



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

12 JUL 2006

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 308(EC), "AN ACT TO REPEAL AND REENACT DIVISION 1 OF TITLE 6 OF THE GUAM CODE ANNOTATED; TO REPEAL AND RE-ENACT THE GUAM RULES OF EVIDENCE AND TO AUTHORIZE THE SUPREME COURT OF GUAM TO ADOPT AND AMEND SAID RULES IN THE FUTURE," which I signed into law on July 11, 2006, as Public Law 28-138.

Sinseru yan Magåhet,

Handwritten signature of Felix P. Camacho

FELIX P. CAMACHO
I Maga'lahen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Form with fields: Senator Edward J.B. Calvo, SECRETARY OF THE LEGISLATURE, ACKNOWLEDGEMENT RECEIPT, Rcv'd by: Nikole, Print Name & Initial, Time: 3:55, Date: 7-18-06

Office of the Speaker

MARK FORBES

Date: 7/12/06
Time: 4:57 PM
Rec'd by: F80
Print Name: SR

28-06-0942

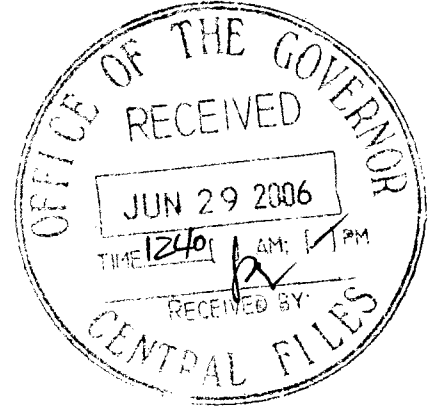


MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

FILE COPY

June 28, 2006

The Honorable Felix P. Camacho
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 182(EC), 256(LS), 268(EC), 278(EC), 295(EC), 296(EC), 308(EC), 309(EC) & 314(EC); and Substitute Bill Nos. 134(EC), 236(EC) & 307(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on June 26, 2006.

Sincerely,


EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (12)


I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN


This is to certify that Bill No. 308 (EC), "AN ACT TO REPEAL AND REENACT DIVISION 1 OF TITLE 6 OF THE GUAM CODE ANNOTATED; TO REPEAL AND REENACT THE GUAM RULES OF EVIDENCE AND TO AUTHORIZE THE SUPREME COURT OF GUAM TO ADOPT AND AMEND SAID RULES IN THE FUTURE," was on the 26th day of June, 2006, duly and regularly passed.


Mark Forbes
Speaker


Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 29 day of Jun, 2006, at
1240 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 11 July 2006

Public Law No. 28-138

**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session**

Bill No. 308 (EC)

As amended.

Introduced by:

R. Klitzkie
B. J.F. Cruz
Mark Forbes
J. A. Lujan
Mike Cruz
J. M.S. Brown
A. B. Palacios, Sr
F. B. Aguon, Jr.
Edward J.B. Calvo
L. F. Kasperbauer
R. J. Respicio
Ray Tenorio
A. R. Unpingco
J. T. Won Pat

**AN ACT TO *REPEAL* AND *REENACT* DIVISION 1 OF
TITLE 6 OF THE GUAM CODE ANNOTATED; TO
REPEAL AND *REENACT* THE GUAM RULES OF
EVIDENCE AND TO AUTHORIZE THE SUPREME
COURT OF GUAM TO *ADOPT* AND *AMEND* SAID
RULES IN THE FUTURE.**

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

2 **Section 1.** Division 1 of Title 6 of the Guam Code Annotated is
3 hereby *repealed* and *reenacted* to read:

4 **“DIVISION 1**

5 **GUAM RULES OF EVIDENCE**

1 § 101. The Supreme Court of Guam may *adopt* and
2 from time-to-time *amend* the Rules of Evidence by
3 Promulgation Order.

4 § 102. Rules of Evidence as adopted by the Supreme
5 Court of Guam through its Promulgation Order Number 06-001
6 apply to all actions, cases and proceedings brought after said
7 Promulgation Order takes effect and to all actions, cases and
8 proceedings commenced *prior* to the effective date hereof and
9 still pending, *except* to the extent that application of the Rules to
10 those pending actions, cases and proceedings would *not* be
11 feasible, or would work injustice, in which event the evidentiary
12 principles contained in the former Division 1 of Title 6 G.C.A.
13 shall apply, notwithstanding the repeal and reenactment thereof
14 by this Act.

