



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

17 AUG 2006

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

RECEIVED
MARK FORBES
Date: 8/17/06
Time: 4:00
Rec'd by: [Signature]
Print Name: [Signature]
28-06-1026

Dear Mr. Speaker:

Transmitted herewith is Bill No. 309(EC), "AN ACT RELATIVE TO *REPEALING* SECTION 4104 OF CHAPTER 7 GCA TO *REPEAL* THE SUPREME COURT'S AUTHORITY TO ISSUE DECLARATORY JUDGMENTS," now designated as **Public Law 28-146**.

Sinseru yan Magåhet,

[Signature]

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

Attachment: a copy of the overridden bill is attached

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: [Signature]
Print Name & Initial
Time: 3:28
Date: 8-21-06

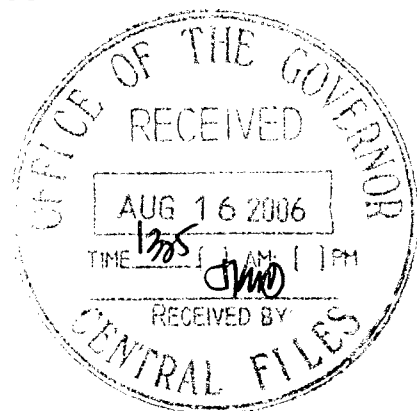


MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

FILE COPY

August 16, 2006

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



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 207(EC) & 309(EC) which were overridden by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on August 15, 2006, notwithstanding your veto.

Sincerely,

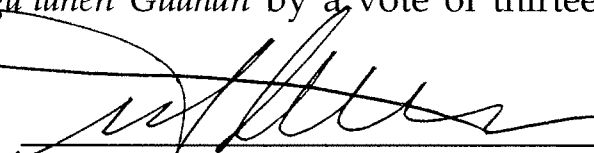
EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (2)

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

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

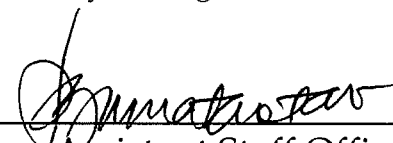
This is to certify that Bill No. 309 (EC), "AN ACT RELATIVE TO REPEALING SECTION 4104 OF TITLE 7 GCA TO REPEAL THE SUPREME COURT'S AUTHORITY TO ISSUE DECLARATORY JUDGMENTS," returned without approval of *I Maga'laken Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 15th day of August, 2006, to pass said bill notwithstanding the veto of *I Maga'laken Guåhan* by a vote of thirteen (13) Members.


MARK FORBES
Speaker

Attested:


EDWARD J.B. CALVO
Senator and Legislative Secretary

This Act was received by *I Maga'laken Guåhan* this 16 day of August, 2006, at 1:25 o'clock
P.M.


Assistant Staff Officer
Maga'lahi's Office

Public Law No. 28-146

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

Bill No. 309 (EC)

As amended.

Introduced by:

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

**AN ACT RELATIVE TO *REPEALING* SECTION
4104 OF TITLE 7 GCA TO *REPEAL* THE
SUPREME COURT'S AUTHORITY TO ISSUE
DECLARATORY JUDGMENTS.**

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

2 **Section 1. Repeal of the Supreme Court's authority to issue**
3 **declaratory judgments. §4104 of Title 7 GCA is hereby *repealed*.**

Overridden

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 8/15/06

VOTING SHEET

Vetoed
Bill No. 309(EC)

Resolution No. _____

Question: _____

NAME	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
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

13 1 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 FAX: (671) 477-8826 EMAIL: governor@mail.gov.gu

Senator Edward J.B. Calvo

SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT

Felix Perez Camacho
Governor

Kaleo Scott Moy
Lieutenant Governor

Rec'd by: Bernice C. Mambasaw	
Print Name & Initial H	
Time: 4:00pm	Date: 7/14/06

11 JUL 2006

Office of the Speaker

MARK FORBES

Date: July 11, 2006

Time: 4:50pm

Rec'd by: J/L

Print Name: TOM U.

PAGES TOTAL
DELIVERED By:

MICHELE DUENAS

28-06 0 925

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

Dear Mr. Speaker:

Enclosed herewith is Bill No. 309 (EC), "AN ACT RELATIVE TO REPEALING SECTION 4104 OF TITLE 7 GCA TO REPEAL THE SUPREME COURT'S AUTHORITY TO ISSUE DECLARATORY JUDGMENTS," which I have vetoed.

