



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, GU 96910

APR 13 AM 9:37
De

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 221-30 (LS) "AN ACT TO AMEND §4109 (a) OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ANNUAL LEAVE FOR JUDGES AND JUSTICES" which I signed into law on April 1, 2010 as **Public Law 30-117**.

Sins eru yan Magåhet,

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

Attachment: copy of Bill

30-10-0311

4/12/10
4:50P

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

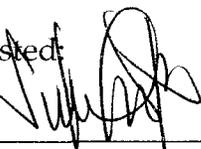
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 221-30 (LS), "AN ACT TO AMEND §4109 (a) OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ANNUAL LEAVE FOR JUDGES AND JUSTICES," was on the 19th day of March, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:



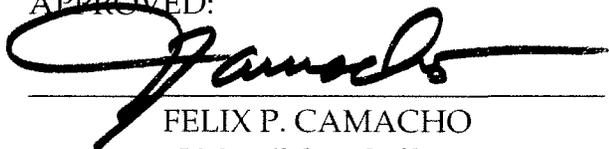
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 22nd day of March, 2010, at
2:15 o'clock P.M.



Assistant Staff Officer
Maga'laha'i's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

APR 01 2010

Date: _____

Public Law No. P.L. 30-117

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

Bill No. 221-30 (LS)

As substituted by the Committee on Labor,
the Public Structure, Public Libraries
and Technology, and amended.

Introduced by:

Adolpho B. Palacios, Sr.

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

v. c. pangelinan

R. J. Respicio

Telo Taitague

Ray Tenorio

Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §4109 (a) OF TITLE 4, GUAM
CODE ANNOTATED, RELATIVE TO ANNUAL LEAVE
FOR JUDGES AND JUSTICES.**

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

2 **Section 1. Legislative Intent.** Public Law 29-019:VI:60 (Sept. 29, 2007)
3 amended §4109(a), Title 4, Guam Code Annotated, and inadvertently repealed the
4 exemption of judges and justices from accruing annual leave provided for by
5 Section 2 of Public Law 28-137 (July 11, 2006). This inadvertent action failed to

1 consider Section 3 of Public Law 28-137, which prevents any annual leave accrued
2 by a judge *or* justice prior to the effective date of Section 2 from being used *or*
3 disposed of except on retirement, disability, death, resignation *or* removal. The
4 unintended and unfair result is that the leave accrued by a judge or justice prior to
5 October 1, 2006 may *not* be used *or* disposed of by a judge *or* justice who, since
6 the amendment of §4109(a), Title 4, Guam Code Annotated, by Public Law 29-
7 019: VI:60, accrues annual leave.

8 This Act is intended to restore judges and justices who are *not* members of
9 the defined benefits retirement plan to the exemption from annual leave. Judges
10 and justices who are members of the defined benefits retirement plan will continue
11 accruing annual leave.

12 **Section 2.** §4109(a) of Title 4, Guam Code Annotated, is *amended* to read
13 as follows:

14 **“§4109. Annual Leave.**

15 (a) Annual leave *shall* be granted to employees occupying
16 permanent positions, except personnel of the Department of Education, the
17 Guam Community College *or* the University of Guam, who are employed on
18 a school year basis, and judges and justices of the Judiciary of Guam who
19 are *not* members of the defined benefits retirement plan of the government
20 of Guam, in accordance with the following schedule:

21 (1) One-half day (4 hours) for each full bi-weekly pay period
22 in the case of employees with *less than* five (5) years of service;

23 (2) Three-fourths day (6 hours) for each bi-weekly pay
24 period in the case of employees with five (5) years of service but *less*
25 *than* fifteen (15) years of service.

26 (3) One (1) day (8 hours) for each full biweekly pay period
27 in the case of employees with fifteen (15) years *or* more service.

1 For purposes of this Subsection (a), all elected officials except
2 members of the Guam Education Policy Board, and the Consolidated
3 Commission on Utilities *shall* be deemed employees occupying
4 permanent positions.”

5 **Section 3.** Section 3 of Guam Public Law 28-137 is *repealed* as of its
6 effective date in said public law.