15 § 103. Rules of Evidence adopted by the Supreme Court
16 pursuant to this Title shall control regarding any conflict with
17 other law and such other law shall therefore be of *no* further
18 force or effect.”

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 6/26/06

VOTING SHEET

Bill No. 308 (2nd)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				✓
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.					✓
KLITZKIE, Robert	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL 12 0 0 0 2

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Bob's Office

The Office of Senator Robert Klitzkie

197 Hernan Cortes Ave., Suite A-1
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

May 26, 2006

The Honorable Speaker Mark Forbes
155 Hesler Place
Hagatna, Guam 96910

RE: Bill 308 (EC) - Committee Report

Mr. Speaker:

The Committee on Judiciary, Governmental Operations, and Reorganization, to which was referred **BILL 308 (EC) An Act To Repeal And Reenact Division 1 Of Title 6 Of The Guam Code Annotated To Repeal And Re-Enact The Guam Rules Of Evidence And To Authorize The Supreme Court Of Guam To Adopt And Amend Said Rules In The Future**, as introduced by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Transmitted herewith for your consideration and action is our committee report on the above subject matter. The Committee votes are as follows:

<u>7</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

A copy of the committee report and other pertinent documents are attached for your immediate reference.

Any questions on the report and the accompanying documents should be directed to my office via email at bob@bobsoffice.org or by phone at 472-9355.

Sincerely,

Bob

Senator Robert Klitzkie, Chairman
Committee on Judiciary, Governmental Operations & Reorganization



Bob's Office

The Office of Senator Robert Klitzkie

197 Hernan Cortes Ave., Suite A-1
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

May 22, 2006

Committee on Judiciary, Governmental Operations,
& Reorganization
155 Hesler Place
Hagatna, Guam 96910

RE: Voting Sheet for Bill 308 (EC)

Dear Members:

Transmitted herewith is the voting sheet and committee report on **BILL 308 (EC), An Act To Repeal And Reenact Division 1 Of Title 6 Of The Guam Code Annotated To Repeal And Re-Enact The Guam Rules Of Evidence And To Authorize The Supreme Court Of Guam To Adopt And Amend Said Rules In The Future**, as introduced by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Your attention to this matter is greatly appreciated.

Sincerely,

Bob
Senator Robert Klitzkie, Chairman
Committee on Judiciary, Governmental Operations,
& Reorganization



**Committee on Judiciary, Governmental Operations,
and Reorganization**

I Mina' Bente Ocho Na Liheslaturan Guahan

Bill 308 (EC)

An Act To Repeal And Reenact Division 1 Of Title 6 Of The Guam Code Annotated To Repeal And Re-Enact The Guam Rules Of Evidence And To Authorize The Supreme Court Of Guam To Adopt And Amend Said Rules In The Future.

	Signature	To Pass	Not To Pass	Report Out of Committee	Abstain	Inactive File
Senator Robert Klitzkie, Chairman		✓				
Speaker Mark Forbes, Member		✓				
Senator Jesse Lujan, Member		5/25/06				
Senator Adolpho Palacios, Member		✓				
Senator Larry Kasperbauer, Ph. D., Member		✓				
Senator Ray Tenorio, Member		✓				
Senator B.J. Cruz, Member		✓				

one copy done
 6/12/06
~~Disseminated~~
 6/19/06

KOF-1
 6/19/06
~~Disseminated to [unclear]~~
 6/20/06

Znel
 6/20/06

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 308 (EC)

Introduced by:

- R. Klitzkie
- B. J. F. Cruz
- Mark Forbes
- J. A. Lujan
- Mike Cruz
- J. M.S. Brown
- A. B. Palacios

AN ACT TO REPEAL AND REENACT DIVISION 1 OF TITLE 6 OF THE GUAM CODE ANNOTATED TO REPEAL AND REENACT THE GUAM RULES OF EVIDENCE AND TO AUTHORIZE THE SUPREME COURT OF GUAM TO ADOPT AND AMEND SAID RULES IN THE FUTURE.

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

2 **Section One:** Title 6, Division 1 of the Guam Code Annotated is repealed and re-
 3 enacted to read:

4 **“DIVISION 1**

5 **GUAM RULES OF EVIDENCE**

6 **§ 101** The Supreme Court of Guam may adopt and from time-to-time amend
 7 Rules of Evidence by Promulgation Order.

