

*JF*



*Office of the Governor of Guam*

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Felix P. Camacho  
*Governor*

Michael W. Cruz, M.D.  
*Lieutenant Governor*

2009 APR 29 PM 10:10 *me*

28 APR 2009

Honorable Judith T. Won Pat, Ed.D  
Speaker  
*I Mina Trenta Na Liheslaturan Guahan*  
155 Hesler Street  
Hagåtña Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 34 (COR) ,“AN ACT TO *AMEND* §2108 OF TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO CONSIDERATION OF BILLS BEFORE *I LIHESLATURA* (THE LEGISLATURE)”, which was signed on March 13, 2009 as Public Law No. 30-02.

Although I have signed Bill No. 34(COR) into law, it seems unnecessary and a tenuous means to control legislative conduct. Restrictions on legislative actions are normally stated in a constitution or as in Guam’s case the organic act. In order for legislative restrictions to have meaningful force and effect, it would need to be contained in a law that could not be changed by a majority vote of the Guam legislature. Provisions for the consideration of bills would seem more appropriate in legislative standing rules. As a result, this law will be added to many others on the books that are subject to legislative waivers.

*Sinseru yan Magâhet,*

FELIX P. CAMACHO  
*I Maga'lâhen Guahan*  
Governor of Guam

30-09-0529

Office of the Speaker  
Judith T. Won Pat, Ed. D.

Date 4/29/09  
Time 2:30  
Received by [Signature]

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

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

This is to certify that **Bill No. 34 (COR), "AN ACT TO AMEND §2108 OF TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO CONSIDERATION OF BILLS BEFORE I LIHESLATURA (THE LEGISLATURE),"** was on the 27<sup>th</sup> day of February, 2009, duly and regularly passed.



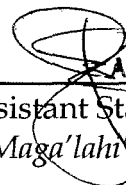
Judith T. Won Pat, Ed. D.  
Speaker

Attested:



vicente c. pangelinan  
Acting Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 3 day of MAR, 2009, at  
4:04 o'clock P.M.



A. RACHULAP  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:



FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: 13 MARCH 2009

Public Law No. 30-2

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

**Bill No. 34 (COR)**

As amended on the Floor.

Introduced by:

v. c. pangelinan  
Judith T. Won Pat, Ed.D.  
Ray Tenorio  
T. C. Ada  
F. B. Aguon, Jr.  
F. F. Blas, Jr.  
E. J.B. Calvo  
B. J.F. Cruz  
J. V. Espaldon  
Judith P. Guthertz, DPA  
T. R. Muña Barnes  
Adolpho B. Palacios, Sr.  
M. J. Rector  
R. J. Respicio  
Telo Taitague

**AN ACT TO *AMEND* §2108 OF TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO CONSIDERATION OF BILLS BEFORE *I LIHESLATURA* (THE LEGISLATURE).**

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

2       **Section 1.** §2108, Title 2, Guam Code Annotated, is hereby *amended* to read:

3               **“§2108. Separate Consideration of Unrelated Matters.** (a) Any bill  
4 introduced, considered *or* passed by *I Liheslaturan Guåhan*, *or* any of its  
5 Members, *shall not* contain *more than* one (1) subject matter, and *shall not*  
6 contain unrelated subjects *or* pertain to multiple projects, *except* for one (1)  
7 annual budget bill and one (1) supplement to the annual budget bill per fiscal  
8 year; *except* that, the succeeding *Liheslaturan Guåhan* may, on the year it

1 commences, introduce, consider and pass one (1) supplement to the annual  
2 budget bill for that fiscal year, whose subject and contents *may* be *exempted*  
3 from this Section. Unrelated subjects on an annual budget bill *or only* one (1)  
4 supplement to the annual budget bill *shall* be the same subject matter as a bill  
5 which has been discussed at a duly noticed public hearing, unless the public  
6 hearing is waived due to the existence of emergency conditions involving  
7 danger to the public health *or* safety consistent with §2103, Title 2, Guam Code  
8 Annotated.”









I MINA' TRENTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) REGULAR SESSION

2009 JAN - 6 PM 2: 44  
epm

Bill No. 34 (COR)

Introduced by:

v.c. pangelinan

AN ACT TO AMEND TITLE 2 GCA §2108 RELATIVE TO  
CONSIDERATION OF BILLS BEFORE THE LEGISLATURE

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 SECTION 1. 2 GCA §2108 is hereby amended to read:

2 “§2108. Separate Consideration of Unrelated Matters.

