff Assistant to the Governor or Senator;~~

1 **Section 22.** § 8104(x) is hereby *added* to Chapter 8, Title 4, Guam Code
2 Annotated, to read as follows:

3 “(x) *Session employees shall mean unclassified employees of the*
4 *legislature who may be called to duty only during sessions of the legislature*
5 *and up to five days before and after regular sessions.”*

6 **Section 23.** § 8121(a)(1) of Chapter 8, Title 4, Guam Code Annotated, is
7 hereby *amended* to read as follows:

8 (a) (1) A retired member who subsequently becomes an employee
9 eligible for membership under § 8106 of this Title prior to January 1, 1999,
10 *shall*, upon becoming so employed, have that member’s right to receive
11 payment of that member’s annuity suspended for the duration of that
12 member’s employment, but all other rights pertaining to that member’s
13 annuity provided by this Article, including automatic increases therein, *shall*
14 be retained by that member. The provisions of this Section *shall not* be
15 applicable to any retired Judge or Justice designated and assigned by the
16 Chief Justice to perform judicial duties in the courts of Guam as provided for
17 in § 6115 of Title 7 GCA, or any person employed by the Department of
18 Education in Guam schools, as a substitute teacher or as a Certified
19 Augmentation Teaching Service (CATS) employee as that term is defined
20 by Title 17 GCA § 3127(b). Such employment *shall* be subject to the
21 provisions of Subsection (d) of this Section. This section *shall not be*
22 *applicable to any Session Employee as defined pursuant to § 8104(x) of this*
23 *Chapter.*

24 **Section 24.** § 3204(a) of Chapter 3, Title 19, Guam Code Annotated, is
25 hereby *amended* to read as follows:

26 **§ 3204. Who May Solemnize.**

27 (a) Marriage may be solemnized by:

1 (1) *I Maga'lahaen Guåhan* (the Governor of Guam), or his
2 substitute;

3 (2) the judges of the U.S. District Court, and the Superior Court
4 of Guam;

5 (3) all ordained clergymen and priests of whatsoever religious
6 faith who are recognized as such by the religious body whose faith
7 they represent;

8 (4) the Director of Revenue and Taxation, the Director of
9 Administration, and the Director of Public Health and Social Services;
10 and

11 ~~(5) the Speaker of *I Liheslaturan Guåhan* (the Guam
12 Legislature), or his/her designee; and~~

13 ~~(56) all village Mayors and Vice Mayors.~~

14 **Section 25.** § 7122 of Chapter 7, Title 16, Guam Code Annotated, is hereby
15 *amended* to read as follows:

16 **§ 7122. License Plates, Government Officials.**

17 In carrying out the issuance of license plates pursuant to the provisions of
18 this Chapter, the Director of Revenue and Taxation shall issue special licenses
19 bearing the following numbers to the following officials of the government of
20 Guam for use on their privately-owned vehicles:

21 **OFFICE PLATE NUMBER**

22 Governor 1

23 Lieutenant Governor 1-A

24 ~~Speaker 2~~

25 ~~Vice-Speaker 2-A~~

26 ~~Legislative Secretary 2-B~~

27 ~~Senators 2-C through 2-Z~~

- 1 District Court Judge 23
- 2 Superior Court Judges 23-A through 23-Z
- 3 Mayors Commissioners 34-A through 34-Z
- 4 Vice Mayors Assistant Commissioners 45-A through 45-Z

5 The foregoing licenses shall be issued to those entitled thereto upon their
6 assumption of the office in question, and where there is more than one person
7 holding any of the foregoing offices, licenses shall be issued in sequence based
8 upon their last names in alphabetical order, except in the case of Superior Court
9 Judges who shall be issued licenses in sequence based upon their seniority. Such
10 licenses shall be surrendered to the Department upon their removal from said
11 office for any cause. Nothing herein contained shall be construed as authorizing the
12 waiver of the local registration and licensing requirements for such vehicles and
13 their respective owners nor of preventing the issuance of special government of
14 Guam plates to the official government-owned vehicles assigned to any public
15 officer.

16 **Section 26.** § 23104(a)(1) of Chapter 23, Title 5, Guam Code Annotated, is
17 hereby *amended* to read as follows:

18 **§ 23104. Per Diem Allowance.**

19 (a) Prior to departure, the employee shall receive an advance per diem
20 allowance equal to the number of days of authorized office travel multiplied
21 by the current per diem allowance rate provided by the Federal government,
22 contained in the Joint Travel Regulations, to its employees for the respective
23 travel destinations when engaged in official business.