8 **§ 102.** Rules of Evidence as adopted by the Supreme Court of Guam through its
 9 Promulgation Order Number 06-001 apply to all actions, cases and proceedings brought
 10 after said Promulgation Order takes effect and to all actions, cases and proceedings
 11 commenced prior to the effective date hereof and still pending, except to the extent that
 12 application of the rules to those pending actions, cases and proceedings would not be
 13 feasible, or would work injustice, in which event the evidentiary principles contained in
 14 the former Division 1 of Title 6 G.C.A. shall apply, notwithstanding the repeal and re-
 15 enactment thereof by this act.

16 **§ 103.** Rules of Evidence adopted by the Supreme Court pursuant to this Title
 17 shall control regarding any conflict with other law and such other law shall therefore be
 18 of no further force or effect.”

stop
FA 1
MA

Passed FA No. _____

Date: _____ Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 308

JTWP

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 1, lines 16-18, delete subsection 103

(Below only for Clerk of Legislature's use and processing))

Date 6/19, 2006

Floor Amendment No. 1 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: _____

Amendment Failed: _____

Amendment Withdrawn:

APPROVED AS TO FORM PASSED

AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]
Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk

____ Engrossment Staff

Findings & recommendations:

On January 6, 2006, the Supreme Court adopted the 2006 Guam Rules of Evidence (GROE) by-means-of its Promulgation Order No. 06-001, citing as its authority subsection (a)(6) of §1424-1 of the Organic Act, which provides that the Supreme Court is authorized to “make and promulgate rules governing the administration of the judiciary and the practice and procedures in the courts of the judicial branch of Guam, including the procedures for the determination of an appeal en banc.”

So as to prevent any ambiguity concerning the Court’s ability to establish rules of evidence, the committee finds the necessity to grant the court the express authority to make and from time-to-time amend rules of evidence.

In order to clear the way for the rules of evidence contained in Promulgation Order No. 06-001, it is necessary to repeal the rules of evidence enacted by the statute (6 GCA Div. 1) in 1979. This will provide for the orderly transition from the old statutory rules to the new rules created by the Supreme Court.

The committee finds that Bill 308 accomplishes the necessary changes in law to accommodate the rules of evidence created by the Supreme Court in Promulgation Order No. 06-001.

Accordingly, the Committee on Judiciary, Governmental Operations, and Reorganization, does hereby submit its finding and recommendation to **DO PASS** *Bill 308 (EC), An act to Repeal and Reenact Division 1 of Title 6 of the Guam Code Annotated to Repeal and Reenact the Guam Rules of Evidence and to Authorize the Supreme Court of Guam to Adopt and Amend Said Rules in the Future.*

Summary of testimony:

Justice Robert J. Torres, co-chair of the Subcommittee on Rules of Evidence Revisions, and **F. Philip Carbullido**, chief justice of Guam, presented oral and written testimony in support of Bill 308 (EC). Torres and Carbullido stated that the new 2006 Guam Rules of Evidence, as drafted by the Subcommittee on Rules of Evidence Revisions and adopted by the Supreme Court, will help improve the administration of justice by the courts. They highlighted an important fact that the GROE in its current form has not been changed since 1979, 26 years since its inception. They support Bill 308 (EC) as it repeals the current rules and allows the 2006 Guam Rules of Evidence to go into effect.



I Mina' Bente Ocho Na Liheslaturan Guahan
Committee on Judiciary, Governmental Operations, & Reorganization

PUBLIC HEARING AGENDA

Friday, March 12, 2006
Session Hall
9:00am

Bill 294 - An Act To Amend Sections 8140, 8140.1 And 8141 Pertaining To Retirement Fund Personnel.

Bill 307 - An Act To Repeal & Re-Enact Title 7 G.C.A, Chapter 4, §4101(E) Relative To Authorizing The Supreme Court To Adopt Rules Governing The Efficient Dispatch Of Superior Court Cases; To Amend Title 4 G.C.A., Chapter 4, §4109(A) Relative To Eliminating Annual Leave For Judges And Justices; To Vest Earned Annual Leave With Judges & Justices; To Add A New Title 7 G.C.A., Chapter 3, Division 1, §3106.1 Relative To Authorizing The Judicial Council To Increase The Annual Compensation Of Judges Of The Superior Court; To Provide For Adjustment Of The Annual Rate Of Compensation For Judges Of The Superior Court; To Establish Effective Dates For Implementation; To Enact A Sunset Provision For Title 7 G.C.A., Chapter 3, Division 1 §3106.1; To Enact The Judicial Efficiency Act Of 2006.

