

GUAM CODE ANNOTATED

TITLE 2

LEGISLATIVE BRANCH

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CHAPTER 1
GUAM LEGISLATURE

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§ 1101. Name of Legislature.

The legislature created by the Organic Act of Guam shall be known and designated as, '*I Liheslaturan Guåhan.*' All references in this Code and the laws, rules and regulations of Guam to the *Guam Legislature* shall be understood to refer to *I Liheslaturan Guahån.*

SOURCE: GC § 1000. Amended by P.L. 24-163:1 (Apr. 9, 1998).

§ 1102. Same: First Guam Legislature.

The regular session of the Guam Legislature convening on the second Monday in January in the year 1951 shall be designated the “First Guam Legislature, 1951 (First) Regular Session”; the regular session convening on the second Monday in January in the year 1952 shall be designated as “First Guam Legislature, 1952 (Second) Regular Session.”

SOURCE: GC § 1001.

§ 1103. Same: Succeeding Legislatures.

Succeeding Legislatures shall be designated in the same manner except that each newly elected Legislature shall be known and designated by successive number; that is the Legislature elected in 1952 shall be known and designated as the “Second Guam Legislature” and each Legislature elected thereafter shall likewise be known and designated by the addition of one number for each succeeding Legislature.

SOURCE: GC § 1002.

§ 1104. Same: Special Sessions.

Special sessions of any Legislature shall be known and designated as First, Second, Third, et seq., special session following the designation of the number of the Legislature; that is the first special session of the First Guam Legislature would be designated “First Guam Legislature, First Special Session.”

SOURCE: GC § 1003.

§ 1105. Senators, Terms of.

Senators elected to the Guam Legislature shall hold office for a term of two (2) years and until their successors are elected and qualified. The term of Senators elected to the Guam Legislature shall commence on the first Monday of January following the date of election.

SOURCE: GC § 1004 as R/R by P.L. 13-73.

§ 1106. Legislative Compensation and Allowances.

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

- (a) [Repealed.]

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

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

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

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

SOURCE: GC § 1000.5. Amended by P.L. 11-067, P.L. 12-197, P.L. 13-120, P.L. 19-034:36 and P.L. 21-058. Amended by P.L. 27-005:IV:8 (Feb. 28, 2003). Repealed and reenacted by P.L. 31-071:3 (May 24, 2011). Subsection (a) amended by P.L. 32-136:3 (Mar. 5, 2014) and repealed by P.L. 32-208:3 (Nov. 21, 2014).

2014 NOTE: P.L. 21-058 (Sept. 27, 1991) added a new Article 4 to Title 4, Chapter 6 of the GCA, creating the Elected Officials' Compensation Commission within the Civil Service Commission, which was to meet "every five (5) years to reassess the salaries and benefits paid to all elected officials" who were defined as "the governor, lieutenant governor, members of the Legislature, judges of the Superior Court, and justices of the Supreme Court, if such a court be created, and mayors and vice mayors." P.L. 21-058:1. Within a year of its first meeting, the commission was to submit a report and recommendations of proposed salaries and benefits for elected officials, to the Governor, Speaker, Presiding Judge, and President of the Mayor's Council.

P.L. 23-006 (Apr. 22, 1995) recognized that the Elected Officials' Compensation Commission had authority to determine compensation for elected officials.

The commission was de facto dissolved when P.L. 28-068:IV:41 (Sept. 30, 2005) (FY2006 Annual Appropriations Act) repealed all the statutory provisions relating to the Elected Officials' Compensation Commission (Article 4, Chapter 6 of Title 4 GCA).

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2014 COMMENT: P.L. 32-136:3 amended subsection (a) as follows:

(a) Compensation of each member of *I Liheslaturan Guåhan* [the Guam Legislature] shall be paid in twenty-six (26) equal installments at the rate per annum of Sixty Thousand Eight Hundred Forty Dollars (\$60,840); the compensation of the Speaker of *I Liheslaturan Guåhan* shall be paid in twenty-six (26) equal installments at the rate per annum of Sixty Seven Thousand Six Hundred Dollars (\$67,600). Such compensation shall be paid out of funds to be appropriated to *I Liheslaturan Guåhan* [the Guam Legislature].