3 (a) No bill introduced, considered or passed by the Guam Legislature, or any of its members,  
4 shall contain more than one (1) subject matter, and shall not contain unrelated subjects or pertain to  
5 multiple projects, except for one (1) annual budget bill and one (1) supplement to the annual budget  
6 bill per fiscal year; except that, the succeeding Guam Legislature may, on the year it commences,  
7 may introduce, consider and pass, one (1) supplement to the annual budget bill for that fiscal year,  
8 whose subject and contents may be exempted from this Section. Unrelated subjects on an annual  
9 budget bill or a supplement to the annual budget bill shall have the subject matter of a bill, which has  
10 been discussed at a duly noticed public hearing, unless the public hearing is waived due to the  
11 existence of emergency conditions involving danger to the public health or safety consistent with  
12 2GCA 2103.”

**RECOMMENDATION:** There being no objections or amendments to Bill No. 034 (COR), the Committee on Rules, Natural Resources and Federal, Foreign & Micronesian Affairs hereby reports out Bill No. 034 (COR) with the recommendation to do pass as introduced.

Attached are the following supporting documents:

- 1. Public hearing notification sent to all media and posted on the Guam Legislature's web site**
- 2. Sign-in sheet(s) submitted at public hearing**
- 3. Testimony and evidence submitted at public hearing**
- 4. Voting sheet**



## COMMITTEE ON RULES

*I Mina'Trenta na Libeslaturan Guåhan* • 30th Guam Legislature

155 Hesler Place, Hagatna, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

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### AGENDA PUBLIC HEARING Tuesday, February 3, 2009 9:00 a.m.

**Bill No. 34 (COR) - V.C. Pangelinan:** An act to amend Title 2 GCA § 2108 relative to consideration of bills before the Legislature.

**Resolution No. 13 (COR) - R.J. Respicio:** Relative to adding a new Section 4.02.05 to Rule IV, "Convening and Sessions," *I Mina'Trenta na Libeslaturan Guåhan's Otden Areklamento* (Thirtieth Guam Legislature's Standing Rules) to increase transparency in the legislative process.

**Bill No. 44 (COR) - R.J. Respicio:** An act to add a new § 2109 to Chapter 2 Title 2 Guam Code Annotated relative to requiring *I Libeslatura* to submit the annual budget for the government of Guam to *I Maga'Lahi'* by no later than August 31 prior to each fiscal year.

**Resolution No. 15 (COR) - R.J. Respicio / J.T. Won Pat, Ed.D. / A.B. Palacios, Sr. / J.P. Guthertz, DPA / B.J.F. Cruz / T.R. Muña Barnes / F.B. Aguon, Jr.:** Relative to presenting an Agenda of Priority Concerns for Guam on Federal-territorial issues for proposed action to President Barack Obama and to the Congress of the United States.

2:00 p.m.  
DEPARTMENT OF AGRICULTURE  
Orientation Hearing



**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**  
**COMMITTEE ON RULES, NATURAL RESOURCES**  
**AND FEDERAL, FOREIGN & MICRONESIAN AFFAIRS**



*I Mina'Trenta na Libeslaturan Guåhan*  
**THIRTIETH GUAM LEGISLATURE**

January 20, 2009

TO ALL SENATORS

*I Mina'Trenta na Libeslaturan Guåhan*

Dear Colleague:

I would like to acknowledge my colleagues who courageously voted "no" on Committee on Rules Resolution No. 1. I joined with seven other senators in casting my "no" vote because the resolution's proposed change to our Standing Rules, if enacted, could be easily waived by eight votes. A far better way to impose this restriction would be to amend P.L. 24-160 that first authorized the use of "riders" in budget bills 12 years ago. Fortunately, the author of both Resolution No. 1 and P.L. 24-160 realized this and introduced Bill No. 34 (COR), which proposes to amend his public law.

I look forward to conducting a public hearing on this and other measures to increase transparency and improve the public's ability to follow the legislative process. Our goal should always be to ensure that the people know what we are doing, and that the legislative process is fair for all members. Some have said (and even editorialized) that voting against Resolution No. 1 was a vote against keeping the public informed. They are either forgetting or ignoring important facts and recent history. Please allow me to use my experience as an example:

As a member of the minority in the first year of the 29th Legislature, I introduced Bill 37 proposing to establish the Office of Finance and Budget for more accurate revenue forecasting; and Bill 42 to require oaths for those testifying on fiscal matters. These bills were intended to ensure more transparency by making improvements to the legislative process. Both were introduced in January of 2007, but neither was given a public hearing by my colleagues in the majority, even though they had several opportunities to do so. Fortunately, we were able to place both bills as amendments to supplemental budget Bill No. 74, which became Public Law 29-02 in May of 2007.