Bill 308 - An Act To Repeal And Reenact Division 1 Of Title 6 Of The Guam Code Annotated To Repeal And Re-Enact The Guam Rules Of Evidence And To Authorize The Supreme Court Of Guam To Adopt And Amend Said Rules In The Future.

Bill 309 - An Act Relative To Repealing Section 4104 Of Chapter 7 GCA To Repeal The Supreme Court's Authority To Issue Declaratory Judgments.

For more information, please visit www.bobsoffice.org/judiciary.
Written testimony can be submitted via e-mail to
judiciary@bobsoffice.org.

I Mina' Bente Ocho Na Liheslaturan Guahan
Committee on Judiciary, Governmental Operations, & Reorganization

MINUTES

[Prepared by: Audrey Punzalan *05/19/2006]

Date: May 12, 2006

Location: Guam Legislature – Session Hall
155 Hesler Street Hagatna, Guam

Called to order by Senator Robert Klitzkie, chairman, at 9:00am

Senators present:

Senator Robert Klitzkie, Chairman
Senator Joanne Brown

Public hearing agenda: Bill 294 (EC); Bill 307 (EC); Bill 308 (EC); Bill 309 (EC)

Bills 307, 308, & 309 were heard at 9:01am

Bill 307 (EC) - An Act To Repeal & Re-Enact Title 7 G.C.A., Chapter 4, §4101(E) Relative To Authorizing The Supreme Court To Adopt Rules Governing The Efficient Dispatch Of Superior Court Cases; To Amend Title 4 G.C.A., Chapter 4, §4109(A) Relative To Eliminating Annual Leave For Judges And Justices; To Vest Earned Annual Leave With Judges & Justices; To Add A New Title 7 G.C.A., Chapter 3, Division 1, §3106.1 Relative To Authorizing The Judicial Council To Increase The Annual Compensation Of Judges Of The Superior Court; To Provide For Adjustment Of The Annual Rate Of Compensation For Judges Of The Superior Court; To Establish Effective Dates For Implementation; To Enact A Sunset Provision For Title 7 G.C.A., Chapter 3, Division 1 §3106.1; To Enact The Judicial Efficiency Act Of 2006.

Bill 308 (EC) - An Act To Repeal And Reenact Division 1 Of Title 6 Of The Guam Code Annotated To Repeal And Re-Enact The Guam Rules Of Evidence And To Authorize The Supreme Court Of Guam To Adopt And Amend Said Rules In The Future.

Bill 309 (EC) - An Act Relative To Repealing Section 4104 Of Chapter 7 GCA To Repeal The Supreme Court's Authority To Issue Declaratory Judgments.

Testimony:

- **F. Philip Carbuillido**, Chief Justice of Guam, testified in support of Bill 307(EC) at 9:01am.
- **Justice Robert J. Torres** testified in support of Bill 308 at 9:07am
- **Chief Justice Carbuillido** testified on Bill 309 at 9:11am, stating that he takes no position on the legislation.

- **Justice Robert J. Torres** testified on Bill 309 at 9:17am, stating that he takes no position on the legislation.

Bill 294 (EC) - An Act To Amend Sections 8140, 8140.1 And 8141 Pertaining To Retirement Fund Personnel, was heard at 9:38am.

- **Joe T. San Agustin**, chairman of the Retirement Fund, testified in favor of Bill 294 at 9:38am. (Paula Blas, acting director of the Government of Guam Retirement Fund, accompanied Joe T. San Agustin, but did not present official testimony).

- **Nerissa Bretania-Schaffer**, resident of Santa Rita, testified on Bill 294 at 10:17am

The chairman adjourned the public hearing at 10:23am.