I MINA' TRENTA NA LIHESLATURAN GUAHAN 2010 (SECOND) Regular Session

Date: 3/19/10

VOTING SHEET

Bill No. 221-30 (corr)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera/		✓			
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray 1	✓				
WON PAT, Judith T. 1/1		X✓			

TOTAL

12 2

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



**COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY**

I Mina' Trenta na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
Interim Chairman

Committee on Labor,
The Public Structure,
Public Libraries
and Technology
Members:

Senator Adolpho B.
Palacios, Sr.
Interim Chairman

Senator Frank B.
Aguon, Jr.
Member

Senator Judith P.
Guthertz, DPA
Member

Senator Tina Rose
Muña-Barnes
Member

Senator vicente "ben"
pangelinan
Member

Senator Rory J.
Respicio
Member

Senator Telo Taitague
Member

Speaker Judith T.
Won Pat
Ex-Officio Member

March 3, 2010

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina' Trenta na Liheslaturan Guahan

155 Hesler Place

Hagatna, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on the Bill No. 221-30 (LS) as Substituted

Dear Speaker Won Pat,

Transmitted herewith is the Committee Report on Bill No. 221-30 (LS) as substituted, an act relative to annual Leave for Judges And Justices, and which was referred to the Committee on Labor, the public Structure, Public Libraries and Technology.

Committee votes are as follows:

<u>2</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>4</u>	TO REPORT OUT
<u>0</u>	ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Sincerely,

ADOLPHO B. PALACIOS, SR., MPA, BS/CJA
Interim Chair

Attachments

2010 MAR 15 PM 09:07



**COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY**

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Interim Chairman

**COMMITTEE
REPORT
ON**

**BILL 221-30 (LS) As Substituted,
SENATOR ADOLPHO B. PALACIOS, SR.**

**AN ACT RELATIVE TO ANNUAL
LEAVE FOR JUDGES AND
JUSTICES.**

Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



**COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY**

I Mina'Trenta na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.

Interim Chairman

March 3, 2010

MEMORANDUM

TO: ALL MEMBERS

Committee on Labor, the Public Structure, Public Libraries and Technology.

FROM: Interim Chair, Committee on Labor, the Public Structure, Public Libraries and Technology. *ABP*

SUBJECT: Voting Sheet & Committee Report on Bill No. 221-30 (LS) as Substituted

Transmitted herewith are the voting sheet and the Committee Report on Bill No. 221-30 (LS) as Substituted, an act relative to annual Leave for Judges And Justices, for your review and vote via signature.

This report includes:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 221-30 (LS) as Substituted
- Copy of Bill No. 221-30 (LS) as Introduced
- Public Hearing Sign-In Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 221-30 (LS)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Copies of News Articles

Please take the appropriate actions on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me. *Si Yu'os Ma'ase*

Attachment

Office/Mailing Address: 155 Hesler Pl., Hagatña GU 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

Committee on Labor,
The Public Structure,
Public Libraries
and Technology
Members:

Senator Adolpho B.
Palacios, Sr.
Interim Chairman

Senator Frank B.
Aguon, Jr.
Member

Senator Judith P.
Guthertz, DPA
Member

Senator Tina Rose
Muña-Barnes
Member

Senator vicente "ben"
pangelinan
Member

Senator Rory J.
Respicio
Member

Senator Telo Taitague
Member

Speaker Judith T.
Won Pat
Ex-Officio Member



**COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY**

I Mina'Trenta na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.

Interim Chairman

VOTING SHEET ON:

Bill 221-30 (LS) – As substituted, “An act relative to annual leave for judges and justices.” By: Senator A.B. Palacios, Sr.

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Interim Chairman		3/9/10 ✓				
Frank B. Aguon, Jr. Member		3/9/10 ✓				
Judith P. Guthertz, DPA Member				✓		
Tina Rose Muña-Barnes Member				✓		
vicente "ben" pangelinan Member						
Rory J. Respicio Member						
Telo Taitague Member				✓		
Judith T. Won Pat Ex-Officio Member				3/10/10 ✓		



**COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY**

I Mina'Trenta na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.

