





I Mina'trentai Sais 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
15-36 (COR)	James C. Moylan Vicente "Tony" A. Ada Christopher M. Duenas Joanne M. Brown	AN ACT TO PROVIDE FOR A BINDING REFERENDUM IN THE 2022 GENERAL ELECTION TO DETERMINE WHETHER AMENDMENTS TO: <i>REPEAL AND REENACT</i> § 1118(a) OF CHAPTER 1, TITLE 2 GCA; TO <i>AMEND</i> § 1121.1 OF CHAPTER 1, TITLE 2 GCA; TO <i>REPEAL AND REENACT</i> § 1106 OF CHAPTER 1, TITLE 2 GCA; TO <i>REPEAL</i> § 1106.1 OF CHAPTER 1, TITLE 2 GCA; TO <i>ADD</i> § 1118.1 AND § 1118.2 TO CHAPTER 1, TITLE 2 GCA; TO <i>AMEND</i> § 1119 AND § 1120 OF CHAPTER 1, TITLE 2, GCA; TO <i>ADD</i> § 1128 TO CHAPTER 1, TITLE 2 GCA; TO <i>AMEND</i> § 1103(a) AND § 1103(c), OF CHAPTER 1, TITLE 4 GCA; TO <i>AMEND</i> § 4102(a)(1), § 4102(a)(11), § 4102(b), AND § 4105, ALL FROM CHAPTER 4, TITLE 4 GCA; TO <i>AMEND</i> § 6102, § 6103, § 6302, AND § 6304, ALL FROM CHAPTER 6, TITLE 4 GCA; TO <i>AMEND</i> § 5101(a) AND § 5101(a)(2) OF CHAPTER 5, TITLE 4 GCA; TO <i>ADD</i> § 8104(x) TO CHAPTER 8, TITLE 4 GCA; TO <i>AMEND</i> § 8121(a)(1) OF CHAPTER 8, TITLE 4 GCA; TO <i>AMEND</i> § 3204(a) OF CHAPTER 3, TITLE 19 GCA; TO <i>AMEND</i> § 7122 OF CHAPTER 7, TITLE 16 GCA; TO <i>AMEND</i> § 23104 OF CHAPTER 23, TITLE 5 GCA; TO <i>AMEND</i> § 6105(b), OF CHAPTER 6, TITLE 5 GCA; TO <i>AMEND</i> § 9103(p) OF TITLE 9, TITLE 22 GCA; TO REPEAL ALL OF CHAPTER 20, TITLE 17 GCA; AND TO <i>ADD</i> A NEW CHAPTER 16 TO TITLE 2 GCA; SHALL BE ALLOWED TO REFORM THE GUAM LEGISLATURE, AND TO BE KNOWN AS "THE CITIZEN'S LEGISLATIVE REFORM ACT OF 2021."	1/7/21 10:09 a.m.						

*I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN*  
2021 (FIRST) Regular Session

Bill No. 15-36 (COR)

Introduced by:

James C. Moylan   
Vicente "Tony" A. Ada   
Christopher M. Duenas   
Joanne M. Brown 

AN ACT TO PROVIDE FOR A BINDING REFERENDUM IN THE 2022 GENERAL ELECTION TO DETERMINE WHETHER AMENDMENTS 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; *SHALL BE ALLOWED* TO REFORM THE GUAM LEGISLATURE, AND TO BE

**KNOWN AS “THE CITIZEN’S LEGISLATIVE REFORM  
ACT OF 2021”**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1.** This Act *shall be* known as “*The Citizen’s Legislative Reform Act of 2021*”.

**Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that when deciding the reformation in how one of the three co-equal branches of Guam’s government is structured, that it is critical for the people of Guam to essentially make that decision. The Citizen’s Legislative Reform Act of 2021 would place the question on “*whether the Guam Legislature should indeed be a Part-Time Legislature*” in the hands of the electorate in the 2022 General Election.