Subsection (a) was repealed by P.L. 32-208:3, which repealed Section 3 of P.L. 32-136. “[T]he repeal of amendatory act repeals the original act or section, unless legislative intent is clearly to the contrary.” Sutherland Statutory Construction, 7th ed. § 23:32 (2009) (footnote omitted). See *Union Bank of California v. Superior Court*, 115 Cal. App. 4th 484, 489 (Ct. App. 2004) (“[t]he repeal of an Act repealing a former Act does not revive the former Act, or give it any force and effect. This result can be accomplished only by the reenactment of the former Act.”) (quoting *People v. Hunt*, 41 Cal. 435, 439 (1871)); *People v. Wilmerding*, 32 N.E. 1099 (N.Y. 1893); *Sunflower Racing, Inc. v. Board of County Comm'rs of Wyandotte County*, 256 Kan. 426, 439, 885 P.2d 1233, 1241 (Kan. 1994) (“The repeal of a statute does not revive a statute previously repealed”); see also *Shiv-Ram, Inc. v. McCaleb*, 892 So. 2d 299 (Ala. 2003).

§ 1106.1. Senatorial Salaries.

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

SOURCE: Added by P.L. 34-009:2 (May 25, 2017).

2017 NOTE: P.L. 34-009:5 stated the following:

Section 5. Effective Date. Notwithstanding any other provision of law, rule or regulation to the contrary, the provisions of this Act shall become effective ten (10) days after enactment.

§ 1107. Presiding Officer.

At the commencement of the first regular session of each new Guam Legislature, the Chief Justice of Guam or in his absence, an Associate Justice of the Supreme Court, shall upon the convening of the Legislature, sit as Presiding Officer until the election of a permanent Presiding Officer.

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SOURCE: GC § 1005 as amended by P.L. 12-085.

§ 1108. Same: Duties.

Upon the convening of such Legislature, it shall be the duty of the Presiding Officer, and he shall have the power, to call the members to order, and call the roll of the members in alphabetical order. As the names are called, the members elect shall present their certificates and assume their seats.

SOURCE: GC § 1006.

§ 1109. Same: Administering Oath.

Upon the conclusion of the roll call as hereinabove set forth, the Presiding Officer shall cause an oath to be administered in the form hereinafter set forth to each of the members elect.

SOURCE: GC § 1007.

§ 1110. Oath.

The Oath referred to in § 1109 above shall be given as follows:

“I solemnly swear (or affirm) in the presence of Almighty God that I will well and faithfully support the Constitution of the United States, the laws of the United States applicable to Guam and the laws of Guam, and that I will conscientiously and impartially discharge my duties as a member of the Guam Legislature.”

SOURCE: GC § 1008.

§ 1111. Election of Speaker.

The presiding officer shall, after the administration of the Oath referred to in § 1110 above, act as Presiding Officer of the Legislature for the purpose of conducting an election for a Speaker of the Legislature having for this purpose the power to preserve order and decorum and decide all questions of order subject to appeal by any member, and upon the election of such Speaker, the Presiding Officer shall thereupon relinquish the chair to the person so elected. In all future proceedings, during all sessions, regular and special of the Legislature, the Speaker so elected shall preside.

SOURCE: GC § 1009.

§ 1112. Organization of Legislature.

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Upon the election of the Speaker, the Legislature shall proceed to organize, adopting rules governing its procedure and with the election of a Vice-Speaker, Legislative Secretary and Secretary General of the Guam delegation to the Asian Pacific Parliamentarians Union, who shall be members of the Legislature, and the following attaches: Sergeant-at-Arms, Chaplain, Recording Secretary, and Legislative Counsel, none of whom shall be a member of the Legislature. All such officers shall be elected for the entire term of the Legislature and shall serve during all regular and special sessions thereof, unless otherwise ordered by a majority vote of the Legislature.

SOURCE: GC § 1010 as amended by P.L. 16-105.

§ 1113. Legislative Counsel, Opposing or Urging Legislation.

Neither the Legislative Counsel nor any partner, other business associate, or employee of the Legislative Counsel shall oppose or urge legislation.

SOURCE: GC § 1010.1.

§ 1114. Standing Rules.

