



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
OFISINANT MAGIALAHI
AGANA, GUAM 96910 U.S.A.

SEP 27 1991

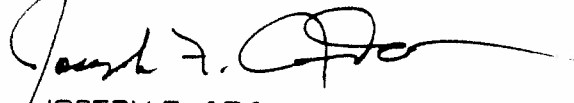
Received
10/14/91 - JPA

The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 304, which I have signed into law this
date as Public Law 21-58.

Sincerely,

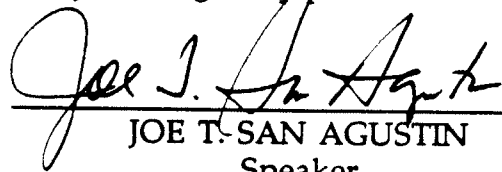

JOSEPH F. ADA
Governor of Guam

Attachment

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

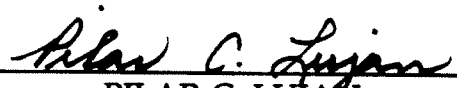
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 304 (LS), "AN ACT TO ADD A NEW ARTICLE 4 TO TITLE 4, GUAM CODE ANNOTATED, TO ESTABLISH A COMMISSION ON SALARIES FOR ELECTED OFFICIALS; TO PROVIDE FOR THE APPOINTMENT OF MEMBERS; TO PRESCRIBE THE DUTIES AND RESPONSIBILITIES THEREOF; TO REQUIRE THE SUBMISSION OF REPORTS; AND TO CITE THE ACT AS THE ELECTED OFFICIALS' SALARIES AND COMPENSATION COMMISSION ACT OF 1991," was on the 13th day of September, 1991, duly and regularly passed.



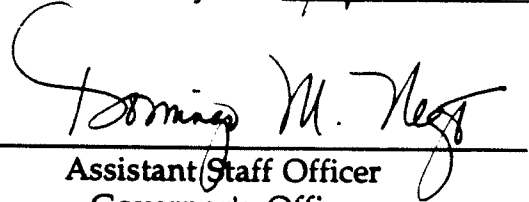
JOE T. SAN AGUSTIN
Speaker

Attested:



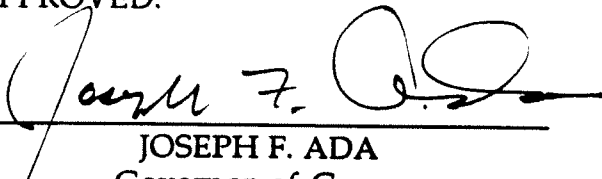
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 18th day of September
1991, at 2:50 o'clock P.m.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: SEP 27 1991

Public Law No: 21-58

1 **§6402. Members, terms of office, and prohibition.** (a) The
2 Commission shall be composed of nine (9) members, of which five
3 (5) shall be appointed by the governor with the advice and consent
4 of the Legislature, one (1) by the Judicial Council, one (1) by the
5 Mayors' Council, and one (1) by the speaker of the Legislature.
6 The chairperson of the Civil Service Commission shall serve as an
7 **ex officio** member of the Commission.

8 (b) No appointed members of the Commission, nor their
9 spouses, may be in the employ of the government of Guam. The
10 terms of office of the appointed members shall be for one (1) year,
11 or until such time as the Commission submits its final report to the
12 governor, the speaker of the Legislature, the presiding judge of
13 the Superior Court, and the president of the Mayors' Council. If
14 any member, or spouse of a member, becomes an officer,
15 employee, or elected official of the government of Guam, such
16 member shall automatically be terminated as a member of the
17 Commission.

18 (c) At its first meeting, the members shall from among
19 themselves elect a chairman and a vice-chairman, and other such
20 officers as the members deem appropriate.

21 **§6403. Vacancy.** A vacancy in the Commission shall be filled
22 in the same manner and by the same appointing authority as the
23 original appointment, and such person shall serve for the
24 unexpired term of the vacancy. Vacancies occurring in the
25 Commission shall be filled within thirty (30) days.

26 **§6404. Meetings, rules and regulations.** The Commission

1 shall convene within thirty (30) days following confirmation of
2 the governor's appointments thereto by the Legislature, and shall
3 promulgate rules and regulations not inconsistent with the intent
4 of this Article, which rules and regulations shall be exempt from
5 the provisions of the Administrative Adjudication Law.

6 **§6405. Staff and logistic support.** All secretarial, logistic
7 support and supplies for the Commission shall be provided by the
8 Civil Service Commission.

9 **§6406. Duties and responsibilities.** (a) The Commission
10 shall conduct salary reviews and may propose salaries and
11 benefits packages for any elected official. The Commission's
12 reviews shall include recommendations for appropriate increases,
13 if required, in the salaries and benefits of elected officials.

14 (1) In determining the salaries and benefits for the
15 governor and lieutenant governor, the Commission shall
16 take into account the pay and allowances received by
17 governors and lieutenant governors of other states and
18 territories of the United States.

19 (2) In determining the salaries and benefits for
20 judges, the Commission shall take into account the pay and
21 allowances received by full-time judges by courts of general
22 and or similar jurisdiction, and if a Supreme Court is
23 established, the pay and allowances of the justices of the
24 Supreme Court shall be compared with the pay and
25 allowances of other state or territorial Supreme Court
26 justices.

1 (3) In determining the salaries and benefits for the
2 members of the Legislature, the Commission shall take into
3 account the pay and allowances received by full-time
4 legislators of other states and territories of the United
5 States.

6 (4) In determining the salaries and benefits for
7 mayors and vice mayors, the Commission shall take into
8 account the pay and allowances received by full-time
9 mayors or full-time city managers and assistants of small
10 and medium-sized municipalities in the states and
11 territories of the United States.

12 (5) The Commission may also compare proposed
13 salaries and benefits to the percentages of increases given
14 employees in the Federal Civil Service System since the last
15 increase in the salaries of the elected officials.

16 (6) The Commission may consider other comparable
17 positions and factors which are suitable for comparison
18 with the salaries for positions of elected officials. In such
19 case, the Commission may make its comparisons based upon
20 such other positions, as well as the others listed in this
21 Article.

22 (b) Any action of the Commission shall require five (5)
23 affirmative votes.

24 **§6407. Report.** The Commission shall within one (1) year
25 from the date of its first meeting, submit its report and
26 recommendations to the governor, the speaker of the Legislature,

1 the presiding judge of the Superior Court, and the president of the
2 Mayors' Council.

3 **§6408. Implementation.** If, within ninety (90) calendar days
4 after submission of the Commission's report to the Legislature, no
5 statute has been enacted rejecting or amending the Commission's
6 salary recommendations for elected officials, such
7 recommendations shall go into effect without further action by the
8 Legislature on October 1st of the year in which they are submitted
9 to the Legislature."

10 **Section 2. Repeal.** (a) When the Commission's recommendations go
11 into effect as provided in §6408 of Article 4, Chapter 6, Title 4, Guam Code
12 Annotated, set out in Section 1 of this Act, the first two items contained in
13 §6206(a) of Title 4, Guam Code Annotated, pertaining to the salaries of the
14 governor and lieutenant governor, all of §1106 of Title 2, Guam Code
15 Annotated, pertaining to the compensation of members of the Legislature, the
16 last sentence of §81 of the Civil Procedure Code, pertaining to the salaries of
17 the presiding judge and other judges of the Superior Court of Guam, and
18 subparagraph C of §6206 of Title 4, Guam Code Annotated, pertaining to the
19 salaries of mayors and vice mayors, shall all be automatically repealed.