**Section 3.** The Guam Election Commission, subject to the provisions hereinafter set forth, *shall* put to the voters the question described in Section 4 of this Act. The question *shall be* submitted during the 2022 General Election.

**Section 4.** The question *shall* determine whether amendments pursuant to the “*Citizen’s Legislative Reform Act of 2021*”, as outlined in Exhibit “A” attached, *shall be* allowed within Guam via a referendum certified by the Guam Election Commission as eligible for a binding referendum vote.

**Section 5.** The question put to voters *shall be*:

**“Shall the “Citizen’s Legislative Reform Act of 2021” that provides for a Part Time Legislature be adopted?**

**( ) Yes**

**( ) No**

**Vote for only ‘Yes’ or ‘No’.**”

**Section 6.** Notwithstanding any other provisions of the law, rule, or regulation, this referendum *shall be* approved if the total number of “Yes” votes garnered at least a minimum of fifty percent (50%) plus one (1) of the total votes

1    casted by those voters who voted on the specific question pursuant to Section 4 of  
2    this Act. Any ballot in which an undervote or overvote was cast for this question  
3    *shall not* be considered a “No” vote for this question.

4           **Section 7.** Given the length of the referendum proposal concerning the Part  
5    Time Legislature referenced in Section 4 of this Act, and notwithstanding  
6    Paragraph (a) of Tile 3 GCA, § 16509, the Guam Election Commission *shall not*  
7    be required to include in its pamphlet for the voters the entire text of the  
8    referendum. Instead, the Commission *shall* set forth in summary fashion the  
9    provisions of the proposed Act. The Commission *shall* keep at least twelve (12)  
10   copies of the complete referendum at its offices for voters to review at their request  
11   and make the complete referendum available on its website. The Commission *shall*  
12   also distribute six (6) copies of the complete referendum to each branch of the  
13   Guam Public Library, the Robert F. Kennedy Library at the University of Guam,  
14   and the Guam Territorial Law Library, and two (2) copies of the complete  
15   referendum to the offices of the Public Auditor, the Attorney General, and each  
16   Mayor and Senator. The complete referendum *shall be* posted online on the Guam  
17   Election Commission website.

18           **Section 8.** If the referendum is approved, the Act *shall* take on January 6,  
19   2025, upon the swearing in of the Thirty-Eight (38<sup>th</sup>) Guam Legislature. The  
20   Commission *shall* transmit the results of the referendum to *I Maga'hagen Guåhan*,  
21   the Speaker of *I Liheslaturan Guåhan*, and the Compiler of Laws. If the  
22   referendum is approved, *I Maga'hagen Guåhan shall* assign a public law number  
23   to it after its receipt.

24           **Section 9. Severability.** If any provision of this Act or its application to  
25   any person or circumstance is found to be invalid or contrary to law, such  
26   invalidity *shall not* affect other provisions or applications of this Act that can be

- 1 given effect without the invalid provision or application, and to this end the
- 2 provisions of this Act are severable.

EXHIBIT “A”

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 2021*.

1        **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2        **Section 1. Short Title.** This Act may be cited as *The Citizens Legislative*  
3        *Reform Act of 2021*.

4        **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
5        that the Organic Act of Guam provided the Guam Legislature three unique  
6        authorities within their role in the functioning of the Government of Guam. These  
7        roles include the ability to propose laws via legislation, approve the budget of the

1 Government of Guam, and confirm all executive appointments. These are not only  
2 the legal responsibilities of the Legislature, but essential functions.

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

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

20 Establishing a Legislative Research and Service Bureau would establish an  
21 entity whose purpose would include being able to provide the expertise in the  
22 research and drafting of legislation, like that of the Library of Congress. These are  
23 employees who would be classified, hence would not fear political retribution if they  
24 were to assist a member of the minority or majority. It would dissolve the current  
25 legislative central operations, and allow all administrative functions from  
26 accounting, finance, and other aspects to also be free from politics, and for dedicated  
27 employees to wonder if they will have a job in the next legislature.