Interim Chairman

COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on Labor, the Public Structure, Public Libraries, and Technology convened the public hearing on **October 9, 2009** at 9:00 am in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of **Bill 221-30 (LS)** – “An act to amend 4 GCA §4109(a) relative to eliminating annual leave for judges and justices” sponsored by Senator A.B. Palacios, Sr.

Public Hearing Requirements

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on October 2, 2009 (5-day Notice) and on October 7, 2009 (48-Hour notice) pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature's website.

Senators Present

Chairman Matt Rector

Senator Adolpho B. Palacios, Sr., Vice-Chairman

Senator vicente c. pangelinan

Senator Ray Tenorio

Chairman Matt Rector

Individual(s) Registered for oral or written testimony:

1. **Chief Justice Robert J. Torres, Judicial Branch of Guam, Oral Testimony, In Favor of Bill (As Substituted)**
2. **Justice F. B. Carbullido, Judicial Branch of Guam, Oral Testimony, In Favor of Bill (As Substituted)**
3. **Attorney Bruce Bradley, Judicial Branch of Guam, In Favor of Bill (As Substituted)**
4. **Dan Tydingco, Judicial Branch of Guam, In Favor of Bill (As Substituted)**
5. **Sergio Quenga, Judicial Branch of Guam, In Favor of Bill (As Substituted)**
6. **Perry Taitano, Judicial Branch of Guam, In Favor of Bill (As Substituted)**
7. **Judge Alberto C. Lamorena, Judicial Branch of Guam, Oral Testimony, In Favor of Bill (As Substituted)**

II. SUMMARY OF TESTIMONIES

Chairman Matt Rector called the Committee on Labor, the Public Structure, Libraries, and Technology to order at 9:03am, welcomed and introduced Senators present.

Chairman Matt Rector: Let's get started on this beautiful Friday morning. Buenas yan Hafa Adai, the Committee on Labor, Public Structure, Libraries and Technology now convenes this public hearing which is a continuation of Bill 221-30 (LS) held on Tuesday, October 6, 2009. Public notices for this hearing were given to the media on Friday, October 2nd and Wednesday, October 7th. For the record, today is Friday, October 9th and it is now 9:03am. The committee will hear and accept any testimonies both oral and written on the following Bill 221-30 written by the good Senator Palacios to my left.

Chairman allows the author of Bill No. 221-30, Senator A.B. Palacios, Sr. to give a brief overview.

Interim Chairman Adolpho Palacios, Sr: Thank you Mr. Chairman. Just an overview on the bill and again, the reason is that, which not only did I author the amendment, but that I was the author of the amendment that caused what appeared to be a problem and that is in the 29th Guam legislature. There was a time when the accrual of annual was 4, 6 and 8, meaning 4 for employees under 5 years of employment and so forth, and then I understand that the 29th legislature, Senator Klitzkie amended that law and eliminated the accrual of 8 hours making it the accrual of 4 hours and 6 hours, so in that process he also amended the number of years that one has to serve. Those under 6 years would receive only 4 hours accrual and those above 6 would receive 6 hours so there was no one who would accrue 8 hours. So this amendment is actually to restore what has always been which is 4, 6 and 8 and in the process of making the amendment, the procedure here is you present the whole statute itself so that you show what is existing and what needs to be amended and so forth and in that process even though item 1, 2 and 3 actually is the essence of the amendment back then but in the rewriting of the present in representing this statute 4109 in the paragraph a, there was an inadvertent omission of what now is proposed to be restored, which was supposed to have been the judges and the justices of the supreme court. It was not intended back then to omit that. By the omission of that, even though unintended, it actually, technically restored the entitlement by the judges and justices to accrue annual leave but that was never the intention back then. I was the author of the amendment back then and it became law.

When it was brought to my attention it was just proper that I introduce this bill to correct that. It is the decision of this body to go ahead to correct that or restore that because it was never intended, or otherwise, then it will be for the first time that this issue then would be heard today but that is actually the simple background behind this. It was supposed to be a simple amendment to restore the accrual 4, 6 and 8 for the different number of years for the Government of Guam employees. Thank you Mr. Chairman.