24 (1) If the employee is the Governor, Lieutenant Governor, ~~a member~~
25 ~~of the Legislature~~, a Judge, or a Mayor or Vice-Mayor, the rates are One
26 ~~Hundred Thirty Percent (130%) of the basic per-diem rates;~~

1 **Section 27.** § 6105(b) of Chapter 6, Title 5, Guam Code Annotated, is
2 hereby *amended* to read as follows:

3 (b) for claims in tort, arising from the negligent acts of its employees
4 acting for and at the direction of the government of Guam, even though
5 occurring in an activity to which private persons do not engage. For the
6 purposes of this chapter, any officer or enlisted person of the Guam National
7 Guard on territorial duty or any nursing student acting for and at the
8 direction of the University of Guam or of the Guam Community College, or
9 a senator performing an official duty, shall be deemed an employee of the
10 government.

11 **Section 28.** § 9103(p) of Chapter 9, Title 22, Guam Code Annotated, is
12 hereby *amended* to read as follows:

13 (p) Public Employment. The term '*public employment*' means employment
14 by the government of Guam Executive, Judicial or Legislative departments,
15 agencies, instrumentalities, inclusive of semi-autonomous and autonomous
16 agencies, and any other government of Guam entities and public corporations. It
17 shall include all elected officials except Senators, provided, however that Senators
18 shall be deemed to be employees for the purposes of this Chapter only.

19 **Section 29.** All of Chapter 20, Title 17, Guam Code Annotated is hereby
20 *repealed* in its entirety as follows:

21 **CHAPTER 20**

22 **LEGISLATIVE RESEARCH BUREAU**

23 ~~§ 20101. Creation of the Legislative Research Bureau.~~

24 ~~§ 20102. Purposes of Bureau.~~

25 ~~§ 20103. Prohibitions.~~

26 ~~§ 20104. Appointment of Director and Staff.~~

27 ~~§ 20101. Creation of the Legislative Research Bureau.~~

1 ~~There is within the University of Guam a Legislative Research Bureau for~~
2 ~~the use of the Legislature under such regulations as the Director of the Bureau,~~
3 ~~with the approval of the Committee on Rules of the Legislature, may from time to~~
4 ~~time provide.~~

5 **~~§ 20102. Purposes of Bureau.~~**

6 ~~The purpose of the Legislative Research Bureau shall be:~~

7 ~~(a) To assist the senators of the Legislature in the proper performance~~
8 ~~of their duties by providing them with impartial and accurate information~~
9 ~~and reports concerning legislative problems that come or may come before~~
10 ~~them;~~

11 ~~(b) To provide a comprehensive research and reference service on~~
12 ~~legislative problems;~~

13 ~~(c) To secure and compile reports of the various offices, departments~~
14 ~~and agencies of the government of Guam; and, as far as may be practical and~~
15 ~~useful, of the Federal Government, of states and other territorial~~
16 ~~governments, and such other material, periodicals or books as will furnish~~
17 ~~the fullest information practicable upon all matters pertaining to current or~~
18 ~~proposed legislation and to legislative problems;~~

19 ~~(d) To secure information for the senators by cooperating with the~~
20 ~~legislative references services of the various states, and territories and with~~
21 ~~the legislative service conference maintained by the Council of State~~
22 ~~Governments;~~

23 ~~(e) To furnish, upon their written request to any senator, a digest of~~
24 ~~information and material pertaining to legislative problems;~~

25 ~~(f) To draft or aid in drafting bills and resolutions, and amendments~~
26 ~~thereto, and to render legal services in connection therewith, for any senator~~

27 ~~upon request;~~

1 ~~(g) To make available for use by the various departments and agencies~~
2 ~~of the government of Guam, and by the residents of Guam, the reference~~
3 ~~material and facilities maintained by it.~~

4 ~~§ 20103. Prohibitions.~~

5 ~~Neither the person in charge nor any employee of the Bureau nor any official~~
6 ~~assigned to work with the Bureau shall reveal to any person outside of the Bureau~~
7 ~~the contents of any request or statement for services, except upon request of the~~
8 ~~person making such request or statement. Neither the person in charge nor any~~
9 ~~employee of the Bureau shall urge or oppose any legislation nor give to any~~
10 ~~senator advice concerning the legal, economic or social effect of any proposed bill,~~
11 ~~except upon the request of such senator.~~