Declaration Under Penalty of Perjury of Audreya Punzalan

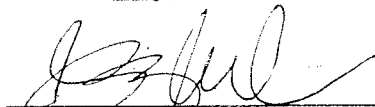
- 1.) I am employed as a Legislative Aide at the Office of Senator Robert Klitzkie.
- 2.) I was assigned the duty of disseminating a "Notice of Public Hearing" (Appendix A) to each newspaper of general circulation and all broadcasting stations which air a regular local news program within Guam.
- 3.) In such notice I included all information (Appendix A) required by the Open Government Law, Title 5 GCA Sections 8108 thru 8106.
- 4.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on May 5, 2006 & May 8, 2006 (*5 working days prior to hearing*) in accordance with 5 GCA §8108.
- 5.) I e-mailed a "Notice of Public Hearing" to all local media (Appendix B: Media E-mail Listing) on May 10, 2006 (*48 hours prior to hearing*) in accordance with 5 GCA §8108.
- 6.) I e-mailed notice to members of the Committee on Judiciary, Governmental Operations, and Reorganization on May 5, 2006, May 8, 2006, & May 10, 2006.
- 7.) I e-mailed notice to Speaker Forbes on May 5, 2006, May 8, 2006, & May 10, 2006 for posting on the Legislature's calendar, which can be accessed at the official website of the Guam Legislature (www.guamlegislature.com), in accordance with 5 GCA § 10306.
- 8.) I e-mailed a "Notice of Public Hearing" to all senators on May 5, 2006, May 8, 2006, & May 10, 2006 (cc: Clerk of the Legislature, Legislative Counsel, and Sgt-at-Arms). Bounce backs were received from Senator Calvo's email address and the notices were resent accordingly.
- 9.) I caused notice on www.bobsoffice.org, website for the Committee on Judiciary, Governmental Operations, and Reorganization, on May 5, 2006 in accordance with 5 GCA § 10306.
- 10.) Copies of all e-mail notices are on file at the Office of Senator Robert Klitzkie.

Declaration Under Penalty of Perjury

6 GCA Section 306

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on May 19, 2006 on Guam by



Audreya "Audi" Punzalan

APPENDIX A: NOTICE OF PUBLIC HEARING



I Mina' Bente Ocho Na Liheslaturan Guahan
Committee on Judiciary, Governmental Operations, & Reorganization

NOTICE OF PUBLIC HEARING

A public hearing will be held from Friday, March 12, 2006 in the Guam Legislature's public hearing room located at 155 Hesler Place in Hagatna. The public is invited to present oral and/or written testimony. The following bills will be heard:

9:00am

Bill 294 - An Act To Amend Sections 8140, 8140.1 And 8141 Pertaining To Retirement Fund Personnel.

Bill 307 - An Act To Repeal & Re-Enact Title 7 G.C.A, Chapter 4, §4101(E) Relative To Authorizing The Supreme Court To Adopt Rules Governing The Efficient Dispatch Of Superior Court Cases; To Amend Title 4 G.C.A., Chapter 4, §4109(A) Relative To Eliminating Annual Leave For Judges And Justices; To Vest Earned Annual Leave With Judges & Justices; To Add A New Title 7 G.C.A., Chapter 3, Division 1, §3106.1 Relative To Authorizing The Judicial Council To Increase The Annual Compensation Of Judges Of The Superior Court; To Provide For Adjustment Of The Annual Rate Of Compensation For Judges Of The Superior Court; To Establish Effective Dates For Implementation; To Enact A Sunset Provision For Title 7 G.C.A., Chapter 3, Division 1 §3106.1; To Enact The Judicial Efficiency Act Of 2006.

Bill 308 - An Act To Repeal And Reenact Division 1 Of Title 6 Of The Guam Code Annotated To Repeal And Re-Enact The Guam Rules Of Evidence And To Authorize The Supreme Court Of Guam To Adopt And Amend Said Rules In The Future.

Bill 309 - An Act Relative To Repealing Section 4104 Of Chapter 7 GCA To Repeal The Supreme Court's Authority To Issue Declaratory Judgments.

For more information, please visit www.bobsoffice.org/judiciary

*Written testimony can be submitted via e-mail to judiciary@bobsoffice.org

For ADA assistance, please contact the Office of Senator Robert Klitzkie at (671) 472-9355 ext. 3, or send request via email to judiciary@bobsoffice.org.