1        This Act would reduce the budget of the Guam Legislature from a maximum  
2 cap of 2% of the government’s revenue projection to a cap of 1%. It would convert  
3 the position of “Senator” from a salaried position to one where the lawmaker earns  
4 a stipend for every day in session. With a lowered budget, senators would be housed  
5 within the Guam Congress, and while legislative and committee staff would still be  
6 authorized, the “per office” budget shall be reduced, while placing greater emphasis  
7 on the Legislative Bureau.

8        When it comes to “Part Time” Senators, this Act provides these individuals  
9 the protection of employment from their private sector jobs, hence removing the  
10 hesitation one may have when it comes to serving the community. Further, this Act  
11 removes special privileges offered to Senators today including vehicle privileges for  
12 the Speaker, special license plates for Senators, and an increase in per diem for  
13 travel. Likewise, it removes Senators from their authority to officiate weddings and  
14 even places a cap on the number of commendation resolutions that can be introduced  
15 each month, to place more focus on policy versus optics.

16        Many naysayers over the years have claimed that a part time legislature  
17 removes the ability for the community to discuss issues with their lawmakers. The  
18 proper response to that is that it is the senator and not the structure of the legislature  
19 that determines the levels of communication between the two parties. Even in the  
20 present structure of the Guam Legislature, if a Senator chooses to be non-accessible,  
21 which is already taking place today, then that is their decision.

22        For those who claim that a part time legislature would take away the “checks  
23 and balance” between the Legislative and Executive branches of government, once  
24 again, it is the committee chairperson, and not the title, that determines the level of  
25 oversight or scrutiny a lawmaker will bring to the table. Even today, if a senator  
26 chooses to turn a blind eye to actions of the Executive Branch, it is their  
27 prerogative. The same would go with public hearings, and whether the legislature



1 is in a status quo structure or a part time one, it is the senator who determines the  
2 level they want to talk to the community.

3       There are those who claim that a part time legislature would be “owned” or  
4 “controlled” by the wealthy or by big business. The reality is that the theory of  
5 “puppet masters” has existed, continues to exist, and will unfortunately continue to  
6 exist, regardless of the structure of the legislature. We have seen many self-interest  
7 bills introduced over the years, and it is the actions of the body of the legislature, be  
8 it a full or part time that can refute such legislation, and not the structure of it. On  
9 the contrary, a part time legislature would attract many qualified professionals who  
10 do not risk stepping away from their professions, who can bring much expertise to  
11 the table.

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

20       By reducing the perks or the glorifying of the title, the community attains more  
21 public servants and fewer politicians. By shifting the compensation from a salary to  
22 a stipend, the risks of “not” needing to get reelected are reduced, thus allowing  
23 senators to focus more on policy versus ceremony. Allowing central staff to be free  
24 of political pressure would result in a greater service for the community. Lastly, a  
25 Citizens Legislature would result in a greater focus on priorities, and less on  
26 ceremonial activities such as presenting commendation resolutions, officiating  
27 wedding ceremonies, or cutting ribbons at groundbreaking events.

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

3   **§ 1118. Sessions of the *I Liheslaturan Guåhan* ~~Guam Legislature: Part Time~~**  
4 **Legislature.**

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

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

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

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

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

22   **§ 1121.1. Budgetary Ceiling - Guam Legislature.**

23           The total budget of the Guam Legislature shall at no time exceed one ~~two~~  
24 ~~percent (12%)~~ of the Government of Guam revenue projections set for the same  
25 fiscal year, as enacted into law in the Government of Guam Budget Act for that fiscal  
26 year. The legislature must set a revenue projection for the Government of Guam in  
27 the Annual Government of Guam Budget Act.