Chief Justice Robert Torres: Hafa Adai Senator Rector, Senator Pangelinan, Vice Chairman Palacios, and Senator Tenorio. Thank you Senator, for clarifying the inadvertent omission and the repeal of the prior law. On behalf of all the judges and justices of the judicial branch, I am pleased to submit testimony on Bill 221-30. As Senator Palacios indicated, Section 60 of Chapter 6, Public Law 2909 enacted on September 29, 2007 inadvertently repealed the annual leave for judges and justices that had been enacted previously. Because the repeal was inadvertent no consideration was given also to the repeal of section 3, Public Law 28-137 which accommodated the annual leave exception by freezing the use of annual leave that had been accrued by judges and justices prior to October 1, 2006 until retirement, disability, death, resignation or removal. This frozen leave appears to may not have been available to judges and justices and has created a number of problems for us. Substitute Bill No. 221-30 which were submitting today will correct the inadvertent repeal by reinstating the annual leave exemption for justices and judges who are not members of the defined benefits retirement plan. It will also repeal section 3 of Public Law 28-137 and allow the judges and justices to use that leave that had been accrued beforehand to satisfy the leave that has been taken since the inadvertent repeal went into effect. The proposed resolution to the legislation is unanimously approved by all of the judges and justices of the judiciary. As shown by judicial council resolution 09-015 which I have given copies of to you and I will just quickly read into the record and submit as part of my testimony in support of this legislation. Before the 2009 Judicial Council of Guam resolution number 09-015 relative to supporting the proposed legislation regarding annual leave for judges and justices, and I will skip the first two whereas' and really get down to the bottom line, the last two whereas'. Whereas, judges and justices who are members of the defined benefits retirement plan desire to continue accruing annual leave and judges and justices who are not members of the defined benefits retirement plan desire to be exempt from their accrual of annual leave. All the sitting justices and judges who concur with the attached proposed resolution which would correct the inadvertent non-fair impact caused by Public Law 29019 Chapter 6, Section 60, now therefore, be it

resolved that the judicial council hereby agrees that the attached proposed legislation be transmitted to the Liheslaturan Guahan at the appropriate time and by the chief justice and so we've given you copies of the resolution as well as our proposed bill to deal with the annual leave for judges and justices.

Chairman Matt Rector: Thank you. Justice Carbullido.

Justice F. Philip Carbullido: Thank you Mr. Chairman and members of the committee. I am here today to support the substitute language that is being offered by the chief justice in place of the bill that has been introduced by Senator Palacios. I just want to point out to committee that in 2007, September of 2007, when the legislature saw fit to change the law and exempt the judges from the annual leave requirement, the circumstances then continue to exist today. What I mean by that is that when the senators decided in 2007 to change the law to exempt the judges, the reasons that apparently were discussed offered, and in my understanding, accepted is that the judges were professionals. We were on call 24 hours a day and we worked on weekends to do wedding ceremonies and whatever other responsibilities we had. We did not earn overtime pay. When we stayed up at night and we prepared for trials and appellate arguments, we did that on our own because we wanted to do a better job. We did earn not overtime pay, and so, it was then decided that because of the class that we felt under in terms of the fair labor standards act and we were not entitled to earn overtime, the senators then felt that it would not be objectionable to amend the law to allow the judges to then be exempt from the annual leave policy, and on certain conditions, and I was the one that requested it so I am aware of what those conditions were when I worked with the chairman that there had to be certain time standards and that if judges were going to yell out this flexibility they had to be accountable for their time and so I hired, the judiciary had engaged the national center for state courts to help us adopt time standards in which cases were expected to be closed, resolved. Also, there was a requirement that we post our work performances on the website so that the general public can see the lawyers, the general public, the senators...can see whether or not the work was being done on a timely basis, and so, under this environment the senators in the 27th Guam Legislature saw that it was not objectionable to exempt the judges from the annual leave requirement and we realized that we are being treated differently from other government of Guam employees but there were certain restrictions, conditions that were placed in which there was some type of oversight and regulation. In addition, we adopted administrative rule that made it such that anytime off would have to be approved by the presiding judge or the chief justice and they would then go through