The repeal of declaratory judgments without an alternative remedy creates a great disservice to the government of Guam, including both the Legislature and Governor.

The Supreme Court's jurisdiction to issue declaratory judgments is not unique to Guam. Declaratory judgments under this statute have been a tool for the Legislature and the Governor to bring forth a question of law to the Supreme Court when there is a need for an expedited decision on an issue of great public interest. The declaratory judgments brought forth by Governors or Legislatures have increased over the years and have consistently involved issues of great public interest as to which a prompt and final resolution was needed. The decisions from the Supreme Court due to these declaratory judgment requests have set the tone for Organic Act interpretation and Guam law interpretation for years to come.

Some members of the Legislature have voiced concern that the use of declaratory judgments may infringe on the separation of powers between the branches of government. This argument is counterintuitive as it is the role of the courts to interpret the law. The declaratory judgment is limited to a request for an interpretation of a statute and not a request seeking to declare a statute unconstitutional. Further, it is the Governor or Legislature that may request declaratory judgments upon any question solely affecting their respective powers and duties.

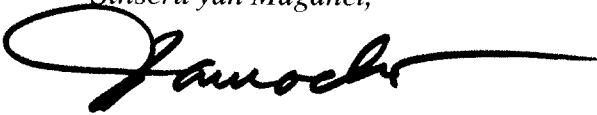
However, it is of great importance that in areas of sufficient public interest, the role of the Courts in interpreting the law not overly delay the implementation of a valid law (or a prompt declaration of invalidity where a law cannot pass muster). Repealing the law risks permitting delay for months—or even years—questions of critical public importance while they are first heard in the Superior Court, and then in the course of the ordinary appellate process in the

Supreme Court. In comparison, maintaining the present law ensures that both the Legislative and Executive Branch can continue to seek and receive prompt resolution of their disputes so as to ensure that neither is ever unable to act for an extended period of time while waiting for a Court decision.

Should the Legislature be determined to take up some reform of the present law, I urge that its approach consider amending the current process rather than a full repeal of the law, leaving no recourse for either the Executive or Legislative Branches to seek expedited clarification of law from the Judiciary in instances where immediate resolution is in the best interest of the public. For instance, the law could be amended to provide (as in many other jurisdictions) that the decisions issued at the request of the Legislature or the governor by the Supreme Court are "advisory opinions." The standards by which "advisory opinions" may be brought to the Supreme Court could still be the standards presently in place for declaratory judgments. This "advisory opinion" does not bar potential litigation as does the declaratory judgment due to *res judicata*.

In sum, because I find that the Legislature did not provide for an expedited mechanism which could be used to request an interpretation of the law by the Judicial Branch on an issue where it is a matter of great public interest, I am compelled to veto Bill No. 309. It is my hope that if the Legislature wishes to further pursue this issue, it instead pursue the "advisory opinion" alternative.

Sinseru yan Magåhet,



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

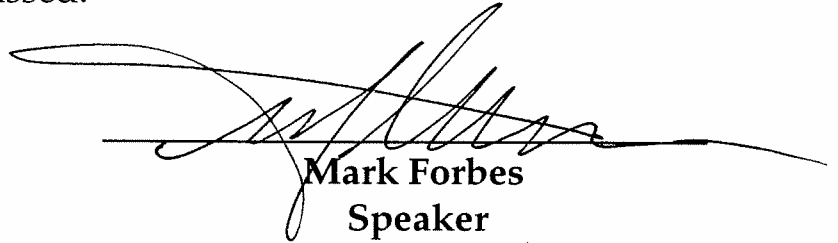
Attachment: original vetoed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

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. 309 (EC), "AN ACT RELATIVE TO REPEALING SECTION 4104 OF TITLE 7 GCA TO REPEAL THE SUPREME COURT'S AUTHORITY TO ISSUE DECLARATORY JUDGMENTS," was on the 26th day of June, 2006, duly and regularly passed.