20 **Section 3. Appropriation.** The Commission at its first meeting shall
21 prepare and submit its budgetary requirements to the Governor, who, upon
22 their approval, shall submit the same to the Legislature for appropriation.

23 **Section 4. Title.** This Act may be cited as the "Elected Officials'
24 Salaries Compensation Commission Act of 1991".

25 **Section 5. Effective date.** This Act shall take effect on October 1,
26 1995.

2-58

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Date: 9/13/91

VOTING SHEET

Bill No. 304

Resolution No. _____

Question: _____

	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
AGUON, John P.				✓
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.	✓			
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.		✓		
DIERKING, Herminia D.	✓			
DUENAS, Edward R.	✓			
ESPALDON, Ernesto M.				✓
GUTIERREZ, Carl T.C.	✓			
LUJAN, Pilar C.	✓			
MAILLOUX, Gordon	✓			
MANIBUSAN, Marilyn D.A.	✓			
PARKINSON, Don	✓			
REIDY, Michael J.		✓		
RUTH, Martha C.		✓		
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SHIMIZU, David L.G.	✓			
TANAKA, Thomas V.C.		✓		
UNPINGCO, Antonio R.		✓		

14

5

2



Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

Committees:

May 2, 1991

CHAIRPERSON:

Rules

**General
Governmental
Operations**

Honorable Joe T. San Agustin
Speaker
Twenty-First Guam Legislature
155 Hesler Street
Agana, Guam 96910

VICE CHAIRPERSON:

Ways & Means

**Energy
Utilities and
Consumer
Protection**

VIA: Chairperson, Committee on Rules

Dear Mr. Speaker:

MEMBER:

**Economic and
Agricultural
Development**

The Committee on General Governmental Operations, to which was referred **Bill No. 304**, "An act to act new §§ 6401 thru 6407 to Title 4, Guam Code Annotated, to establish a Commission on salaries of elected officials; to provide for the appointment of members; to prescribe duties and responsibilities thereto; to require the submission of reports; and to cite the Act as the Elected Officials Salaries Compensation Commission Act of 1991" has had the same under consideration, and now wishes to report back the same with the **recommendation to do pass.**

Education

**Health,
Ecology and
Welfare**

The Committee votes are as follows:

**Housing
Community
Development,
Federal and
Foreign Affairs**

TO PASS	<u>-11-</u>
NOT TO PASS:	<u>-0-</u>
INACTIVE FILE:	<u>-0-</u>
ABSTAIN:	<u>-0-</u>

**Judiciary
and**

Criminal Justice

A copy of the Committee's report and other pertinent documents are enclosed for your information.

**Tourism and
Transportation**

Sincerely,

HERMINIA D. DIERKING

**Youth, Senior
Citizens, and
Cultural Affairs**

Enclosure:

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
VOTE SHEET ON BILL NO. 304**

AN ACT TO ADD NEW §§6401 THRU 6407 TO TITLE 4, GUAM CODE ANNOTATED, TO ESTABLISH A COMMISSION ON SALARIES OF ELECTED OFFICIALS; TO PROVIDE FOR THE APPOINTMENT OF MEMBERS; TO PRESCRIBE DUTIES AND RESPONSIBILITIES THERETO; TO REQUIRE THE SUBMISSION OF REPORTS; AND TO CITE THE ACT AS THE ELECTED OFFICIALS SALARIES COMPENSATION COMMISSION ACT OF 1991.

RECOMMENDATION TO DO PASS

COMMITTEE MEMBERS:	TO DO PASS:	NOT TO PASS:	INACTIVE FILE:	ABSTAIN:
<u><i>[Signature]</i></u>	✓			
H. Dierking, Chairperson				
<u><i>[Signature]</i></u>	✓			
F. R. Santos, Vice-Chairperson				
<u><i>[Signature]</i></u>	✓			
J. T. San Agustin, Speaker & Ex-Officio				
<u><i>[Signature]</i></u>	✓			
J. G. Bamba, Member				
<u><i>[Signature]</i></u>	✓			
A. C. Blaz, Member				
<u><i>[Signature]</i></u>	✓			
E. R. Duenas, Member				
<u><i>[Signature]</i></u>	✓			
C. T.C. Gutierrez, Member				
<u><i>[Signature]</i></u>	✓			
P. C. Lujan, Member				
<u><i>M.D. Manibusan</i></u>	✓ <i>5/1/91 mem</i>			
M. D.A. Manibusan, Member				
<u><i>[Signature]</i></u>	✓			
D. Parkinson, Member				
<u><i>[Signature]</i></u>	✓			
T. V.C. Tanaka, Member				

TWENTY-FIRST GUAM LEGISLATURE
COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS

REPORT ON BILL NO. 304

AN ACT TO ADD NEW §§ 6401 THRU 6407 TO TITLE 4, GUAM CODE ANNOTATED, TO ESTABLISH A COMMISSION ON SALARIES OF ELECTED OFFICIALS; TO PROVIDE FOR THE APPOINTMENT OF MEMBERS; TO PRESCRIBE DUTIES AND RESPONSIBILITIES THERETO; TO REQUIRE THE SUBMISSION OF REPORTS; AND TO CITE THE ACT AS THE ELECTED OFFICIALS SALARIES COMPENSATION COMMISSION ACT OF 1991.

Introduced by Senators
H. D. Dierking, J. T. San Agustin, and C. T.C. Gutierrez

PREFACE:

The Committee on General Governmental Operations, to which was referred the above captioned measure conducted a public hearing on Tuesday, April 23, 1991, at 3:30 p.m. in the Legislative Public Hearing Room.

Committee members present were Senator Herminia D. Dierking, Chairperson, and Senators Anthony C. Blaz, Martha C. Ruth, Eddie R. Duenas, and Speaker Joe T. San Agustin.

NOTIFICATION:

Letters of notification were sent to: the Governor; the Inspector General, U.S. Department of Interior; the Attorney General; the Director, Department of Administration; the Director, Bureau of Budget and Management Research; the Executive Director and Chairperson, Civil Service Commission;

the President, Mayor's Council; the Committee members; the media; and the general public.

TESTIMONY:

Appearing before the Committee was Mr. Lee Scherfel, representing the Office of Inspector General, North Pacific Region. Mr. Scherfel testified that the proposed Commission is not given any guidelines for determining what are equitable for comparison purposes.

Mr. Scherfel went on to say that absent any guidelines, the Commission might compare Guam with California, New York, Illinois, Pennsylvania, or some other large bureaucracy instead of a smaller state such as Vermont.

At this time, Mr. Scherfel added that given the number of session days and the Legislators unlimited ability to participate in outside business interests, an argument could be presented that the Guam Legislature is not full time.

There being no further witnesses, the Chairperson then allowed the members present to question the witness.