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

3 ~~§ 1106. Legislative Compensation and Allowances.~~

4           ~~Notwithstanding any other provision of law, legislative compensation and~~  
5 ~~allowances shall be:~~

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

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

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

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

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

25 **“§ 1106. Senatorial Stipends.**

26           Notwithstanding any other provision of law, rule or regulation, policy, or  
27 procedure, the stipend of each member of *I Liheslaturan Guåhan* [the Guam

1 Legislature] shall be One Hundred Dollars (\$100) for each day of attendance at a  
2 session of *Liheslaturan Guåhan* as recorded in the journal of Legislature. Such  
3 compensation shall be paid out of funds to be appropriated to *I Liheslaturan Guåhan*  
4 [the Guam Legislature]. Any statute, rule or regulation which is inconsistent with  
5 this section shall be repealed to the extent of such inconsistency.”

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

8 **§ 1106.1. Senatorial Salaries.**

9 ~~Notwithstanding any other provision of law, rule or regulation, policy, or~~  
10 ~~procedure, the salary of each member of *I Liheslaturan Guåhan* [the Guam~~  
11 ~~Legislature] shall be paid at the rate of Fifty five Thousand Three Hundred Three~~  
12 ~~Dollars (\$55,303) per annum; and the salary of the Speaker of *I Liheslaturan Guåhan*~~  
13 ~~shall be paid at the rate of Sixty Thousand Eight Hundred Fifty Dollars (\$60,850)~~  
14 ~~per annum. Such compensation shall be paid out of funds to be appropriated to *I*~~  
15 ~~*Liheslaturan Guåhan* [the Guam Legislature].~~

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

18 **“§1118.1 Leave of Absence from Employment for Legislative Sessions.**

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

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

25 **“§1118.2 Safeguarding Employment.**

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

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

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

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

14       **§ 1119. Legislative Staff: Employment and Conditions Thereof.**

15           (a) The Legislature, in addition to the attaches referred to in § 1112 of  
16           this Chapter, *may* employ ~~such other~~ classified and unclassified employees in  
17           accordance with ~~as it may from time to time require. Notwithstanding the~~  
18           ~~provisions of~~ the Personnel Law and the Compensation Law, the methods of  
19           appointment and promotion and the compensation, tenure, leave and other  
20           conditions of employment of such employees and attaches *shall be* such as  
21           the Legislature may from time to time fix by its Standing Rules or by  
22           resolution.

23           (b) The Committee on Rules, or its functional alternative, *shall* certify  
24           the amount of compensation due such employees and attaches in accordance  
25           with the said Standing Rules or resolution of the Legislature and the  
26           disbursing officer of the Legislature *shall* thereupon pay the same in  
27           accordance with said certification.

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

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

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

16 **§ 1120. Legislature's Employees Retirement Benefits.**

17 (a) The classified employees, qualified staff of an individual Senator,  
18 or standing committee of the Legislature, executive director, and attaches of  
19 the Legislative Branch are entitled to the same retirement benefits, subject to  
20 the same contributions and conditions as employees of the Executive Branch  
21 of the government of Guam as provided by 4 GCA Chapter 8.

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

24 **“§ 1128. Commendation and/or Congratulatory Resolutions.**

25 No Senator shall introduce more than two (2) Legislative Resolutions a month  
26 involving a Commendation, Recognition, or Congratulatory intent. The monthly  
27 limits pursuant to § 1128 of this Chapter shall not pertain to any Legislative

1 Resolution whose intent is related to the Legislature's operations, personnel,  
2 amendments towards the Standing Rules, or the main sponsor stating their position  
3 on a particular issue."

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

6 (a) *I Maga'lahaen Guåhan* [The Governor] by Executive Order,~~*I*~~  
7 ~~*LiheSlaturan Guåhan* [the Legislature]~~ through its Committee on Rules and  
8 the Judicial Council by rule, shall prescribe the use of government vehicles  
9 assigned respectively to the Executive Branch,~~Legislative Branch~~ and  
10 Judicial Branch, and shall take appropriate action to discipline any member of  
11 their respective branches who shall violate this Section. Such action may be,  
12 by way of administrative fine, suspension, or removal, and in the case of  
13 members of the classified service shall be taken pursuant to the Personnel  
14 Law. Such action shall not preclude prosecution for any criminal offense.