Mark Forbes
Speaker

Attested:



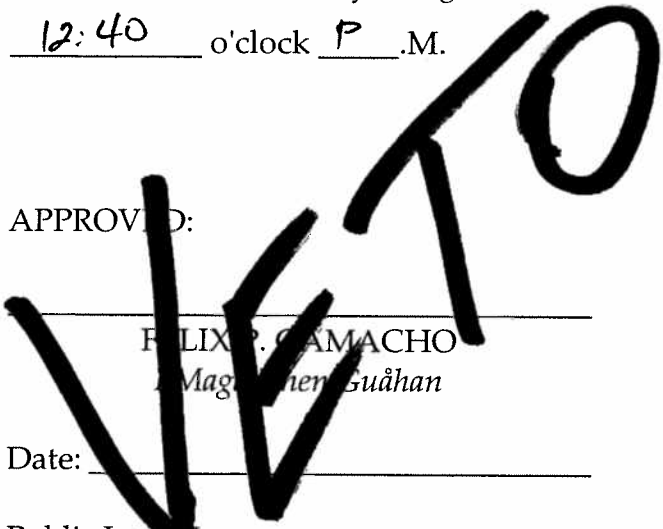
Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 29 day of June, 2006, at
12:40 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
Maga'lahaen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 309 (EC)

As amended.

Introduced by:

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

**AN ACT RELATIVE TO *REPEALING* SECTION
4104 OF TITLE 7 GCA TO *REPEAL* THE
SUPREME COURT'S AUTHORITY TO ISSUE
DECLARATORY JUDGMENTS.**

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

2 **Section 1. Repeal of the Supreme Court's authority to issue**
3 **declaratory judgments. §4104 of Title 7 GCA is hereby *repealed*.**

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 6/26/06

VOTING SHEET

Bill No. 309 (ec)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				✓ ea
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				✓ ea
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

June 6, 2006

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

RE: Bill 309 (EC) - Committee Report

Mr. Speaker:

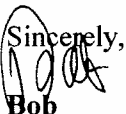
The Committee on Judiciary, Governmental Operations, and Reorganization, to which was referred **BILL 309 (EC) AN ACT RELATIVE TO REPEALING SECTION 4104 OF CHAPTER 7 GCA TO REPEAL THE SUPREME COURT'S AUTHORITY TO ISSUE DECLARATORY JUDGMENTS**, as introduced by the Committee on Judiciary, Governmental 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:

6 TO PASS
0 NOT TO PASS
0 TO REPORT OUT ONLY
0 ABSTAIN
0 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

June 6, 2006

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

RE: Voting Sheet for Bill 309 (EC)

Dear Members:

Transmitted herewith is the voting sheet and committee report on **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**, 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 309 (EC)

AN ACT RELATIVE TO REPEALING SECTION 4104 OF
CHAPTER 7 GCA TO REPEAL THE SUPREME COURT'S
AUTHORITY TO ISSUE DECLARATORY JUDGMENTS.

	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						
Senator Adolpho Palacios, Member		6/6				
Senator Larry Kasperbauer, Ph. D., Member		X				
Senator Ray Tenorio, Member		✓				
Senator B.J. Cruz, Member		✓				

MR Ray + me
6/12/06
Dismissed
6/19/06

3rd
6/19/06

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

Bill No. 309 (EC)

Introduced by:

R. Klitzkie
B. J. F. Cruz
Mark Forbes
J. M. S. Brown
L. F. Kasperbauer
J. A. Lujan
Ray Tenorio
Edward J.B. Calvo
A. R. Unpingco
Mike Cruz
R. J. Respicio

**AN ACT RELATIVE TO REPEALING SECTION
4104 OF CHAPTER 7 GCA TO REPEAL THE
SUPREME COURT'S AUTHORITY TO ISSUE
DECLARATORY JUDGMENTS.**

- 1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**
2 **Section 1. Repeal of the Supreme Court's authority to issue declaratory**
3 **judgments. 7 G.C.A. § 4104 is repealed.**

Findings & recommendations:

The provisions of Bill 309 (EC) will repeal the Supreme Court's authority to issue declaratory judgments.

As testimony has shown, the Judiciary of Guam takes no position on Bill 309 (EC). Because the courts do not have the opportunity for trial court rulings on matters of declaratory judgment, it is not necessarily a process that is relished. The belief is that declaratory judgments place additional work on the part of the Supreme Court.

While they find that there are perceived benefits of declaratory judgments to be recognized, the Judiciary believes that Bill 309 (EC) is a matter which needs to be considered primarily by the executive and legislative branches.