At the outset, Senator Anthony C. Blaz expressed his disappointment that the Federal government would rather file suit against the government of Guam to protect the rights of prisoners rather than support Guam's Commonwealth quest.

Senator Blaz went on to say that for the Inspector General to suggest that the Commission would compare Guam's elected officials salaries to that of California, New York and other large states is an inaccurate statement. He added that the government of Guam not only carries out functions of state governments, but also that of municipal governments, and even national government functions.

He elaborated saying, what state is currently pursuing self determination talks with the Federal government? Senator

Blaz concluded his remarks saying, given that comparison with state governments would not be entirely accurate!

After a lengthy discussion with the members, and there being no further witnesses, the Chairperson adjourned the Committee hearing on Bill No. 304.

SECTION ANALYSIS:

Please refer to page entitled: "Profile on Bill No. 304."

RECOMMENDATION:

The Committee on General Governmental Operations, to which was referred Bill No. 304, "an act to add new §§ 6401 thru 6407 to Title 4, Guam Code Annotated, to establish a commission on salaries for elected officials; to provide for the appointments of members to prescribe duties and responsibilities thereto; to require the submission of reports; and to cite the Act as The Elected Officials Salaries Compensation Commission Act of 1991," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass.

PROFILE ON BILL NO. 304

Short Title: "The Elected Officials Salaries Compensation Commission Act of 1991."

Main Sponsors: H. D. Dierking, J. T. San Agustin, and C. T.C. Gutierrez.

Date Introduced: April 4, 1991.

Referral: Committee on General Governmental Operations, April 10, 1991.

Hearing Date: Tuesday, April 23, 1991.

Official Title; "An act to add new §§ 6401 thru 6407 to Title 4, Guam Code Annotated, to establish a Commission on Salaries for Elected Officials; to provide for the appointment of members; to prescribe duties and responsibilities thereto; to require the submission of reports; and to cite the Act as The Elected Officials Salaries Compensation Commission Act of 1991."

Co-sponsors: None.

Recommendation: To do pass.

SECTION ANALYSIS

Section 1. Bill No. 304 adds a new Article 4, to Chapter 6, of Title 4, Guam Code Annotated. Bill No. 304 proposes to establish within the Civil Service Commission to be convened every 5 years.

The primary function of the Commission is to reassess the salaries and benefits paid to elected officials. For purposes of this Act, elected officials have been defined to mean: the Governor and Lieutenant Governor; the Members of the Legislature; the Judges of the Superior Court of Guam; the Mayors and Vice-Mayors.

A CLOSER LOOK

To accomplish the intent, the Commission shall be composed of a 9 members; of whom 5 shall be appointed by the Governor; 1 by the Judicial Council; 1 by the Mayor's Council; 1 by the Speaker of the Legislature; and the Chairperson, Civil Service Commission.

To provide an impartial evaluation and recommendation on the salaries and benefits of elected officials, no member may serve if he or his spouse is an employee of the government. Also, if any member or their spouse becomes an officer or employee of the government, then their tenure on the Commission is automatically terminated.

Vacancies on the Commission shall be filled in the same manner and by the same appointing authority as the original appointment. To expedite the Commission's work, all vacancies are to be filled within 30 days from the date first vacated.

Because of its expertise in the classification and compensation area, the Civil Service Commission shall provide all secretarial, logistic support and supplies for the Commission.

In determining the the salaries and benefits for the Governor and Lieutenant, the Commission shall take into account the

pay allowances received by Governors and Lieutenant of other states and territories.

For the salaries and benefits of Judges, the Commission shall take into account the salary and allowances received by full time Judges by courts of similar jurisdiction. The Commission also takes into account the possible creation of a Guam Supreme Court, and therefore salaries for Justices of the Supreme Court will also be reviewed.

As for the Senators, the Commission is tasked to take into account the pay allowances and benefits received by full time legislators of other states and territories.

The salaries and benefits of the Mayors and full time city managers are to be taken into account when determining the salaries and benefits for the Mayors and Vice-Mayors. A review of the Guam's elected officials salaries and benefits package every five (5) years would be commensurate with the Civil Service Commission's review of all government employees salaries at about the same time.

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 304

Introduced by:

H. D. Dierking
J. T. San Agustin
C. T.C. Gutierrez

AC 64A 2
M. B. Manibusan

AN ACT TO ADD NEW §§ 6401 THRU
6407 TO TITLE 4, GUAM CODE
ANNOTATED, TO ESTABLISH A
COMMISSION ON SALARIES FOR
ELECTED OFFICIALS; TO PROVIDE
FOR THE APPOINTMENT OF
MEMBERS; TO PRESCRIBE DUTIES
AND RESPONSIBILITIES THERETO;
TO REQUIRE THE SUBMISSION OF
REPORTS; AND TO CITE THE ACT THE
ELECTED OFFICIALS SALARIES
COMPENSATION COMMISSION ACT
OF 1991.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY
2 OF GUAM:

3 Section 1. A new Article 4 is hereby added to Chapter 6
4 of Title 4 Guam Code Annotated to read:

5 "ARTICLE 4

6 Elected Officials Compensation Commission

7 §6401. Commission. There is hereby established
8 within the Civil Service Commission the Elected
9 Officials Compensation Commission (the
10 "COMMISSION") which shall be convened every five (5)
11 years to reassess the salaries and benefits paid to all

1 elected officials. For purposes of this Act, elected
2 officials shall mean: the Governor and Lieutenant
3 Governor; the Members of the Legislature; the Judges
4 of the Superior Court; and Mayors and Vice-Mayors.

5 §6402. Membership, Terms of office, and pro-
6 hibition. (a) The Commission shall be composed of
7 nine (9) members; of whom five (5) shall be appointed
8 by the Governor; one (1) member shall be appointed by
9 the Judicial Council; one (1) member shall be appointed
10 by the Mayor's Council; and one (1) member shall be
11 appointed by the Speaker of the Legislature; and the
12 Chairperson of the Civil Service Commission shall
13 serve as an ex-officio member of the Commission.

14 (b) The members so appointed, or their spouse,
15 shall not be in the employ of the government. The
16 terms of office shall be for one (1) year, or until such
17 time that the Commission submits its final report to
18 the Governor; the Speaker of the Legislature; the
19 Presiding Judge of the Superior Court; and the
20 President of the Mayors Council. If any member or
21 their spouse becomes an officer, employee, or elected
22 official, then he shall automatically terminate his
23 involvement with the Commission.

24 (c) At its first meeting, the members shall from
25 among themselves select a Chairman, and Vice-
26 Chairman, and other such officers as the members
27 deem appropriate.

28 §6403. Vacancy. A vacancy in the Commission
29 shall be filled in the same manner and by the same
30 appointing authority as the original appointment, and
31 such person shall serve for the unexpired term of the
32 vacancy. Vacancies occurring in the Commission shall
33 be filled within thirty (30) days.

1 §6404. Meetings, Rules and Regulations. The
2 Commission shall convene and meet within thirty (30)
3 days upon confirmation by the Legislature, and shall
4 establish rules and regulations not inconsistent with
5 the intent of this Act. The rules and regulations
6 promulgated by the Commission shall be exempt from
7 the Administrative Adjudication Act.