and see if the work was being done and whether the person was entitled to take the time off. So, it was just not unfettered and that anyone can leave at anytime. So Mr. Chairman and members of the committee, those circumstances then continue to exist today and my understanding is that the only reason why we are in this position today is because there was an unintentional deletion of the exemption and so, we are simply here today to request that if it was unintentional and it was not something that we did that was irresponsible, then we are just requesting that be restored, now if there are concerns that we are trying to be some select class, special category, different from the government of Guam employees, then we can address those concerns, and if there needs to be restrictions internally that need to be tightened up so there can be proper accountability and transparency from the part of the public and the senators who oversee responsibility and government, then we are amenable to that but this is simply a request to reinstate what was unintentionally taken away and for that reason Mr. Chairman, and I am here to support this substitute language that is being offered because not all our judges agree. There is certain of our judges and I respect their position because of their unique position in being part of the defined benefit plan that they feel that they have greater entitlements and they continue to accrue annual leave and that should not be taken away from them. Now, when I first worked on this, we had a unanimous support. There has been a change of heart, in part in my understanding, and rightly so, maybe if I was in their position I would see it that way too. Now, the defined benefit judges, there are four of them, with their retirement it's unlikely that we will have any further judges under the defined benefit plan because those coming in are in the DC plan and they would all fall under the category of those judges who unanimously approve the compromise, the exemption from the annual leave, that who are under the DC plan. So, it is just an interim step before its, I feel it is a unanimous support and we would have one type of leave policy under the judiciary of Guam, and so for those reasons, Mr. Chairman and members of the committee, I support the substitute language and I made a commitment to Judge Unpingco that I am not here to support the original language, because and I want to correct that on the record because Chief Justice Torres pointed out to me when we signed up that what was indicated and I don't want to go back on my word and I just want to make that clear.

Chairman Matt Rector: Thank you and we also have Judge Lamorena.

Judge Alberto C. Lamorena: Good morning Mr. Chairman and the senators of the Guam legislature, I stand here to support also the testimony of the Chief Justice, the

substitute bill as Chief Justice has submitted to you, was thoroughly discussed by all the justices and judges of the judiciary and this is the bill that was found acceptable to all seven judges and three justices. As you know it is always difficult for judges and justices to agree on everything, so this is one of the few times where a substitute bill has been approved by all seven and three justices in the Supreme Court. So it is a unanimous bill that has been approved by all ten of us and the resolution attests to the fact that all ten of us do agree that the substitute version will be a great compromise for the judiciary and all the members of the legislature, and I think I support the testimony offered by the Chief Justice and Justice Carbullido and I hope that you accept the substitute bill as offered by the Chief Justice. Thank you.

Chairman Matt Rector: Thank you sir. Before we go forward, I would like to recognize Senator Pangelinan and the good Senator Aguon, chair of the Judiciary committee. Thank you for showing up, both of you. Gentlemen, before we go on I, just from a labor perspective, I want to clarify some stuff and make sure that we're all operating on the same page here. Judges are exempt status employees which Justice Carbullido brought up, but that just means that you do not get overtime pay but it has nothing to do with annual leave. Vacation time is vacation time and I'm sure that your job is just as stressful as our job is, as every employee's job is and you need annual, you need a vacation time when you don't work so that you can recharge your energies and come back and be the great judges that you need to be. I kind of am always concerned when we start having double standards for GovGuam employees or multiple standards for public servants and so that always worry me. If somebody could like, in layman terms, whoever drafted the substitute legislation, unfortunately when you drafted it you didn't use our standard thing and crossed out lines or underlined, crossed out for languages deleted or underlined for languages added, so could you summarize for us, very quickly Chief Justice, what the difference is between your substituted bill and the original Bill 221.

Chief Justice Robert Torres: The changes found in section 2 and section 3 of the substitute bill and the specific language is found on page 2 of the substituted bill where it says... (Interruption: Flip it over. It's on the back.) I gave him one original copy that was two-sided, so he didn't copy the other side. It basically is the language; the existing language is identical where it talks in subsection A, about annual leave being granted to employees occupying permanent positions. So the new language starts with "and justices and judges of the judiciary of Guam who are not members of the defined benefits retirement plan." So that's the new language that is there in section 2, and then

in section 3, it makes it clear that section 3 of PL 28-137 which I mentioned was the freezing, basically saying that judges and justices could not use any leave that had been accrued today. It also repeals that provision. So those are the only two changes to the proposed bill, in fact, the language on justices and judges of the Judiciary of Guam is exactly the same, its just the added language of who are not members of the defined benefit retirement plan of the government of Guam.