Standing rules in force and existence at the adjournment sine die of a legislature shall continue until changed and shall govern the organization of the next legislature.

SOURCE: GC § 1011.

§ 1115. Majority Vote for Officers.

A majority vote of the members present (a quorum being present) shall be required for the election of each officer of the legislature.

SOURCE: GC § 1012.

§ 1116. Oath to New Members.

(a) Upon the convening of any regular or special session of the Legislature, except the first session of a new Legislature, it shall be the duty of the Speaker to administer the oath provided in § 1110 to any new legislator or legislators who may have been elected to fill a vacancy or vacancies upon receiving a certification of the election of such legislator or legislators.

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(b) Standing rules in force and existence at the adjournment sine die of a legislature shall continue until changed and shall govern the organization of the next legislature.

SOURCE: GC § 1013.

2017 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1117. Designation of Legislative Sessions.

The regular session of the Guam Legislature convening on the second Monday in January in the year 1951 shall be designated the First Guam Legislature, 1951 Regular Session; the regular session convening on the second Monday in January in the year 1952 shall be designated as First Guam Legislature, 1952 (Second), Regular Session. Thereafter, the same procedure shall be followed for the Second Guam Legislature (convening for the first time on the second Monday in January in the year 1953) and for each succeeding Legislature thereafter.

SOURCE: GC § 1014.

§ 1118. Sessions of the Guam Legislature.

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

(b) At any time when the Legislature is in recess or has adjourned and could be in session but for such recess or adjournment, either the Speaker or the Committee on Rules may summon the Legislature to meet for whatever period of time the Legislature shall deem required. A meeting called pursuant to this paragraph shall be a continuation of the regular session last convened pursuant to Paragraph (a) of this Section.

(c) At any time when *I Liheslaturan Guåhan* is in recess or has adjourned, the Speaker and the Legislative Secretary shall be empowered to, and shall receive, any messages or communications of any kind addressed to *I Liheslaturan Guåhan* [Legislature] from *I Maga'lahaen Guåhan* [Governor]. For purposes of this Paragraph, receipt of messages or communications of any kind from *I Maga'lahaen Guåhan* to *I Liheslaturan*

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Guåhan shall occur if delivered to the Speaker or the Legislative Secretary, or to their respective offices.

(d) Any business, bill or resolution pending at the final adjournment of a regular session held in an odd-numbered year shall carry over with the same status to the next regular session.

(e) No business, bill or resolution pending at the final adjournment of a special session shall carry over to any other session.

(f) A session convening in an odd-numbered year shall be the first regular session of a Legislature and the session convening in the even-numbered year shall be the second regular session of the Legislature organized the preceding year.

SOURCE: GC § 1015. R/R by P.L. 11-001; amended by P.L. 13-073, P.L. 13-118; R/R by P.L. 13-120, P.L. 13-149; P.L. 13-152; Subsection (a) further amended by P.L. 16-120. Subsection (c) amended by P.L. 25-172:2 (Oct. 20, 2000).

NOTE: The *Legislative Intent* stated in P.L. 25-172 states:

Liheslaturan Guåhan wishes to avoid any question or challenge as to the procedure for enacting legislation on Guam. In a recent Supreme Court of Guam decision the Court pointed out an ambiguity in Guam law regarding the distinction between a “recess” and an “adjournment.” This legislation is intended to remove said ambiguity between these two (2) terms, and not to encompass the term “adjournment sine die.”

§ 1119. Legislative Staff: Employment and Conditions Thereof.

(a) The Legislature, in addition to the attaches referred to in § 1112 of this Chapter, may employ such other employees as it may from time to time require. Notwithstanding the provisions of the Personnel Law and the Compensation Law, the methods of appointment and promotion and the compensation, tenure, leave and other conditions of employment of such employees and attaches shall be such as the Legislature may from time to time fix by its Standing Rules or by resolution.

(b) The Committee on Rules shall certify the amount of compensation due such employees and attaches in accordance with the said Standing Rules or resolution of the Legislature and the disbursing officer of the Legislature shall thereupon pay the same in accordance with said certification.