The amendments weren't made to "shut the people out of the process," nor was this done because "we don't think public opinion is necessary." This was the ONLY avenue available to get important legislation enacted to INCREASE transparency. If Resolution No. 1 had been in place at that time, those amendments would not have been allowed. Ironically, the budget process, and the Ways and Means chair, will benefit from these "riders."

In the 30<sup>th</sup> Legislature, Section 7.01 of the Standing Rules requires committee chairs to conduct hearings on every bill referred to them, or the authors will have the authority to conduct their own hearings. This change allows ALL bills to have their day before the people and does more for



Letter from Sen. Respicio  
January 20, 2009  
Page 2

transparency than any artificial or pointless restriction. Real transparency requires sensible action, and I will be acting to address several items in that regard.

As many of you know, it's not unusual for Senators, while in session or at a public hearing, to receive emails, text messages and phone calls from interested constituents. Technology now allows our actions to be monitored when we are in public meetings. Improvements in technology have improved transparency, but when the Legislature has burned the midnight oil to meet a budget bill deadline, we have been rightfully criticized for taking action when most people have retired for the evening. Our actions have given added meaning to the phrase "under the cover of darkness." To address this concern I have introduced Resolution No. 13 (COR) that will prohibit late night sessions.

Also of concern is that past Legislatures sometimes did not afford the Governor his customary 10 days to review budget bills. The Legislature was also not given any "cushion" after the Governor's action to revise or adjust the budget prior to its effective date. I have introduced Bill No. 44 (COR), which would require the Legislature to pass the annual budget bill by August 31st.

I will be conducting a public hearing on Bills 34 and 44, and Resolution 13 at 9 a.m. on Tuesday, February 3<sup>rd</sup>, in the Public Hearing Room. I am appealing for your support for these real, long-term efforts to provide meaningful transparency and accountability.

Thanks for your time.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rory J. Respicio".

Rory J. Respicio  
Majority Leader

Attachments (2): Bill No. 44 (COR)  
Resolution No. 13 (COR)

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

Bill No. 44 (LS)

Introduced by

R.J. RESPICIO

2009 JAN 20 PM 3:14

AN ACT TO ADD A NEW § 2109 TO CHAPTER 2  
TITLE 2 GUAM CODE ANNOTATED RELATIVE TO  
REQUIRING *I LIHESLATURA* TO SUBMIT THE  
ANNUAL BUDGET FOR THE GOVERNMENT OF  
GUAM TO *I MAGA'LAHI'* BY NO LATER THAN  
AUGUST 31 PRIOR TO EACH FISCAL YEAR.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative findings and intent. *I Liheslaturan Guåhan*  
3 finds that it has become common practice for the annual budget of the  
4 Government of Guam to be passed so close to the end of a fiscal year that *I*  
5 *Maga'lahi'* is often not afforded 10 days to review the document. This  
6 "budgetary brinksmanship" also leaves little time for *I Liheslatura* to  
7 address any Executive Branch concerns with the annual budget prior to  
8 implementation of the budget at the beginning of a new fiscal year.

9 It is therefore the intent of *I Liheslatura* to set a deadline for passing  
10 and transmitting annual budget bills to *I Maga'lahi'* for his consideration, to  
11 give *I Maga'lahi'* adequate time to review the document, and also to permit  
12 *I Liheslatura* adequate time to address any concerns *I Maga'lahi'* may have  
13 with budget bills prior to each fiscal year.

1           Section 2. A *new* § 2109 is *added* to Chapter 2 Title 2 Guam Code  
2 Annotated to read:


3                   “§ 2109 Submission of Fiscal Year Budget to *I Maga'lahi'*. The  
4 annual fiscal year budget for the Government of Guam shall be  
5 passed by *I Liheslatura* and submitted to *I Maga'lahi'* not later than  
6 August 31 prior to each fiscal year.”