8 §6405. Staff and Logistic Support. All
9 secretarial, logistic support and supplies for the
10 Commission shall be provided by the Civil Service
11 Commission.

12 §6406. Duties and Responsibilities. (a) The
13 Commission shall conduct reviews and propose a
14 salaries and benefits package, if any, for any of the
15 elected positions enumerated in §6401 of this Act. The
16 Commission's review shall be made for the purpose of
17 determining and providing proposed increases in the
18 salaries of elected officials.

19 (1) In determining the salaries and benefits for
20 the Governor and Lieutenant Governor, the
21 Commission shall take into account the pay and
22 allowances received by Governors and Lieutenant
23 Governors of other States and Territories of the United
24 States.

25 (2) In determining the salaries and benefits for
26 Judges, the Commission shall take into account the
27 pay and allowances received by full time Judges by
28 Courts of general and or similar jurisdiction, and, if the
29 Territory later establishes a Supreme Court, the pay
30 and allowances of the Judges of the Supreme Court,
31 shall be compared with the pay and allowances of other
32 Supreme Court Justices.

33 (3) In determining the salaries and benefits for
34 the members of the Legislature, the Commission shall

1 take into account the pay and allowance received by full
2 time Legislatures of other States and Territories of the
3 United States.

4 (4) In determining the salaries and benefits for
5 Mayors and Vice-Mayors, the Commission shall take
6 into account the pay and allowances received by full
7 time Mayors or full time city managers and assistants,
8 of small and medium sized municipalities and towns in
9 the States and Territories of the United States.

10 (5) The Commission may also compare
11 proposed salaries and benefits to a percentage of
12 increases enjoyed by employees in the Federal Civil
13 Service System since the last increase in the salaries of
14 the various elected officials.

15 (6) The Commission may, by rule or regulation,
16 determine other comparable positions and factors
17 which are suitable for comparison with the salaries for
18 positions of elected officials, and are suitable for
19 making pay comparisons. in such case, the
20 Commission may make its comparison based upon
21 such other positions, as well as others listed.

22 (b) Any action of the Commission shall require
23 five (5) affirmative votes.

24 §6407. Report. The Commission shall within one
25 (1) year from the date of its first meeting, submit its
26 report and recommendations to the Governor, the
27 Speaker of the Legislature, the Presiding Judge of the
28 Superior Court, and the President of the Mayors
29 Council.

30 §6408. Implementation. If, within, sixty (60)
31 session days after submission of the report, and no
32 statute has been passed rejecting or amending the
33 Commission's recommendation, said
34 recommendation shall become effective without

1 further action on October 1, of the year in which
2 submitted.

3 Section 2. Repeal. (a) Upon implementation of the
4 Commission's first report, the first two items contained in
5 §6206(a) of Title 4, Guam Code Annotated, pertaining to the
6 salaries of the Governor and Lieutenant Governor are
7 hereby repealed;

8 (b) §1106 of Title 2, Guam Code Annotated
9 pertaining to the compensation to members of the
10 Legislature, are hereby repealed;

11 (c) The last sentence of §81 of the Civil Procedure
12 Code pertaining to the salaries of the Presiding Judge and
13 Judges of the Superior Court of Guam are hereby repealed.

14 (d) Subparagraph C of §6206 of Title 4, Guam Code
15 Annotated, pertaining to the salaries of Mayors and Vice-
16 Mayors are hereby repealed.

17 Section 3. Appropriation, Request for: The
18 Commission at its first meeting shall prepare and submit
19 its budgetary requirements to the Governor, who, upon
20 approval, shall submit the same to the Legislature for
21 appropriation.

22 Section 4. Title. This Act may be cited or referred to as
23 the Elected Officials Salaries Compensation Commission
24 Act of 1991.

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 304 (LS)

Introduced by:

H. D. Dierking
J. T. San Agustin
C. T.C. Gutierrez

AN ACT TO ADD A NEW §§ 6401 THRU
6407 TO TITLE 4, GUAM CODE
ANNOTATED, TO ESTABLISH A
COMMISSION ON SALARIES FOR
ELECTED OFFICIALS; TO PROVIDE
FOR THE APPOINTMENT OF
MEMBERS; TO PRESCRIBE DUTIES
AND RESPONSIBILITIES THERETO;
TO REQUIRE THE SUBMISSION OF
REPORTS; AND TO CITE THE ACT THE
ELECTED OFFICIALS SALARIES
COMPENSATION COMMISSION ACT
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1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY
2 OF GUAM:

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4 of Title 4 Guam Code Annotated to read:

5 "ARTICLE 4

6 Elected Officials Compensation Commission

7 §6401. Commission. There is hereby established
8 within the Civil Service Commission the Elected
9 Officials Compensation Commission (the
10 "COMMISSION") which shall be convened every five (5)

1 years to reassess the salaries and benefits paid to all
2 elected officials. For purposes of this Act, elected
3 officials shall mean: the Governor and Lieutenant
4 Governor; the Members of the Legislature; the Judges
5 of the Superior Court; and Mayors and Vice-Mayors.

6 §6402. Membership, Terms of office, and pro-
7 hibition. (a) The Commission shall be composed of
8 nine (9) members; of whom five (5) shall be appointed
9 by the Governor; one (1) member shall be appointed by
10 the Judicial Council; one (1) member shall be appointed
11 by the Mayor's Council; and one (1) member shall be
12 appointed by the Speaker of the Legislature; and the
13 Chairperson of the Civil Service Commission shall
14 serve as an ex-officio member of the Commission.

15 (b) The members so appointed, or their spouse,
16 shall not be in the employ of the government. The
17 terms of office shall be for one (1) year, or until such
18 time that the Commission submits its final report to
19 the Governor; the Speaker of the Legislature; the
20 Presiding Judge of the Superior Court; and the
21 President of the Mayors Council. If any member or
22 their spouse becomes an officer, employee, or elected
23 official, then he shall automatically terminate his
24 involvement with the Commission.

25 (c) At its first meeting, the members shall from
26 among themselves select a Chairman, and Vice-
27 Chairman, and other such officers as the members
28 deem appropriate.

29 §6403. Vacancy. A vacancy in the Commission
30 shall be filled in the same manner and by the same
31 appointing authority as the original appointment, and
32 such person shall serve for the unexpired term of the
33 vacancy. Vacancies occurring in the Commission shall
34 be filled within thirty (30) days.

1 §6404. Meetings, Rules and Regulations. The
2 Commission shall convene and meet within thirty (30)
3 days upon confirmation by the Legislature, and shall
4 establish rules and regulations not inconsistent with
5 the intent of this Act. The rules and regulations
6 promulgated by the Commission shall be exempt from
7 the Administrative Adjudication Act.

8 §6405. Staff and Logistic Support. All
9 secretarial, logistic support and supplies for the
10 Commission shall be provided by the Civil Service
11 Commission.

12 §6406. Duties and Responsibilities. (a) The
13 Commission shall conduct reviews and propose
14 increases if any, for any of the elected positions
15 enumerated in §6401 of this Act. The Commission's
16 review shall be made for the purpose of determining
17 and providing proposed increases in the salaries of
18 elected officials.