15 (c) The provisions of this Section shall not apply to any vehicle  
16 assigned for the use of *I Maga'lahaen Guåhan* [the Governor], *I Segundu na*  
17 *Maga'lahaen Guåhan* [the Lt. Governor], ~~the Speaker of *I LiheSlaturan*~~  
18 ~~*Guåhan* [the Legislature]~~, the Presiding Judge of the Superior Court of Guam,  
19 and the Chief Justice of the Supreme Court of Guam.

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

22 **§ 4102. Classified and Unclassified Services.**

23 All offices and employment in the Government of Guam, except for  
24 employment as academic personnel of the Guam Community College (GCC) and  
25 the University of Guam (UOG), as the term academic personnel is defined in  
26 enabling laws of GCC and UOG, shall be divided into classified and unclassified  
27 services as follows:

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

2 1. elective officials, except Senators of the Guam Legislature;

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

5 (11) ~~all legislative employees'~~ legislative attaches, the Executive  
6 Director and staff of an individual Senator, or Standing-Committee of  
7 the Legislature;

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

10 (b) The classified service shall include all other positions in the  
11 government of Guam, including classified employees of the Guam  
12 Legislature's Legislative Research and Service Bureau, except Senators.

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

15 **§ 4105. Departmental Rules.**

16 (a) Rules subject to criteria established by this Chapter governing the  
17 selection, promotion, performance, evaluation, demotion, suspension and  
18 other disciplinary action of classified employees shall be adopted by the Guam  
19 Legislature by Resolution, Board of Directors of the Antonio B. Won Pat  
20 International Airport Authority, Guam; the Board of Directors of the Guam  
21 Economic Development and Commerce Authority; the Board of Directors of  
22 the Guam Housing Corporation; the Board of Commissioners of the Guam  
23 Housing and Urban Renewal Authority; the Guam Judicial Council; the Board  
24 of Directors of the Jose D. Leon Guerrero Commercial Port; the Guam  
25 Education Policy Board; the Board of Regents of the University of Guam; the  
26 Guam Community College Board of Trustees; the Board of Trustees of the  
27 Guam Memorial Hospital Authority; the Board of Directors of the Guam



1 Visitors Bureau; and the Consolidated Commission on Utilities on behalf of  
2 the Guam Waterworks Authority and the Guam Power Authority, with respect  
3 to personnel matters within their respective Branches, agencies, public  
4 corporations or departments, and by the Director of Administration as to all  
5 other Executive Branch employment.

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

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

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

25 (~~32~~) Personnel rules governing any other Executive Branch  
26 entities shall require that their classified employee appeals be heard by  
27 the Commission.

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

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

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

**§ 6102. Purpose.**

The purpose of this Chapter is to provide a uniform and unified system of position classification and compensation for the Executive, Legislative, and Judicial Branches of the Government of Guam. The only exceptions are Senators of the Guam Legislature and ~~is for~~ academic personnel of the Guam Community College and the University of Guam which as institutions of higher education, must adhere to accreditation standards established by the appropriate accrediting bodies. The term academic personnel refer to the definitions provided in 17 GCA § 31106 and § 16112, governing academic personnel of Guam Community College and the University of Guam.

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

**§ 6103. Scope.**

Unless otherwise specified, this Chapter shall apply to all positions, officers, and employees, classified and unclassified, as the case may be, inclusive of the Executive, Legislative, and Judicial Branches, autonomous and semi-autonomous agencies, public corporations, and other public instrumentalities of the government of Guam. The provisions of this Chapter do not apply to Senators of the Guam

1 Legislature and academic personnel of the Guam Community College and the  
2 University of Guam. The employment and terms and conditions of employment of  
3 academic personnel shall be exclusively governed by provisions of the enabling laws  
4 of Guam Community College and the University of Guam pertaining to academic  
5 personnel, as set forth in Title 17, Guam Code Annotated.