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


Resolution No. 13 (COR)

Introduced by:

Rory J. Respicio 

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Relative to adding a new Section 4.02.05 to Rule IV, "Convening and Sessions," of *I Mina'Trenta na Liheslaturan Guåhan's Otden Areklamento* (Thirtieth Guam Legislature's Standing Rules) to increase transparency in the legislative process.

2009 JAN 20 PM 2:43  


1           **BE IT RESOLVED BY I MINA' TRENTA NA LIHESLATURAN**

2 **GUÅHAN:**

3           **WHEREAS**, the practice of having session meetings of *I Liheslaturan*  
4 *Guåhan* during the late night hours has been criticized on numerous  
5 occasions over the years; and

6           **WHEREAS**, it is desirable that the public be aware of the actions of  
7 the government at the times that they are taken and these actions should be  
8 taken at times that are easily accessible to the public; and

9           **WHEREAS**, late night work hours and excessively long work hours  
10 are not conducive to good performance, whether by government officials  
11 or other workers; and

12           **WHEREAS**, the practice of late night sessions and long hours have  
13 frequently been linked with a lack of transparency in our government, even

1 when they are caused by impending deadlines associated with the passage  
2 of the government budget; and

3       **WHEREAS**, although they are carried on cable television, late night  
4 and overnight sessions are difficult for the public to follow when actions  
5 are taken in the early-morning hours, well after most people have retired  
6 for the evening; and

7       **WHEREAS**, *I Liheslatura* should be able to plan its session schedule in  
8 such a fashion that its work is accomplished transparently, and at times  
9 when the majority of the island's population is able to follow the debate,  
10 either from the Public Hearing Room or on the cable channel 13, now,  
11 therefore, be it

12       **RESOLVED**, that *I Mina'Trente Na Liheslaturan Guåhan* does hereby  
13 add a new § 4.02.05 to Rule IV, *Convening and Sessions, of Mina'Trenta na*  
14 *Liheslaturan Guåhan's Otden Ariklamento* (Thirtieth Guam Legislature's  
15 Standing Rules) to require sessions to be held between 7:00 a.m. and 10:00  
16 p.m. on each calendar or session day that session is convened; and be it  
17 further

18       **RESOLVED**, that the new Section 4.02.05 shall read:

19       **"Section 4.02.05. Sessions to be held between 7:00 a.m. and 10:00**  
20 **p.m.** Convening of sessions and continuation of session meetings shall be  
21 after 7:00 a.m. each calendar day, and each session shall be recessed or

1 adjourned on each calendar day as near as possible to 10:00 p.m., taking  
2 into account finishing the immediate matter at hand on the floor at that  
3 hour.”; and be it further

4 **RESOLVED**, that the Speaker and the Chairman of the Committee on  
5 Rules certify, and the Legislative Secretary attest to the adoption hereof  
6 and that copies of the same be thereafter transmitted to the Honorable Felix  
7 P. Camacho, *I Maga'lahaen Guåhan*

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES  
OF I MINA'TRENTA NA LIHESLATURAN GUÅHAN ON THE \_\_\_\_\_  
DAY OF \_\_\_\_\_ 2009.**

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**JUDITH T. WON PAT, Ed. D.**  
Speaker

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**RORY J. RESPICIO**  
Senator and Chairperson  
Committee on Rules

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**TINA ROSE MUÑA-BARNES**  
Senator and  
Legislative Secretary

I MINA' TRENTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) REGULAR SESSION

2009 JAN - 6 PM 2:44  
epm

Bill No. 34 (COR)

Introduced by:

v.c. pangelinan

AN ACT TO AMEND TITLE 2 GCA §2108 RELATIVE TO  
CONSIDERATION OF BILLS BEFORE THE LEGISLATURE

BE IT ENACTED BY THE PEOPLE OF GUAM:

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3 (a) No bill introduced, considered or passed by the Guam Legislature, or any of its members,  
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5 multiple projects, except for one (1) annual budget bill and one (1) supplement to the annual budget  
6 bill per fiscal year; except that, the succeeding Guam Legislature may, on the year it commences,  
7 may introduce, consider and pass, one (1) supplement to the annual budget bill for that fiscal year,  
8 whose subject and contents may be exempted from this Section. Unrelated subjects on an annual  
9 budget bill or a supplement to the annual budget bill shall have the subject matter of a bill, which has  
10 been discussed at a duly noticed public hearing, unless the public hearing is waived due to the  
11 existence of emergency conditions involving danger to the public health or safety consistent with  
12 2GCA 2103."