19 (1) In determining any pay increases for the
20 Governor and Lieutenant Governor, the Commission
21 shall take into account the pay and allowances received
22 by Governors and Lieutenant Governors of other
23 States and Territories of the United States.

24 (2) In determining any pay increases for
25 Judges, the Commission shall take into account the
26 pay and allowances received by full time Judges by
27 Courts of general and or similar jurisdiction, and, if the
28 Territory later establishes a Supreme Court, the pay
29 and allowances of the Judges of the Supreme Court,
30 shall be compared with the pay and allowances of other
31 Supreme Court Justices.

32 (3) In determining the pay increases for the
33 members of the Legislature, the Commission shall
34 take into account the pay and allowance received by full

1 time Legislatures of other States and Territories of the
2 United States.

3 (4) In determining any pay increases for
4 Mayors and Vice-Mayors, the Commission shall take
5 into account the pay and allowances received by full
6 time Mayors or full city managers and assistants, of
7 small and medium sized municipalities and towns in
8 the States and Territories of the United States.

9 (5) The Commission may also compare
10 proposed pay increases to percentage of increases
11 enjoyed by employees in the Federal Civil Service
12 System since the last increase in the salaries of the
13 various elected officials.

14 (6) The Commission may, by rules or
15 regulations, determine other comparable positions
16 and factors which are suitable for comparison with the
17 salaries for positions of elected officials, and are
18 suitable for making pay comparisons. In such case,
19 the Commission may make its comparison based
20 upon such other positions, as well as others listed.

21 (b) Any action of the Commission shall require
22 five (5) affirmative votes.

23 §6407. Report. The Commission shall within one
24 (1) year from the date of its first meeting, submit its
25 report and recommendations to the Governor, the
26 Speaker of the Legislature, and the Presiding Judge of
27 the Superior Court.

28 §6408. Implementation. If, within, sixty (60) days
29 after submission of the report, and no statute has been
30 passed rejecting or amending the recommended
31 increases, said increases shall be effective without
32 further action on October 1, of the year in which
33 submitted.

1 Section 2. Repeal. (a) Upon implementation of the
2 Commission's first report, the first two items contained in
3 §6206(a) of Title 4, Guam Code Annotated, pertaining to the
4 salaries of the Governor and Lieutenant Governor are
5 hereby repealed;

6 (b) §1106 of Title 2, Guam Code Annotated
7 pertaining to the compensation to members of the
8 Legislature, are hereby repealed;

9 (c) The last sentence of §81 of the Civil Procedure
10 Code pertaining to the salaries of the Presiding Judge and
11 Judges of the Superior Court of Guam are hereby repealed.

12 (d) Subparagraph C of §6206 of Title 4, Guam Code
13 Annotated, pertaining to the salaries of Mayors and Vice-
14 Mayors are hereby repealed.

15 Section 3. Appropriation, Request for: The
16 Commission at its first meeting shall prepare and submit
17 its budgetary requirements to the Governor, who, upon
18 approval, shall submit the same to the Legislature for
19 appropriate action.

20 Section 4. Title. This Act may be cited or referred to as
21 the Elected Officials Salaries Compensation Commission
22 Act of 1991.



Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

Committees:

CHAIRPERSON:

Rules

**General
Governmental
Operations**

VICE CHAIRPERSON:

Ways & Means

**Energy
Utilities and
Consumer
Protection**

MEMBER:

**Economic and
Agricultural
Development**

Education

**Health,
Ecology and
Welfare**

**Housing
Community
Development,
Federal and
Foreign Affairs**

**Judiciary
and
Criminal Justice**

**Tourism and
Transportation**

**Youth, Senior
Citizens, and
Cultural Affairs**

April 8, 1991

MEMORANDUM

TO: Chairperson, Committee on General
Governmental Operations

FROM: Chairperson, Committee on Rules

SUBJECT: Referral - Bill No. 304

The above Bill is referred to your Committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

HERMINIA D. DIERKING

Enclosure

ACKNOWLEDGEMENT RECEIPT

Received By Bec

Time 8:25

Date 4-10-91

OFFICE OF INSPECTOR GENERAL
NORTH PACIFIC REGION
TESTIMONY ON BILL No. 304
FOR THE COMMITTEE ON GENERAL GOVERNMENT OPERATIONS
APRIL 23, 1991

Dear Chairperson, and Committee Members:

The Office of Inspector General would like to take this opportunity to express our appreciation to the Legislature for the invitation to address the Committee on Bill No. 304. The Elected Officials Salaries Compensation Act of 1991.

Although we have had only a limited amount of time to review Bill 304, we have identified some language which we believe the Committee may want to clarify. Our comments on specific sections follow.

-- Section 6406. Duties and Responsibilities. The language in this section suggests that primary purpose of the Commission is determine and provide proposed increases in the salaries of elected officials. We believe that this language may impair the impartiality of the Commission in that it implies that only increases to existing compensation will be considered. Furthermore, the language appears to limit the Commission to a review of just salaries and does not include all other forms of benefits such as annual and sick leave benefits and retirement.

-- Section 6406.(1) and (2). Again the language appears to limit the Commission to recommending pay increases for the Governor and Lieutenant Governor without consideration of the entire benefit package. In addition, the Commission is not given any guidelines for determining what is equitable for comparison purposes such as the size of the State, its budget, the number of Executive Branch employees. This could lead the Commission to compare Guam with California, New York, Illinois, Pennsylvania, or some other large bureaucracy instead of a smaller state such as Vermont.

-- Section 6406.(3). The Commission is limited to a comparison of Guam Legislative pay to full time Legislatures of other States and Territories. Based on our review of State Legislatures we found only five States where the Legislature could be considered "full time". In addition, given the number of session days and the Guam Legislators' unlimited ability to participate in outside business interests, an argument could be presented that the Guam Legislature is not full time. Accordingly, this language may be too restrictive and could prevent the Commission from considering other options.

-- Section 6406.(4). The Commission is limited to a comparison of full time Mayors or full time city managers of small and medium size municipalities and towns. Again this language may be too restrictive for the Commission to formulate any effective conclusion. We understand that most Mayors in small towns serve part time and for little or no compensation. Also, no definition of small or medium sized municipalities is provided. Is it population, budget, responsibilities or geographic size?

SENATOR
HERMINIA D. DIERKING
TWENTY-FIRST GUAM LEGISLATURE

April 17, 1991

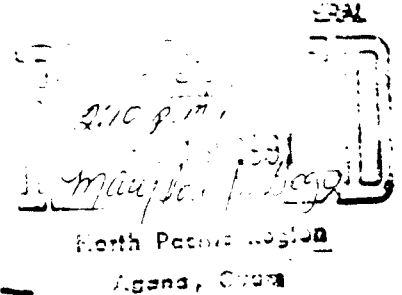
COMMITTEES

Chairperson:

Rules
General
Governmental
Operations

Mr. Harold Bloom
Assistant Inspector General for Audits
Office of Inspector General
U.S. Department of Interior
Agana, Guam 96910

PDN Bldg. Rm. 807



Re: April 23, 1991 Public Hearing

Vice-Chairperson

Ways & Means

Energy,
Utilities and
Consumer
Protection

Dear Mr. Bloom:

Please be advised that the Committee on General Governmental Operations has scheduled a public hearing on Tuesday, April 23, 1991. The hearing will take place in the Legislative Hearing Room, and will commence at 8:30 a.m.