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

8 **§ 6302. Administration.**

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

15 (b) The Director of Administration, the Guam Legislature by resolution, and  
16 the Judicial Council may reassign pay grades as they find ~~deem~~ necessary.  
17 Reassignment shall be based upon the calculation of Hay points or points established  
18 by other experts and shall be performed by technical staff trained in the classification  
19 and compensation evaluation system for the sake of consistency and uniformity of  
20 results. The technical staffs of the Human Resources Division in the Executive  
21 Branch, the Guam Legislature, and the Judiciary Human Resources Office, shall  
22 coordinate their efforts in implementing the Hay methodology or any other  
23 classification and pay system.

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

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

3       **§ 6304. Differential Pay.**

4       The Director of Administration, the Guam Legislature by Resolution, and the  
5       Judicial Council shall establish and implement uniform differential pay policies. All  
6       statutes, rules, regulations, and policies which are not covered by or inconsistent  
7       with the policies set forth herein, are hereby repealed upon establishment of uniform  
8       pay policies.

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

11      **§ 5101. Definitions.**

12      In this Chapter:

13           (a) *Employee* means a person employed in ~~the Executive Branch~~ of the  
14           government of Guam, including autonomous and semi-autonomous agencies  
15           thereof, or in the Judicial Branch with the following exceptions:

16                   (1) A person holding elective office;

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

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

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

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

25           (a) (1) A retired member who subsequently becomes an employee  
26           eligible for membership under § 8106 of this Title prior to January 1, 1999,  
27           *shall*, upon becoming so employed, have that member’s right to receive

1 payment of that member's annuity suspended for the duration of that  
2 member's employment, but all other rights pertaining to that member's  
3 annuity provided by this Article, including automatic increases therein, *shall*  
4 be retained by that member. The provisions of this Section *shall not* be  
5 applicable to any retired Judge or Justice designated and assigned by the Chief  
6 Justice to perform judicial duties in the courts of Guam as provided for in §  
7 6115 of Title 7 GCA, or any person employed by the Department of Education  
8 in Guam schools, as a substitute teacher or as a Certified Augmentation  
9 Teaching Service (CATS) employee as that term is defined by Title 17 GCA  
10 § 3127(b). Such employment *shall* be subject to the provisions of Subsection  
11 (d) of this Section. This section shall not be applicable to any Session  
12 Employee as defined pursuant to § 8104(x) of this Chapter.

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

15 **§ 3204. Who May Solemnize.**

16 (a) Marriage may be solemnized by:

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

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

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

24 (4) the Director of Revenue and Taxation, the Director of  
25 Administration, and the Director of Public Health and Social Services;  
26 and

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

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

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

6   **§ 7122. License Plates, Government Officials.**

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

11   **OFFICE PLATE NUMBER**

12   Governor 1

13   Lieutenant Governor 1-A

14   ~~Speaker 2~~

15   ~~Vice Speaker 2-A~~

16   ~~Legislative Secretary 2-B~~

17   ~~Senators 2-C through 2-Z~~

18   District Court Judge ~~2~~3

19   Superior Court Judges ~~23~~-A through ~~23~~-Z

20   Mayors ~~Commissioners~~ ~~34~~-A through ~~34~~-Z

21   Vice Mayors ~~Assistant Commissioners~~ ~~45~~-A through ~~45~~-Z

22           The foregoing licenses shall be issued to those entitled thereto upon their  
23   assumption of the office in question, and where there is more than one person  
24   holding any of the foregoing offices, licenses shall be issued in sequence based upon  
25   their last names in alphabetical order, except in the case of Superior Court Judges  
26   who shall be issued licenses in sequence based upon their seniority. Such licenses  
27   shall be surrendered to the Department upon their removal from said office for any

1 cause. Nothing herein contained shall be construed as authorizing the waiver of the  
2 local registration and licensing requirements for such vehicles and their respective  
3 owners nor of preventing the issuance of special government of Guam plates to the  
4 official government-owned vehicles assigned to any public officer.