APPENDIX B: MEDIA E-MAIL LISTING

<p style="text-align: center;">Notice to all media : Outlet Managers, Publishers, Producers</p>	<p style="text-align: center;">Notice to all media : News Directors, Editors, Reporters</p>
<p><u>PRINT</u> Marianas Variety – Amier Younis, Ops Mgr, amier@mvguam.com Directions – Jerry Roberts, Publisher, jroberts@directionsguam.com Guam Business – Steve Nygard, Publisher, snygard@glimpses.guam.net Pacific Daily News – Government Meetings Section life@guampdn.com Marianas Business Journal – Steve Nygard, Publisher, snygard@glimpses.guam.net Guahan Magazine – Carlene Cooper-Nurse, Publisher, carlene@guahanmagazine.com Mabuhay News – Ritchie Lim, Publisher, paciwire@ite.net Mariana’s Variety – Ad Section , ads@mvguam.com</p> <p><u>TV</u> KUAM Ch. 8 – generalmanager@KUAM.com KUAM Ch. 11 – generalmanager@KUAM.com ABC 14 – David Larson, Gen Mgr, david@go14.tv KGTF – kgtf12@ite.net</p> <p><u>RADIO</u> K57 – Ray Gibson, General Mgr, rgibson@k57.com Power98 – Roque Aguon, General Mgr, raguon@power98.com 105 Rock – Albert Juan, General Mgr, ajuan@105therock.com I-94 FM – Fredalynn Mortera Hecita, fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K-StereO – Ed Poppe, General Mgr, ksto@ite.net KISH (102.9 FM) – Ed Poppe, General Mgr, ksto@ite.net Hit Radio 100 – Vince Limuaco, Sales Mgr., marketing@hitradio100.com KPRG (89.3 FM) – General Manager, kprg@guam.net Harvest Family Radio – khmg@harvestministries.net KTKB – ktkb@ktkb.com KOLG 90.0 FM – Contact, chuck@kolg.org KTWG 800 AM – Ops Mgr , Kleilani63@hotmail.com</p>	<p><u>PRINT</u> Pacific Daily News –Rindraty Limtiaco, Exec. Editor, rlimtiaco@guampdn.com Marianas Variety – Mar-Vic Cagurangan, marvic@mvguam.com Directions – Gennette Quan, Editor, editor@directionsguam.com Guam Business – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Marianas Business Journal – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Guahan Magazine – Jayne Flores, Editor, jayne@guahanmagazine.com Mabuhay News – Ritchie Lim, Editor mabuhaynews@yahoo.com Mariana’s Variety – Ad Section, ads@mvguam.com</p> <p><u>TV</u> KUAM Ch.8 – Sabrina Matanane, News Dir, Sabrina@KUAM.com KUAM Ch. 11 – Sabrina Matanane, News Dir, Sabrina@KUAM.com ABC 14 News – John Anderson, News Director, jontalk@k57.com</p> <p><u>RADIO</u> I-94 FM – Fredalynn Mortera Hecita, News (Radio) fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K57, Power98, 105 Rock – Patty Arroyo, News Director, parroyo@k57.com K-StereO – Jean Hudson, News Director, kstone@ite.net KISH (102.9 FM) – Jean Hudson, News Director, kstone@ite.net Hit Radio 100 – Trina San Agustin, News Director, news@hitradio100.com</p>

APPENDIX C: COMMITTEE MEMBER E-MAILS

Senator Robert Klitzkie, Chairman
Speaker Mark Forbes, Ex-Officio
Senator Jesse A. Lujan, Member
Senator Larry Kasperbauer, Ph.D., Member
Senator Ray Tenorio, Member
Senator Benjamin J.F. Cruz, Member
Senator Adolpho B. Palacios, Sr., Member

bob@bobsoffice.org
speakerforbes@yahoo.com
jal@netpci.net
lk4kids@ite.net
ray@raytenorio.com
cjbjcruz@ite.net
patrickcepeda@hotmail.com



Judiciary of Guam

ADMINISTRATIVE OFFICE OF THE COURTS
120 WEST O'BRIEN DRIVE, HAGÁTÑA, GUAM 96910-5174
TEL: (671) 475-3544 / 477-3184



F. PHILIP CARBULLIDO
CHIEF JUSTICE

PERRY C. TAITANO
ADMINISTRATOR OF THE COURTS

Testimony in support of Bill No. 308, An act to repeal and reenact Division 1 of Title 6 of the Guam Code Annotated to repeal and reenact the Guam Rules of Evidence and to authorize the Supreme Court of Guam to adopt and amend said rules in the future.