Member:

Economic and
Agricultural
Development

Education

Health, Ecology,
and Welfare

Housing,
Community
Development,
Federal,
and

Foreign Affairs

Judiciary
and
Criminal Justice

Tourism and
Transportation

Youth, Senior Citizens,
and Cultural Affairs

Bill No. 304, an act establishing a Commission on Salaries of Elected Offices is enclosed for your review and comments. As this measure affects the salaries of Guam's elected officials, the Committee is requesting that your office submit testimony. Also, the Committee requests that twenty (20) copies of your written testimony be submitted no later than the close of business on Monday, April 22, 1991.

Thank you for your time and attention, we look forward to seeing you at the hearing.

Sincerely,

Herminia Dierking
HERMINIA D. DIERKING

Enclosures:



Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

April 16, 1991

Committees:

CHAIRPERSON:

**Rules
General
Governmental
Operations**

Honorable Alberto C. Lamorena, III
Presiding Judge
Superior Court of Guam
110 West O'Brien
Agana, Guam 96910

VICE CHAIRPERSON:

**Ways & Means
Energy
Utilities and
Consumer
Protection**

Re: April 23, 1991 Public Hearing on Bill No. 304

Dear Judge Lamorena,

MEMBER:

**Economic and
Agricultural
Development**

Please be advised that the Committee on General Governmental Operations has scheduled a public hearing on Tuesday, April 23, 1991. The hearing will take place in the Legislative Hearing Room, and will commence at 8:30 a.m.

Education

**Health,
Ecology and
Welfare**

Bill No. 304 affects the Judges at the Superior Court. A Copy of the bill and the agenda are enclosed for your review. You are invited to submit your comments on this bill. The Committee requests that twenty (20) copies of your written testimony be submitted no later than the close of business on Monday, April 22, 1991.

**Housing
Community
Development,
Federal and
Foreign Affairs**

Thank you for your time and attention, we look forward to seeing you at the hearing.

**Judiciary
and**

Criminal Justice

**Tourism and
Transportation**

Sincerely,

Herminia Dierking
HERMINIA D. DIERKING

**Youth, Senior
Citizens, and
Cultural Affairs**

Enclosures:

RECEIVED

APR 13 1991

[Signature]
SUPERIOR COURT OF GUAM
JUDGE LAMORENA'S
CHAMBER

Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

Committees:

April 11, 1991

CHAIRPERSON:

Rules

General
Governmental
Operations

Mrs. Elizabeth Barrett-Anderson
Attorney General
Department of Law
Agana, Guam 96910

VICE CHAIRPERSON:

Ways & Means

Re: April 23, 1991 Public Hearing

Energy
Utilities and
Consumer
Protection

Dear Mrs. Barrett-Anderson:

MEMBER:

Economic and
Agricultural
Development

Please be advised that the Committee on General Governmental Operations has scheduled a public hearing on Tuesday, April 23, 1991. The hearing will take place in the Legislative Hearing Room, and will commence at 8:30 a.m.

Education

Health,
Ecology and
Welfare

Copies of the measures and hearing agenda are enclosed for your immediate review. As these measures directly affect the general welfare of the people of Guam, I am requesting that you or your assistant attend and submit the Department's position. The Committee requests that twenty (20) copies of your written testimony be submitted no later than the close of business on Monday, April 22, 1991.

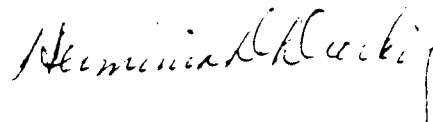
Housing
Community
Development,
Federal and
Foreign Affairs

Thank you for your time and attention, we look forward to seeing you at the hearing.

Judiciary
and

Criminal Justice

Sincerely,



HERMINIA D. DIERKING

Tourism and
Transportation

Youth, Senior
Citizens, and
Cultural Affairs

Enclosures:

Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

Committees:

April 11, 1991

CHAIRPERSON:

Rules

**General
Governmental
Operations**

VICE CHAIRPERSON:

Ways & Means

**Energy
Utilities and
Consumer
Protection**

MEMBER:

**Economic and
Agricultural
Development**

Education

**Health,
Ecology and
Welfare**

**Housing
Community
Development,
Federal and
Foreign Affairs**

**Judiciary
and
Criminal Justice**

**Tourism and
Transportation**

**Youth, Senior
Citizens, and
Cultural Affairs**

Mr. Giovanni Sgambelluri
Director
Bureau of Budget & Management Research
Adelup Complex, Guam 96910

Re: April 23, 1991 Public Hearing

Dear Mr. Sgambelluri:

Please be advised that the Committee on General Governmental Operations has scheduled a public hearing on Tuesday, April 23, 1991. The hearing will take place in the Legislative Hearing Room, and will commence at 8:30 a.m.

Copies of the measures and hearing agenda are enclosed for your immediate review. As these measures directly affect the general welfare of the people of Guam, I am requesting that you or your assistant attend and submit the Bureau's position. The Committee requests that twenty (20) copies of your written testimony be submitted no later than the close of business on Monday, April 22, 1991. Also, the Committee would appreciate receiving the Bureau's fiscal impact statement prior to the hearing.

Thank you for your time and attention, we look forward to seeing you at the hearing.

Sincerely,



HERMINIA D. DIERKING



Enclosures:

Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

Committees:

April 11, 1991

CHAIRPERSON:

Rules

**General
Governmental
Operations**

Mr. Peter P. Leon Guerrero
Director
Bureau of Planning
Adelup Complex, Guam 96910

VICE CHAIRPERSON:

Ways & Means

Re: April 23, 1991 Public Hearing

**Energy
Utilities and
Consumer
Protection**

Dear Mr. Leon Guerrero:

MEMBER:

**Economic and
Agricultural
Development**

Please be advised that the Committee on General Governmental Operations has scheduled a public hearing on Tuesday, April 23, 1991. The hearing will take place in the Legislative Hearing Room, and will commence at 8:30 a.m.

Education

**Health,
Ecology and
Welfare**

Copies of the measures and hearing agenda are enclosed for your immediate review. As these measures directly affect the general welfare of the people of Guam, I am requesting that you or your assistant attend and submit the Bureau's position. The Committee requests that twenty (20) copies of your written testimony be submitted no later than the close of business on Monday, April 22, 1991.

**Housing
Community
Development,
Federal and
Foreign Affairs**

Thank you for your time and attention, we look forward to seeing you at the hearing.

