Guam Legislature Clerks <clerks@guamlegislature.org>

Messages and Communciations

1 message

Speaker's Office <speaker@guamlegislature.org> Sat, Oct 31, 2020 at 2:40 PM
To: Clerks Office <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>

10/30/20	6:41 PM	10/30/20	Bill No. 306-35 (COR), signed into law as Public Law No. 35-106.	Office of the Governor of Guam	35GL-20-2393
10/30/20	6:41 PM	10/30/20	Bill No. 372-35 (COR), signed into law as Public Law No. 35-107.	Office of the Governor of Guam	35GL-20-2394
10/30/20	6:41 PM	10/30/20	Bill No. 298-35 (COR), signed into law as Public Law No. 35-108.	Office of the Governor of Guam	35GL-20-2395
10/30/20	6:41 PM	10/30/20	Substitute Bill No. 90-35 (COR), signed into law as Public Law No. 35-109.	Office of the Governor of Guam	35GL-20-2396
10/30/20	6:41 PM	10/30/20	Bill No. 151-35 (COR), Vetoed.	Office of the Governor of Guam	35GL-20-2397
10/30/20	6:41 PM	10/30/20	Bill No. 167-35 (COR), Vetoed.	Office of the Governor of Guam	35GL-20-2398
10/30/20	6:41 PM	10/30/20	Bill No. 215-35 (COR), Vetoed.	Office of the Governor of Guam	35GL-20-2399

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
speaker@guamlegislature.org

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

7 attachments

- **Bill No. 306-35 (COR), signed into law as Public Law No. 35-106..pdf**
  1334K
- **Bill No. 372-35 (COR), signed into law as Public Law No. 35-107..pdf**
  1940K
- **Bill No. 298-35 (COR), signed into law as Public Law No. 35-108.pdf**
  1542K
- **Substitute Bill No. 90-35 (COR), signed into law as Public Law No. 35-109.pdf**
  2146K
- **Bill No. 151-35 (COR), Vetoed.pdf**
  1106K
- **Bill No. 167-35 (COR), Vetoed.pdf**
  3855K
- **Bill No. 215-35 (COR), Vetoed.pdf**
  939K

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

October 30, 2020

35GL-20-2397
Speaker Tina Rose Muña Barnes

OCT 3 0 2020
Time 6:41 ( )AM (✓)PM
Received By:

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: (VETOED) Bill No. 151-35 (COR) - An Act to Add a New Chapter 2 to Title 12 of Guam Code Annotated, Relative to Salary Adjustments for Employees Appointed by Boards and Commissions of Autonomous Agencies of the Government of Guam

Dear Madame Speaker:

Bill No. 151-35 seeks to require additional steps to effectuate pay adjustments for employees of autonomous agencies. Specifically, in order for such adjustments to take effect, the affected board or commission must approve the relevant resolution, present the certificate of the chairperson certifying to the Legislature the adoption of such resolution in a properly noticed and recorded hearing at which a quorum is present, then wait for ninety (90) days to elapse. While this bill attempts to create additional safeguards to ensure transparency in pay adjustments, unfortunately it creates a cumbersome and untenable circumstance wherein autonomous agencies, who often require upward or downward pay adjustments in countless circumstances may be forced to maintain the rate of a given employee for an additional three months following the action that necessitated the pay adjustment. This would withhold earned raises from deserving employees for an additional three months, during which the employee may be undertaking increased duties and responsibilities. This result would delay or inhibit an agency's ability to control its operations, and undermine its ability to incentivize work performed by its employees.

Importantly, this bill will also affect our ability to effectuate *downward* pay adjustments, forcing agencies to wait 90 days to implement salary cuts, which may have a severe impact on critical budgetary decisions that may need to be made on an expedited basis. It is unclear whether the bill was intended to apply in such circumstances, but it is clear that it would.

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RICARDO J. BORDALLO GOVERNOR'S COMPLEX • HAGÅTÑA, GUAM 96910
P.O. BOX 2950 • HAGÅTÑA, GUAM 96932
671.472.8931 • 671.472.8932/6

To: Speaker Barnes
Fr: Governor of Guam
Dated: October 30, 2020
Re: (VETOED) Bill No. 151-35 (COR)

For all these reasons, I veto Bill No. 151-35.

Senseramente,

LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

Enclosure: VETOED Bill No. 151-35 (COR)

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

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

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 151-35 (COR), "AN ACT TO *ADD* A NEW CHAPTER 2 TO TITLE 12 OF GUAM CODE ANNOTATED, RELATIVE TO SALARY ADJUSTMENTS FOR EMPLOYEES APPOINTED BY BOARDS AND COMMISSIONS OF AUTONOMOUS AGENCIES OF THE GOVERNMENT OF GUAM,"** was on the 19th day of October 2020, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 19th day of October, 2020, at 5:31 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date:_____

Public Law No._____

Jessica Cruz

2020-11982

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 151-35 (COR)
As amended on the Floor.

Introduced by: Clynton E. Ridgell
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose "Pedo" Terlaje
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *ADD* A NEW CHAPTER 2 TO TITLE 12 OF GUAM CODE ANNOTATED, RELATIVE TO SALARY ADJUSTMENTS FOR EMPLOYEES APPOINTED BY BOARDS AND COMMISSIONS OF AUTONOMOUS AGENCIES OF THE GOVERNMENT OF GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 2 is *added* to Title 12 of Guam Code Annotated, to read:

"CHAPTER 2

SALARY ADJUSTMENTS BY BOARDS AND COMMISSIONS

§ 2101. Salary Adjustment: Legislative Review.

No salary adjustment for employees of autonomous agencies who are appointed by a Board or Commission shall be effective until a resolution supporting such salary adjustment and an accompanying certificate of the Chairperson of the Board or Commission has been transmitted to *I Liheslaturan Guåhan* sixty (60) days prior to the implementation of such salary adjustment.

§ 2102. Same: Procedure.

A resolution providing for a salary adjustment for any employee of an autonomous agency appointed by a Board or Commission, along with an accompanying certificate of the Chairperson, shall, upon adoption, be transmitted to the Speaker of *I Liheslaturan Guåhan* and the Chairperson of the Legislative Committee that has oversight of the autonomous agency *no later than* sixty (60) days before *I Liheslatura* adjourns *sine die*.

§ 2103. Contents of Certificate.

(a) The certificate in writing of the Chairperson shall be subscribed by him or her as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed outside of Guam: "I certify under penalty of perjury under the laws of Guam that the foregoing is true and correct. Executed on (date). (Signature)."

(2) If executed within Guam or within a state having a rule of law or procedure similar in effect to this Section: "I certify under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)."

(b) The certificate shall further state that the resolution providing for the salary adjustment was discussed and adopted in a properly called and noticed, open and public meeting, at which a quorum was present, and minutes were recorded. The certificate must also state that the audio or video recording of said meeting was submitted or will be submitted to the Office of Public Accountability within seven

(7) calendar days after said meeting. The completed performance evaluation serving as the basis for the salary adjustment shall be attached to the certificate.

§ 2104. Same: Reporting.

The certificate of the Chairperson must show that the requirements of 5GCA § 8113.1 have been complied with.

§ 2105. Salary Adjustment Void.

Attempted salary adjustments that are not in compliance with the provisions of this Chapter are void *ab initio*."

Section 2. Effective Date. This Act *shall* be effective upon enactment.

Section 3. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.