Dear Mr. Chairman and Members of the Committee:

In August 2002, in line with the Guam Supreme Court's renewed efforts to improve the administration of justice by the courts of Guam, Supreme Court's Subcommittee on Rules of Evidence Revisions began reviewing the Guam Rules of Evidence with the aim of updating the rules which were unchanged since their adoption in 1979.

The Subcommittee, co-chaired by Associate Justice Robert J. Torres, Jr. and Judge Katherine A. Maraman, included members from a wide cross-section of the Guam Bar including: Georgette Bello-Concepcion, Esq., William Gavras, Esq., Stephen Hattori, Esq., Ms. Stephanie Sato, Traylor T. Mercer, Esq., Julie Rivera, Esq., and Charles Troutman, Deputy Attorney General. The Subcommittee carefully and deliberately reviewed the rules and prepared draft rules which were sent to the general membership of the Guam Bar Association for comment. On January 3, 2006, the Subcommittee submitted its report to the Supreme Court recommending adoption of the 2006 Guam Rules of Evidence.

In Promulgation Order No. 06-001, the Supreme Court, pursuant to its Organic Act authority, adopted the 2006 Guam Rules of Evidence which will become effective upon the repeal of the current Rules of Evidence codified at Division 1 of Title 6 of the Guam Code Annotated. Repeal of Division 1 is necessary to avoid confusion over the applicability of the new rules.

Bill 308 repeals the present Guam Rules of Evidence, which have not been amended in over 26 years, and allows the 2006 Rules of Evidence to come into effect. Therefore, the Judiciary supports the expeditious passage of Bill No. 308.

Justice Robert J. Torres
Co-Chair, Subcommittee on
Rules of Evidence Revisions

F. Philip Carbullido
Chief Justice of Guam



BUREAU OF BUDGET & MANAGEMENT RESEARCH

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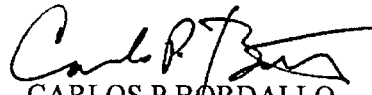
FELIX PEREZ CAMACHO
GOVERNOR

CARLOS P. BORDALLO
DIRECTOR

KALEO SCOTT MOYLAN
LIEUTENANT GOVERNOR

The Bureau requests that Bill No(s) 308 (EC) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The intent of the bill is to repeal and reenact Division 1 of 6 GCA, Guam Rules of Evidence which gives the Supreme Court of Guam the authority to adopt and from time-to-time amend Rules of Evidence by Promulgation Order as stated in Sections 101,102 and 103. As such, this bill is administrative in nature and poses no fiscal impact to any funds of the government of Guam.


CARLOS P BORDALLO
Director, BBMR

Estrella

5/23/06

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 308 (EC or ~~LS~~)

Introduced by:

R. Klitzkie

B. J. F. Cruz

Mark Forbes

J. A. Lujan

Mike Gut

Jos. Barron

H. B. Palacios

**AN ACT TO REPEAL AND REENACT DIVISION 1 OF TITLE
6 OF THE GUAM CODE ANNOTATED TO REPEAL AND RE-
ENACT THE GUAM RULES OF EVIDENCE AND TO
AUTHORIZE THE SUPREME COURT OF GUAM TO ADOPT
AND AMEND SAID RULES IN THE FUTURE.**

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

2 **Section One:** Title 6, Division 1 of the Guam Code Annotated is repealed and re-
3 enacted to read:

4 **“DIVISION 1**

5 **GUAM RULES OF EVIDENCE**

6 **§ 101** The Supreme Court of Guam may adopt and from time-to-time amend
7 Rules of Evidence by Promulgation Order.

8 **§ 102.** Rules of Evidence as adopted by the Supreme Court of Guam through its
9 Promulgation Order Number 06-001 apply to all actions, cases and proceedings brought
10 after said Promulgation Order takes effect and to all actions, cases and proceedings
11 commenced prior to the effective date hereof and still pending, except to the extent that
12 application of the rules to those pending actions, cases and proceedings would not be
13 feasible, or would work injustice, in which event the evidentiary principles contained in
14 the former Division 1 of Title 6 G.C.A. shall apply, notwithstanding the repeal and re-
15 enactment thereof by this act.

16 **§ 103.** Rules of Evidence adopted by the Supreme Court pursuant to this Title
17 shall control regarding any conflict with other law and such other law shall therefore be
18 of no further force or effect.”