12 ~~§ 20104. Appointment of Director and Staff.~~

13 ~~The Legislative Research Bureau shall be in the charge of a director who~~
14 ~~shall be the Legislative Counsel. The director, with the approval of the Committee~~
15 ~~on Rules of the Legislature, shall appoint such technical, clerical and stenographic~~
16 ~~assistants as may be necessary, which assistants shall be members of the classified~~
17 ~~service of the Government. The Speaker of the Legislature may assign members of~~
18 ~~the staff of the Legislature to assist in the work of the Bureau.~~

19 Section 30. A new Chapter 16 is hereby *added* to Title 2, Guam Code
20 Annotated to read as follows:

21 **“CHAPTER 16**

22 **LEGISLATIVE RESEARCH AND SERVICE BUREAU**

23 **§ 16101. Creation of the Legislative Research and Service Bureau.**

24 **§ 16102. Purposes of Bureau.**

25 **§ 16103. Prohibitions.**

26 **§ 16104. Appointment of Director and Staff.**

27 **§ 16101. Creation of the Legislative Research Bureau.**

1 There is within the Guam Legislature a Legislative Research and Service
2 Bureau for the use of the Legislature. The Bureau will be guided under such
3 regulations pursuant to this Chapter, and as directed by the Executive Director of
4 the Legislature, with the approval of the Legislature by Resolution.

5 **§ 16102. Purposes of Bureau.**

6 The purpose of the Legislative Research and Services Bureau shall be:

7 (a) To assist the senators of the Legislature in the proper performance
8 of their duties by providing them with impartial and accurate information
9 and reports concerning legislative problems that come or may come before
10 them;

11 (b) To provide a comprehensive research and reference service on
12 legislative problems;

13 (c) To secure and compile reports of the various offices, departments
14 and agencies of the government of Guam; and, as far as may be practical and
15 useful, of the National Government, of states and other territorial
16 governments, and such other material, periodicals or books as will furnish
17 the fullest information practicable upon all matters pertaining to current or
18 proposed legislation and to legislative problems;

19 (d) To secure information for the senators by cooperating with the
20 legislative references services of the various states, and territories and with
21 the legislative service conference maintained by the Council of State
22 Governments and the National Council of State Legislatures;

23 (e) To furnish, upon their written or electronic request to any senator,
24 a digest of information and material pertaining to legislative problems;

25 (f) To draft or aid in drafting bills and resolutions, and amendments
26 thereto, and to render legal services in connection therewith, for any senator
27 upon request;

1 (g) To make available for use by the various departments and agencies
2 of the government of Guam, and by the residents of Guam, the reference
3 material and facilities maintained by it;:

4 (h) To provide fiscal analysis and assist in the preparation of the
5 annual budgets of the government;

6 (i) To provide continuity during inter-session recesses;

7 (j) To provide operations and accounting support.

8 **§ 16103. Prohibitions.**

9 Neither the person in charge nor any employee of the Bureau nor any official
10 assigned to work with the Bureau shall reveal to any person outside of the Bureau
11 the contents of any request or statement for services, except upon request of the
12 person making such request or statement.

13 Neither the person in charge nor any employee of the Bureau shall urge or
14 oppose legislation nor give any senator advice concerning the legal, economic or
15 social effect of any proposed bill, except upon the request of such senator.

16 **§ 16104. Appointment of Director and Staff.**

17 The Legislative Research and Services Bureau shall be under the supervision
18 of an Executive Director. The director, with the approval of the Guam Legislature
19 by Resolution, may appoint such technical, clerical and stenographic assistants as
20 may be necessary, which assistants shall be members of the classified service of
21 the Government.”

22 **Section 31. Severability.** If any provision of this Act or its application to
23 any person or circumstance is found to be invalid or contrary to law, such
24 invalidity *shall not* affect other provisions or applications of this Act that can be
25 given effect without the invalid provision or application, and to this end the
26 provisions of this Act are severable.

1 **Section 32. Effective Date.** Except as indicated below in this Section, this
2 act *shall* become effective on January 2, 2023:

3 Sections 11, 24, 25, and 26 *shall* become effective on October 1, 2020.

4 Sections 4, 17, 19, 20, 29, and 30 *shall* become effective on October 2, 2021.

5 Section 3, *shall* become effective on January 1, 2022.