Chairman Matt Rector: I do have a question. PL 28-137 was a few years ago. So there's been multiple years of not accruing annual leave. Were you asking this to be retro in, I didn't see it in your substitute bill.

Chief Justice Robert Torres: No, what happened was it was 2007 was when the PL 28-137 was passed and so if you look at section 3 it is repealed as of its effective date in that law.

Chairman Matt Rector: So that accomplishes that.

Chief Justice Robert Torres: Yes

Chairman Matt Rector: I would assume that lawyers would figure out a way to get this done so thank you very much. Let me go to my colleagues here if anybody has any questions.

Interim Chairman Adolpho Palacios, Sr: Thank you Mr. Chairman. Again, just to make it clear. At the time that the justices and judges were exempted from accrual, the leave existing then were frozen until you retired then it counted to you but because of the inadvertent restoration of the right to accrual, now if that it is going to happen for some of the judges then we have to quote, unquote, unlock that then so that they can continue to also use that now because now the idea to freeze it until you retire and can be compensated is not necessary.

Chief Justice Robert Torres: It has actually created quite a quandary, problems for us because during the two year period we were unaware that the law had been inadvertently repealed so during this period of time we had gone back and looked at the hours that judges and justices had taken pursuant to the administrative rule that we had governing it then but we were left with a situation when judges had accrued hours of leave potentially they couldn't depend on that because of the way the law was done.

When it inadvertently repealed, the leave for judges and justices, it did not at all address the freezing of hours that had been accrued up till that time.

Interim Chairman Adolpho Palacios, Sr: Thank you for that Chief Justice.

Chairman Matt Rector: Thank you Senator Palacios. Senator Aguon?

Senator Frank Aguon, Jr.: Thank you very much Mr. Chairman. Good morning gentlemen and Chief Justice. Just a question because during the initial introduction of this legislative measure there were some discussions that were brought to my attention in terms of how this was actually reached and what the scenario was and I think there is a need for clarity on whenever it was inadvertently deleted by virtue of the budget proposal or by legislative measure. What was shared with me previously was that during the course of the discussion to allow for judges and justices to be able to receive a compensation adjustment on an annual basis that the tradeoff was to de-link and delete the ability to be able to benefit from the accrual of leave. So that was the information shared with me directly and I just wanted to get a confirmation or an affirmation on whether, in fact, that transpired or whether that was information that was perhaps misquoted to me.

Justice F. Philip Carbullido: Senator Aguon your understanding of the information you received is correct. The time that I was discussing with the chairman of the judiciary committee and this proposal, it evolved over a period of time, and there were, before he agreed to it there were conditions that he wanted to impose by which he briefly described and so the exemption for judges for the annual leave were tied into the judicial efficiency act for time standards and drafting administrative rules that provided for a proper structure as to when judges and justices can take off, and not just at anytime, and for whatever period of time, it was tied into whether their work was done and it was done in a timely basis and that there was a public accountability of that and that we would post that on our website.

Chief Justice Robert Torres: We do have the administrative rule 06001 which not only deals with the time standards but addresses the time off for judges.

Senator Frank Aguon, Jr.: I just wanted to for the sake of the members of the legislative body to be able to understand why at the inception that particular benefit was deleted or extracted and then now we are back at the table in terms of allowing the judges and

the justices to be able to re-accrue that. Just a word of caution, in terms of section 3, I am no attorney and I'm sure that you probably had an attorney review this Mr. Chief Justice, but it's repealed as of its effective date in said public law. I would think that language would go back to the effective date of that law and delete that provision and no longer allow for this amendment to be incorporated but the previous provisions of law would be incorporated. This was an issue during the recently concluded budget process where language is placed, Mr. Chairman, where the effect, the amendment provided herein shall be and its effect shall be applicable retroactive to the date of enactment. So that's the kind of language that was placed in the budget bill that was just recently enacted on a particular section.