(c) Notwithstanding any provision of law to the contrary, and to provide for an orderly transition from one Legislature to another, it shall be the duty and obligation of all attaches and employees of the Legislature, to remain at

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their posts and perform their duties until otherwise relieved or until their services are terminated by an incoming Legislature. The Chairman of the Rules Committee of an outgoing Legislature, within ten (10) days following the declaration of results and issuance of certificates of election under the Election Law, shall account for and effect the orderly turn-over of legislative keys and other property, records and files to the Legislature designated for the purpose by the majority of the incoming Legislators.

SOURCE: GC § 1016. Amended by P.L. 12-022, P.L. 12-045; R/R by P.L. 16-023 and P.L. 17-005.

§ 1120. Legislature’s Retirement Benefits.

(a) The employees and attaches of the Legislative Branch are entitled to the same retirement benefits, subject to the same contributions and conditions as employees of the Executive Branch of the government of Guam as provided by 4 GCA Chapter 8.

(b) Elected officials who have retired from the government of Guam and who are receiving retirement benefits from the Government or elected officials who are eligible to receive retirement benefits from the Government shall not relinquish, forfeit, or have such benefits suspended during the periods such elected officials are holding their respective offices; provided, however, that such elected officials shall not be deemed active members of the retirement fund for purposes of such elected office service, and no deductions shall be made nor government contributions made on account of any salary they receive as such elected officials.

SOURCE: GC § 1017; Subsection (b) added by P.L. 17-081:37.

CROSS-REFERENCES: See 4 GCA § 8170 for additional law regarding the retirement of Legislators.

§ 1121. Legislative Operations Fund.

(a) There is hereby created a special fund to be known as the “Legislative Operations Fund,” such fund to be administered by the Legislature. All moneys appropriated for the operation of the Guam Legislature shall be paid directly to the Fund and disbursed by the Legislature.

(b) Within sixty (60) days after the closing of each calendar year the Legislature shall cause to be published a report of the expenditures of the Fund, including but not limited to a balance sheet, a statement of receipts and a general description of the expenses of the Fund.

(c) The Legislature shall contribute from the Legislature Operations Fund to the Government of Guam Retirement Fund for the Government's share of the costs of the retirement benefits applicable to the Legislature's employees and their beneficiaries.

(d) Notwithstanding any provision of law to the contrary, thirty (30) days prior to the end of a calendar quarter, one-fourth (1/4) of the annual appropriation to the Legislative Operations Fund shall be transferred from the General Fund to the Legislative Operations Fund.

SOURCE: GC § 1018 added by P.L. 12-022; Subsection (d) added by P.L. 15-115.

§ 1121.1. Budgetary Ceiling - Guam Legislature.

The total budget of the Guam legislature shall at no time exceed two percent (2%) of the Government of Guam revenue projections set for the same fiscal year, as enacted into law in the Government of Guam Budget Act for that fiscal year. The legislature must set a revenue projection for the Government of Guam in the Annual Government of Guam Budget Act.

SOURCE: Added by Initiative as certified by the Guam Election Commission on November 14, 1996.

§ 1122. Cooperation With Other Jurisdictions.

The Committee on Rules at its discretion may furnish to the legislative bodies of the United States, any of its states, territories, possessions and their political subdivisions, the District of Columbia, Canada and the provinces of Canada, any of the codes or other legislative publications of Guam, provided that said jurisdictions grant reciprocal privileges to Guam.

SOURCE: GC § 1018 as added by P.L. 12-013.

§ 1123. Legislature Capital Improvement Fund.

There is hereby created a special fund to be known as the 'Legislature Capital Improvement Fund', such fund to be administered by the Legislature. All money appropriated for capital improvements and additions for the Legislature building and for the provision of offices while such capital improvements and additions are being made shall be paid directly to the fund and disbursed by the Legislature.

SOURCE: Added by P.L. 18-001:3 (Feb. 14, 1985).

§ 1124. Appearance of Guam's Washington Delegate.

Annually at a month to be determined by the Speaker and the Congressman, the Speaker shall invite Guam's Delegate to the United States

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House of Representatives to appear before the Legislature and give an address on federal-territorial issues.

SOURCE: Added by P.L. 18-011:1 (Aug. 3, 1985).

§ 1125. Guam Hymn.

At the commencement of each daily session of the Legislature, the members shall be required to sing the Guam Hymn in Chamorro.