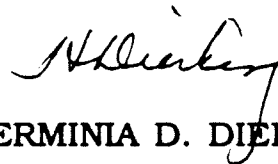
**Judiciary
and**

Criminal Justice

**Tourism and
Transportation**

**Youth, Senior
Citizens, and
Cultural Affairs**

Sincerely,



HERMINIA D. DIERKING

Enclosures:

*Recd
BOP
JAP
4/15/91*

Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

Committees:

April 11, 1991

CHAIRPERSON:

Rules

**General
Governmental
Operations**

VICE CHAIRPERSON:

Ways & Means

**Energy
Utilities and
Consumer
Protection**

MEMBER:

**Economic and
Agricultural
Development**

Education

**Health,
Ecology and
Welfare**

**Housing
Community
Development,
Federal and
Foreign Affairs**

**Judiciary
and
Criminal Justice**

**Tourism and
Transportation**

**Youth, Senior
Citizens, and
Cultural Affairs**

Mr. Wilfred Aflague
Director
Department of Administration
Agana, Guam 96910

Re: April 23, 1991 Public Hearing


Dear Mr. Aflague:

Please be advised that the Committee on General Governmental Operations has scheduled a public hearing on Tuesday, April 23, 1991. The hearing will take place in the Legislative Hearing Room, and will commence at 8:30 a.m.

Copies of the measures and hearing agenda are enclosed for your immediate review. As these measures directly affect the general welfare of the people of Guam, I am requesting that you or your assistant attend and submit the Department's position. The Committee requests that twenty (20) copies of your written testimony be submitted no later than the close of business on Monday, April 22, 1991.

Thank you for your time and attention, we look forward to seeing you at the hearing.

Sincerely,



HERMINIA D. DIERKING

Enclosures:

RECEIVED
APR 15 1991
DEPT. OF
ADMINISTRATION

Committees:

April 11, 1991

CHAIRPERSON:

Rules

**General
Governmental
Operations**

**Mr. Felix Camacho
Executive Director
Civil Service Commission
Tamuning, Guam 96910**

VICE CHAIRPERSON:

Ways & Means

Re: April 23, 1991 Public Hearing

**Energy
Utilities and
Consumer
Protection**

Dear Mr. Camacho:

MEMBER:

**Economic and
Agricultural
Development**

Please be advised that the Committee on General Governmental Operations has scheduled a public hearing on Tuesday, April 23, 1991. The hearing will take place in the Legislative Hearing Room, and will commence at 8:30 a.m.

Education

**Health,
Ecology and
Welfare**

Copies of the measures and hearing agenda are enclosed for your immediate review. As these measures directly affect the general welfare of the people of Guam, I am requesting that you and members of the Commission attend and submit your position statements. The Committee requests that twenty (20) copies of your written testimony be submitted no later than the close of business on Monday, April 22, 1991.

**Housing
Community
Development,
Federal and
Foreign Affairs**

Thank you for your time and attention, we look forward to seeing you at the hearing.

**Judiciary
and**

Criminal Justice

**Tourism and
Transportation**

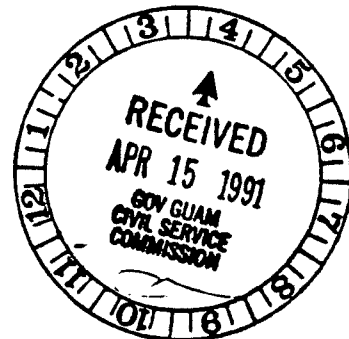
**Youth, Senior
Citizens, and
Cultural Affairs**

Sincerely,

HERMINIA D. DIERKING

Enclosures:

cc: **Commission Chairman**





Committees:

April 11, 1991

CHAIRPERSON:

Rules

**General
Governmental
Operations**

Mr. Vicente Perez
Chairman
Civil Service Commission
Tamuning, Guam 96910

VICE CHAIRPERSON:

Ways & Means

Re: April 23, 1991 Public Hearing

**Energy
Utilities and
Consumer
Protection**

Dear Mr. Perez:

MEMBER:

**Economic and
Agricultural
Development**

Please be advised that the Committee on General Governmental Operations has scheduled a public hearing on Tuesday, April 23, 1991. The hearing will take place in the Legislative Hearing Room, and will commence at 8:30 a.m.

Education

**Health,
Ecology and
Welfare**

Copies of the measures and hearing agenda are enclosed for your immediate review. As these measures directly affect the general welfare of the people of Guam, I am requesting that you and members of the Commission attend and submit your position statements. The Committee requests that twenty (20) copies of your written testimony be submitted no later than the close of business on Monday, April 22, 1991.

Housing

**Community
Development,
Federal and
Foreign Affairs**

Thank you for your time and attention, we look forward to seeing you at the hearing.

**Judiciary
and**

Criminal Justice

Sincerely,

HERMINIA D. DIERKING

**Tourism and
Transportation**

**Youth, Senior
Citizens, and
Cultural Affairs**

Enclosures:

cc: CSC Commissioners





Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

Committees:

April 11, 1991

CHAIRPERSON:

Rules

General
Governmental
Operations

Honorable Tito Mantanona
President
Mayor's Council
Agana, Guam 96910

VICE CHAIRPERSON:

Ways & Means

Re: April 23, 1991 Public Hearing

Energy
Utilities and
Consumer
Protection

Dear Mayor Mantanona:

MEMBER:

Economic and
Agricultural
Development

Please be advised that the Committee on General Governmental Operations has scheduled a public hearing on Tuesday, April 23, 1991. The hearing will take place in the Legislative Hearing Room, and will commence at 8:30 a.m.

Education

Health,
Ecology and
Welfare

Copies of the measures and hearing agenda are enclosed for your immediate review. As these measures directly affect the general welfare of the people of Guam, I am requesting that you and your colleagues attend and submit your position statements. The Committee requests that twenty (20) copies of your written testimony be submitted no later than the close of business on Monday, April 22, 1991.

Housing
Community
Development,
Federal and
Foreign Affairs

Thank you for your time and attention, we look forward to seeing you at the hearing.

Judiciary
and

Criminal Justice

Sincerely,

HERMINIA D. DIERKING

Tourism and
Transportation

Youth, Senior
Citizens, and
Cultural Affairs

Enclosures:

Rec'd by: me 4/15/91

-- Section 6406.(6). This section appears to give the Commission the latitude to make other comparisons as it sees fit. However, this is unclear. Additionally, the language is limited to pay comparisons and not the entire salary and benefit package.

-- Section 6408. Implementation. This section only provides for pay increases. What provisions exist to implement recommendations that may result in pay decreases or a status quo until inflation catches up with existing excessive pay?

In summary, we believe that the Legislature, through Bill 304, has taken the first steps to reform and formalize the pay and benefit packages for elected officials. This Bill if amended, would remove much of the subjectivity present in the current pay and benefit package. However, we believe that the overall thrust of the Bill does not clearly include all benefits nor does it allow the Commission any latitude in making changes unless the change is to increase salaries.



Committees:

April 11, 1991

CHAIRPERSON:

Rules

**General
Governmental
Operations**

Honorable Joseph F. Ada
Governor
Executive Chambers
Adelup Complex, Guam 96910

VICE CHAIRPERSON:

Ways & Means

Re: April 23, 1991 Public Hearing

**Energy
Utilities and
Consumer
Protection**

Dear Governor Ada:

MEMBER:

**Economic and
Agricultural
Development**

Please be advised that the Committee on General Governmental Operations has scheduled a public hearing on Tuesday, April 23, 1991. The hearing will take place in the Legislative Hearing Room, and will commence at 8:30 a.m.

Education

**Health,
Ecology and
Welfare**

Copies of the measures and hearing agenda are enclosed for your immediate review. As these measures directly affect the general welfare of the people of Guam, I am requesting that you assign your respective cabinet officials to attend and submit the administration's position. The Committee requests that twenty (20) copies of the Administration's written testimony be submitted no later than the close of business on Monday, April 22, 1991.

