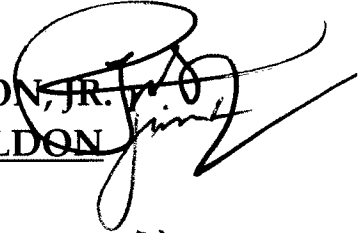


MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 100 (COR)

Introduced by:

F.B. AGUON, JR.
J.V. ESPALDON



2009 APR 17 PM 4:55

AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT OF GUAM, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENT OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY *I LIHESLATURAN GUÅHAN* TO THE JUDICIARY OF GUAM.

1 **Section 1. Intent.** Under the Organic Act of Guam, 48 U.S.C. §§
2 1424 et seq., the Judiciary of Guam is a separate branch of the Government
3 of Guam, equal to its brethren branches, the Executive Branch under 48
4 U.S.C. §§ 1422 et seq. and the Legislative Branch under 48 U.S.C. §§ 1423 et
5 seq., and thus subject to the legal doctrine of separation of powers.

6 Pursuant to the doctrine of separation of powers, the disbursal of the
7 monthly cash allotments for the amount appropriated by *I Liheslaturan*
8 *Guåhan* for the Judiciary's operations should not be subject to
9 interpretation, interference, infringement or intrusion by any other branch

1 of government once the appropriation is legally made by the Legislative
2 Branch.

3 Funds collected under the General Fund of the Government of Guam
4 are by necessity channeled through the Department of Administration as
5 the Central Accounting Office for the Government of Guam pursuant to
6 GCA § 22201 and § 22202.

7 Title 5 GCA § 1303 exempts the Judicial Branch from the Bureau of
8 Budget and Management Review process, by providing that “[Section 1303,
9 “Management of Allotments”] shall not apply to . . . the Judicial Branch.”
10 Under 5 GCA § 1303, the Judicial Branch draws against its respective
11 appropriation in accordance with a monthly allotment drawdown schedule
12 submitted to the Department of Administration.

13 Historically, the amounts appropriated by *I Liheslaturan Guåhan* for
14 the Judiciary’s operations for any fiscal year have been less than 5% of the
15 General Fund revenues.

16 The Judiciary must be reasonably funded in order to carry out its
17 mandates under the Organic Act of Guam, pursuant to the Constitution of
18 the United States, and as a third branch of the government.

19 *I Liheslaturan Guåhan* wishes to establish a procedure by which
20 amount appropriated by *I Liheslaturan Guåhan* for the Judiciary’s annual
21 operations is proportionately disbursed as soon as revenues are made
22 available from the General Fund to the Executive Branch agencies.

1 **Section 2.** A new Section 22111 is hereby added to Chapter 22 of
2 Title 5 Guam Code Annotated as follows:

3 **§ 22111. Direct Deposit of Judiciary Appropriations.**

4 (a) With respect to the appropriations by *I Liheslaturan Guåhan*
5 for the operations of the Judiciary of Guam for any fiscal year, the
6 Director of Administration *shall* deposit, on the last day of each
7 month, into a bank account designated by the Judiciary, a sum from
8 the prior month's General Fund revenue collections equal to the
9 percentage of the Judiciary's budget for the fiscal year relative to the
10 entire General Fund Budget for the same fiscal year; provided,
11 however, that the deposits for the fiscal year *shall not exceed* the total
12 amount appropriated by *I Liheslaturan Guåhan* for the fiscal year plus
13 any appropriations to the Judiciary from prior fiscal years which
14 have not previously been received by the Judiciary.

15 (b) The Chief Justice of the Judiciary of Guam shall submit to
16 the Speaker of *I Liheslaturan Guåhan*, *I Maga'lahaen Guåhan*, and the
17 Director of Administration on or before Oct 10 of each year, a
18 projected schedule of the monthly deposits in accordance with
19 subsection (a) above for the Judiciary for the fiscal year.

20 (c) It shall be a ministerial duty of the Director of
21 Administration to make the monthly deposits to the Judiciary of
22 Guam as required by this Act.

1 **Section 3. Reporting Requirements.** The reporting requirements
2 contained in each fiscal year budget appropriation law shall continue to be
3 applicable.

4 **Section 4. Effective Date.** The effective date of this Act shall be
5 thirty (30) days from the date of enactment.