The provisions of Title 7 G.C.A., 4104 do not provide an adversary proceeding involving a real case or controversy between real parties who have standing and an interest in the matter before the Supreme Court. Additionally, the provisions of Title 7 G.C.A., 4104 create a serious inroad on the doctrine of the separation of powers.

Accordingly, the Committee on Judiciary, Governmental Operations, and Reorganization, does hereby submit its finding and recommendation to **DO PASS *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.***

Summary of testimony:

Chief Justice F. Philip Carbullido, on behalf of the judiciary, presented oral and written testimony on Bill 309 (EC). He stated that the judiciary takes no position on Bill 309 (EC) as they believe it is a policy decision for the executive and legislative branch to consider. **Justice Robert J. Torres** presented further oral testimony on Bill 309 (EC) supporting the statements of the chief justice. While both of the Supreme Court justices described the benefits of Supreme Court declaratory judgments, they also felt that it is not a decision for the Judiciary to make, but rather is a policy decision for the executive and legislative branches.

Declaration Under Penalty of Perjury of Audreya Punzalan

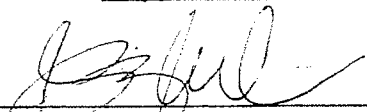
- 1.) I am employed as a Legislative Aide at the Office of Senator Robert Klitzkie.
- 2.) I was assigned the duty of disseminating a "Notice of Public Hearing" (Appendix A) to each newspaper of general circulation and all broadcasting stations which air a regular local news program within Guam.
- 3.) 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@hitradiio100.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 –Rindratty 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@hitradiio100.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



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.



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
By
The Honorable F. Philip Carbullido
Chief Justice
Judiciary of Guam

Public Hearing on Bill 309
Committee on Judiciary
Friday, May 12, 2006
Hagatna, Guam

Hafa Adai Mr. Chairman and Committee Members:

On behalf of the Guam Supreme Court, I am submitting this testimony on Bill 309.

On previous occasions, the court's view on the authority to issue declaratory judgments has been solicited.

Similar to our response then, the judiciary of Guam takes no position on the provisions of this measure. There is no unanimity among the jurists on Bill 309.

It is the view of the Judiciary however, that this Bill affects and impacts the legislative and executive branches of our government more than it does the judicial branch.

Presently, the legislative and executive branches are afforded the opportunity to go directly to the Supreme Court to address constitutional and organic type disputes and issues.

Often times, this direct route is viewed as "necessary for immediate review" because the issues are of great public importance and "time is crucial." This route creates more work for the justices, since we will not have the benefit of exhaustive lower court review and expedited review is routinely requested. Regardless, we are always willing and prepared to devote the resources to timely address legal issues of great public importance to our island. The passage of this bill will in all likelihood not affect our jurisdiction to address such disputes. If the controversy is important enough, the matter will be appealed. The question for our policy makers to consider is whether a direct appeal to the Supreme Court for truly critical legal issues is useful?

Thank you for the opportunity to submit this testimony.



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR

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FELIX PEREZ CAMACHO
GOVERNOR

CARLOS P. BORDALLO
DIRECTOR

KALEO SCOTT MOYLAN
LIEUTENANT GOVERNOR

The Bureau requests that Bill No(s) 309 (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 §4104 of Chapter 4, 7 GCA which repeals the Supreme Court's authority to issue declaratory judgments upon request by the Governor or the Guam Legislature as to the interpretation of any law, federal or local, lying within the jurisdiction of the courts of Guam. 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

2/2/06 *5/23/06*

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

~~2005 (FIRST)~~ Regular Session
2008 (Second)

Bill No. 309 (EC)

Introduced by:

- R. Klitzkie
- B. J. F. Cruz
- Mark Forbes
- J. M. S. Brown
- L. F. Kasperbauer
- J. A. Lujan
- Ray Tenorio
- E. B. Calvo
- A. R. Unpingco
- M. Cruz
- R. J. Respiador

**AN ACT RELATIVE TO REPEALING SECTION
4104 OF CHAPTER 7 GCA TO REPEAL THE
SUPREME COURT'S AUTHORITY TO ISSUE
DECLARATORY JUDGMENTS.**

- 1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**
- 2 **Section 1. Repeal of the Supreme Court's authority to issue declaratory**
- 3 **judgments. 7 G.C.A. § 4104 is repealed.**