**Housing
Community
Development,
Federal and
Foreign Affairs**

Thank you for your time and attention, we look forward to your representatives at the hearing.

**Judiciary
and**

Criminal Justice

Sincerely,

**Tourism and
Transportation**

HERMINIA D. DIERKING

**Youth, Senior
Citizens, and
Cultural Affairs**

Enclosures:

Introduced

APR 04 '91

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 304 (LS)

Introduced by:

H. D. Dierking
J. T. San Agustin
C. T.C. Gutierrez

AN ACT TO ADD A NEW §§ 6401 THRU
6407 TO TITLE 4, GUAM CODE
ANNOTATED, TO ESTABLISH A
COMMISSION ON SALARIES FOR
ELECTED OFFICIALS; TO PROVIDE
FOR THE APPOINTMENT OF
MEMBERS; TO PRESCRIBE DUTIES
AND RESPONSIBILITIES THERETO;
TO REQUIRE THE SUBMISSION OF
REPORTS; AND TO CITE THE ACT THE
ELECTED OFFICIALS SALARIES
COMPENSATION COMMISSION ACT
OF 1991.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY
2 OF GUAM:

3 Section 1. A new Article 4 is hereby added to Chapter 6
4 of Title 4 Guam Code Annotated to read:

5 "ARTICLE 4

6 Elected Officials Compensation Commission

7 §6401. Commission. There is hereby established
8 within the Civil Service Commission the Elected
9 Officials Compensation Commission (the
10 "COMMISSION") which shall be convened every five (5)

1 years to reassess the salaries and benefits paid to all
2 elected officials. For purposes of this Act, elected
3 officials shall mean: the Governor and Lieutenant
4 Governor; the Members of the Legislature; the Judges
5 of the Superior Court; and Mayors and Vice-Mayors.

6 §6402. Membership, Terms of office, and pro-
7 hibition. (a) The Commission shall be composed of
8 nine (9) members; of whom five (5) shall be appointed
9 by the Governor; one (1) member shall be appointed by
10 the Judicial Council; one (1) member shall be appointed
11 by the Mayor's Council; and one (1) member shall be
12 appointed by the Speaker of the Legislature; and the
13 Chairperson of the Civil Service Commission shall
14 serve as an ex-officio member of the Commission.

15 (b) The members so appointed, or their spouse,
16 shall not be in the employ of the government. The
17 terms of office shall be for one (1) year, or until such
18 time that the Commission submits its final report to
19 the Governor; the Speaker of the Legislature; the
20 Presiding Judge of the Superior Court; and the
21 President of the Mayors Council. If any member or
22 their spouse becomes an officer, employee, or elected
23 official, then he shall automatically terminate his
24 involvement with the Commission.

25 (c) At its first meeting, the members shall from
26 among themselves select a Chairman, and Vice-
27 Chairman, and other such officers as the members
28 deem appropriate.

29 §6403. Vacancy. A vacancy in the Commission
30 shall be filled in the same manner and by the same
31 appointing authority as the original appointment, and
32 such person shall serve for the unexpired term of the
33 vacancy. Vacancies occurring in the Commission shall
34 be filled within thirty (30) days.

1 §6404. Meetings, Rules and Regulations. The
2 Commission shall convene and meet within thirty (30)
3 days upon confirmation by the Legislature, and shall
4 establish rules and regulations not inconsistent with
5 the intent of this Act. The rules and regulations
6 promulgated by the Commission shall be exempt from
7 the Administrative Adjudication Act.

8 §6405. Staff and Logistic Support. All
9 secretarial, logistic support and supplies for the
10 Commission shall be provided by the Civil Service
11 Commission.

12 §6406. Duties and Responsibilities. (a) The
13 Commission shall conduct reviews and propose
14 increases if any, for any of the elected positions
15 enumerated in §6401 of this Act. The Commission's
16 review shall be made for the purpose of determining
17 and providing proposed increases in the salaries of
18 elected officials.

19 (1) In determining any pay increases for the
20 Governor and Lieutenant Governor, the Commission
21 shall take into account the pay and allowances received
22 by Governors and Lieutenant Governors of other
23 States and Territories of the United States.

24 (2) In determining any pay increases for
25 Judges, the Commission shall take into account the
26 pay and allowances received by full time Judges by
27 Courts of general and or similar jurisdiction, and, if the
28 Territory later establishes a Supreme Court, the pay
29 and allowances of the Judges of the Supreme Court,
30 shall be compared with the pay and allowances of other
31 Supreme Court Justices.

32 (3) In determining the pay increases for the
33 members of the Legislature, the Commission shall
34 take into account the pay and allowance received by full

1 time Legislatures of other States and Territories of the
2 United States.

3 (4) In determining any pay increases for
4 Mayors and Vice-Mayors, the Commission shall take
5 into account the pay and allowances received by full
6 time Mayors or full city managers and assistants, of
7 small and medium sized municipalities and towns in
8 the States and Territories of the United States.

9 (5) The Commission may also compare
10 proposed pay increases to percentage of increases
11 enjoyed by employees in the Federal Civil Service
12 System since the last increase in the salaries of the
13 various elected officials.

14 (6) The Commission may, by rules or
15 regulations, determine other comparable positions
16 and factors which are suitable for comparison with the
17 salaries for positions of elected officials, and are
18 suitable for making pay comparisons. in such case,
19 the Commission may make its comparison based
20 upon such other positions, as well as others listed.

21 (b) Any action of the Commission shall require
22 five (5) affirmative votes.

23 §6407. Report. The Commission shall within one
24 (1) year from the date of its first meeting, submit its
25 report and recommendations to the Governor, the
26 Speaker of the Legislature, and the Presiding Judge of
27 the Superior Court.

28 §6408. Implementation. If, within, sixty (60) days
29 after submission of the report, and no statute has been
30 passed rejecting or amending the recommended
31 increases, said increases shall be effective without
32 further action on October 1, of the year in which
33 submitted.

1 Section 2. Repeal. (a) Upon implementation of the
2 Commission's first report, the first two items contained in
3 §6206(a) of Title 4, Guam Code Annotated, pertaining to the
4 salaries of the Governor and Lieutenant Governor are
5 hereby repealed;

6 (b) §1106 of Title 2, Guam Code Annotated
7 pertaining to the compensation to members of the
8 Legislature, are hereby repealed;

9 (c) The last sentence of §81 of the Civil Procedure
10 Code pertaining to the salaries of the Presiding Judge and
11 Judges of the Superior Court of Guam are hereby repealed.

12 (d) Subparagraph C of §6206 of Title 4, Guam Code
13 Annotated, pertaining to the salaries of Mayors and Vice-
14 Mayors are hereby repealed.

15 Section 3. Appropriation, Request for: The
16 Commission at its first meeting shall prepare and submit
17 its budgetary requirements to the Governor, who, upon
18 approval, shall submit the same to the Legislature for
19 appropriate action.

20 Section 4. Title. This Act may be cited or referred to as
21 the Elected Officials Salaries Compensation Commission
22 Act of 1991.