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

7 **§ 23104. Per Diem Allowance.**

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

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

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

18 (b) for claims in tort, arising from the negligent acts of its employees  
19 acting for and at the direction of the government of Guam, even though  
20 occurring in an activity to which private persons do not engage. For the  
21 purposes of this chapter, any officer or enlisted person of the Guam National  
22 Guard on territorial duty or any nursing student acting for and at the direction  
23 of the University of Guam or ~~of the Guam Community College~~, or a senator  
24 performing an official duty, shall be deemed an employee of the government.

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

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

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

## **~~CHAPTER 20~~**

### **~~LEGISLATIVE RESEARCH BUREAU~~**

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

~~§ 20102. Purposes of Bureau.~~

~~§ 20103. Prohibitions.~~

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

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

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

**~~§ 20102. Purposes of Bureau.~~**

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

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

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



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

7           ~~(d) To secure information for the senators by cooperating with the~~  
8           ~~legislative references services of the various states, and territories and with~~  
9           ~~the legislative service conference maintained by the Council of State~~  
10          ~~Governments;~~

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

13          ~~(f) To draft or aid in drafting bills and resolutions, and amendments~~  
14          ~~thereto, and to render legal services in connection therewith, for any senator~~  
15          ~~upon request;~~

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

19   **~~§ 20103. Prohibitions.~~**

20          ~~Neither the person in charge nor any employee of the Bureau nor any official~~  
21          ~~assigned to work with the Bureau shall reveal to any person outside of the Bureau~~  
22          ~~the contents of any request or statement for services, except upon request of the~~  
23          ~~person making such request or statement. Neither the person in charge nor any~~  
24          ~~employee of the Bureau shall urge or oppose any legislation nor give to any senator~~  
25          ~~advice concerning the legal, economic or social effect of any proposed bill, except~~  
26          ~~upon the request of such senator.~~

27   **~~§ 20104. Appointment of Director and Staff.~~**

1       ~~The Legislative Research Bureau shall be in the charge of a director who shall~~  
2 ~~be the Legislative Counsel. The director, with the approval of the Committee on~~  
3 ~~Rules of the Legislature, shall appoint such technical, clerical and stenographic~~  
4 ~~assistants as may be necessary, which assistants shall be members of the classified~~  
5 ~~service of the Government. The Speaker of the Legislature may assign members of~~  
6 ~~the staff of the Legislature to assist in the work of the Bureau.~~

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

9                               **“CHAPTER 16**

10                           **LEGISLATIVE RESEARCH AND SERVICE BUREAU**

11   § 16101. Creation of the Legislative Research and Service Bureau.

12   § 16102. Purposes of Bureau.

13   § 16103. Prohibitions.

14   § 16104. Appointment of Director and Staff.

15   **§ 16101. Creation of the Legislative Research Bureau.**

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

20   **§ 16102. Purposes of Bureau.**

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

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

25               (b) To provide a comprehensive research and reference service on  
26 legislative problems;

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

7           (d) To secure information for the senators by cooperating with the  
8           legislative references services of the various states, and territories and with  
9           the legislative service conference maintained by the Council of State  
10          Governments and the National Council of State Legislatures;

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

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

16          (g) To make available for use by the various departments and agencies  
17          of the government of Guam, and by the residents of Guam, the reference  
18          material and facilities maintained by it;

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

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

22          (j) To provide operations and accounting support.

23    **§ 16103. Prohibitions.**

24          Neither the person in charge nor any employee of the Bureau nor any official  
25          assigned to work with the Bureau shall reveal to any person outside of the Bureau  
26          the contents of any request or statement for services, except upon request of the  
27          person making such request or statement.

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

4        **§ 16104. Appointment of Director and Staff.**

5        The Legislative Research and Services Bureau shall be under the supervision  
6 of an Executive Director. The director, with the approval of the Guam Legislature  
7 by Resolution, may appoint such technical, clerical and stenographic assistants as  
8 may be necessary, which assistants shall be members of the classified service of the  
9 Government.”