SOURCE: Added by P.L. 21-070:2 (Nov. 27, 1991).

§ 1126. *Liheng Para Sagan I Liheslaturan Guåhan.*

I Liheslaturan Guåhan shall create, construct, lease or purchase a new building or buildings or refurbish, repair, or renovate the Old Legislative Hall and the Manuel F .L. Guerrero Building for its session hall, public meetings, activities and offices of its members, their staffs and other legislative employees as appropriate or for other purposes. Real property may be obtained, as well as any existing structures thereon, for said buildings by any appropriate means available, including purchase, lease, lease to purchase, the acquisition process created for public safety agencies by Title 5 GCA Chapter 59, grant or lease from the executive branch of the government of Guam or any agency or part of the federal government. *I Liheslatura* may purchase or lease land and construct the facility thereon, purchase or lease land and existing structures or accept a grant or lease of property or a structure from the government of Guam or any agency or part of the federal government. The funding for the construction, purchase, lease or other means of acquisition shall be by legislative appropriation, funds currently in the budget for *I Liheslatura* and appropriated for lease of the buildings in *Hagåtña* now occupied by *I Liheslatura*, grant from the Department of Administration, grant or loan from any agency or part of the federal or local government, a loan from a private financial institution, donations or contributions, an appropriate combination of said means or by any appropriate means. Leases, contracts and construction contracts with private entities authorized by this Section shall be entered into pursuant to the procurement laws applicable to *I Liheslatura*.

SOURCE: Added by P.L. 28-132:4 (July 11, 2006).

§ 1127. *I Milåyan Mås Takhilo' Na Sakrafisu.*

(a) To express unending and never forgotten gratitude by the people of Guam, *I Milåyan Mås Takhilo' Na Sakrafisu* is hereby established and shall

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be presented to the family members of individuals killed in action in World War II, the Korean War, the Vietnam War, Operation Desert Storm, the War on Terror, and other actions as defined in Subsection (c) of this Section.

(b) Individuals eligible to receive *I Milåyan Mås Takhilo' Na Sakrafisu* include:

(1) members of the Guam National Guard who were legal residents of Guam at the time she or he was killed in action;

(2) members of the United States military reserves who were legal residents of Guam at the time she or he was killed in action;

(3) members of the regular United States Armed Forces whose home of record was Guam at the time she or he was killed in action; or

(4) members of the Guam Militia/Guam Insular Guard killed in action.

(c) Action for the purpose of this Section means:

(1) action against an enemy of the United States or an enemy of Guam;

(2) military operations involving conflict with an opposing foreign force;

(3) serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party; or

(4) serving in a combat zone as designated by Presidential Order.

(d) The Speaker of *I Liheslaturan Guåhan* shall commission for the design of *I Milåyan Mås Takhilo' Na Sakrafisu* which is to be awarded to the recipients.

(e) Presentation of *I Milåyan Mås Takhilo' Na Sakrafisu*.

(1) The award shall be presented to one (1) of the following:

(A) the surviving spouse;

(B) a surviving child in the absence of a surviving spouse;

(C) a surviving grandchild in the absence of a surviving child; or

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(D) a surviving parent in the absence of a surviving spouse or child.

(2) *I Milåyan Mås Takhilo' Na Sakrafisu* shall be accompanied by the Guam Flag and shall be awarded solely with a concurrent Legislative Resolution introduced by the Speaker of *I Liheslaturan Guåhan*.

(3) A recipient of *I Milåyan Mås Takhilo' Na Sakrafisu* shall have her or his name entered on *I Milåyan Mås Takhilo' Na Sakrafisu* Roll.

(f) *I Milåyan Mås Takhilo' Na Sakrafisu* Roll.

(1) There shall be a roll designated as “*I Milåyan Mås Takhilo' Na Sakrafisu* Roll”, which shall be displayed at the renovated Guam Congress Building or other main building of *I Liheslaturan Guåhan*.

(2) The Speaker of *I Liheslatura* shall enter and record on such roll the name of each person who has been awarded *I Milåyan Mås Takhilo' Na Sakrafisu*.

SOURCE: Added by P.L. 30-193:2 (Aug. 28, 2010).