Justice F. Philip Carbullido: That's a very good point, Senator Aguon, I think that the eyes that looked at this, and I was one of them, probably didn't pick that up. We need to clarify that if we are appealing the effective date of the old law then we need to make sure that the current substitute bill amends what is being reinstated.

Senator Frank Aguon, Jr.: Right, so I think that it's more or less just crafting the language so that it addresses the objective.

Chief Justice Robert Torres: Yes, and we will re-examine that. I think that the idea was that if section 3 of PL 28-137 is repealed then there is no need to enact anything new to govern that provision because that was the provision that just froze the leaves so by removing that...

Senator Frank Aguon, Jr.: But then by removing that you delete the action of the legislature at that time. So there are some concerns, some legal concerns in terms of the effective enactment of PL 28-137 prospectively and then all of a sudden going back and ask if in fact it would never have existed. So then that might go against the objective of the legislature at that point in time. So that is just for clarity purposes, Mr. Chairman, I wanted to bring that to your attention because I think there is already a language in the existing budget bill that was crafted to address a similar proposal or a similar application of a measure, not a similar proposal, but just for that clarification I wanted to share that with the committee. Thank you very much gentlemen and thank you Mr. Chair.

Chief Justice Robert Torres: Thank you senator. We will make sure that we examine that.

Chairman Matt Rector: Thank you senator. Senator pangelinan, and then you are next Senator Tenorio.

Senator ben pangelinan: Thank you very much Mr. Chair. I guess that I am trying to understand what the problem is in terms of wanting to split the baby here as Solomon tried to do and said you just can't and why are we thinking that we need to split this baby in terms of the application of leave. I'm also under the impression that the problem that occurred was that when the court became aware of the accrual of leave you tried to recover leave that was taken, that was not part of work, or judges leaving that was not related to court business and so you are trying to recoup that by this...telling them that now you are going to go in and sign leave for those trips but the problem is with the freezing of the leave they are going to either have to pay it back or they can take their leave if we unfreeze it and we can continue with the accountability that everyone wants. The reason why this happened is the senators put leave back for themselves, for ourselves that is what happened here, because we wanted that accountability. We are also professionals, we are also accountable but we thought that just as the governor that he should sign leave when he doesn't come to work or doesn't conduct the people's business. We know that he was recently on a bike trip and we also know that he signed leave for that, at least he tells us that, and we trust him but at least we know when he is taking leave for personal as he says, every man needs a vacation and so nobody is going to begrudge him that, the timing on the vacation may be in question, but that is another matter, but we do know he deserves it, but why don't we want to carry, forward the accrual of leave, unfreeze the leave so that these judges don't have to take money back out of their pocket, and pay it back, and allow them to use that because they didn't know. Had they known they would have had to sign leave, and then just allow, just like the governor, just like the senators, when we take leave and we are not conducting the people's business, when we take time away from our work, not for the purpose of conducting the peoples business, we account for that and we sign for that. Why do we want to split it?

Chief Justice Robert Torres: Well, as Justice Carbullido said, it's not like, currently it's an unfettered discretion on the part of the judges in terms of when they take it, and I think there are a number of responses to that. First of all, under the administrative rule that we passed, there's still accountability to the people for the time that judges take, in addition we have our time standards and our performance measures that are published and also, take into consideration the judges performance of his duties. Unlike the

governor and the senators and any other government employee, judges are also subject to the model code of judicial conduct and the model code requires that judges uphold the integrity and the independence of the judiciary and they perform the duties of the judicial office impartially and diligently so the judge is obligated under the model code to dispose of all judicial matters promptly, efficiently, and fairly so they have another mechanism by which their conduct is governed besides accounting for their time through an annual leave policy. In addition, many jurisdictions, there is at least seventeen jurisdictions currently and there is probably more who do not have, or contemplate the time law from the bench for judge judicial officers differently than they do leave for any other employees. One state for example, Oregon has the judicial availability model which is similar to what we were examining in terms of trying to manage the docket and control the case to ensure that judges are available every judicial day to cover the courts work, to acknowledge that their work includes travel, education, court administration, business meetings, conferences, community relations and other work that is not directly related to the case and to recognize also that a reasonable amount of time away from work is necessary. In evaluating the process and through the administrative rule and governing the calendar of judges, we feel its going to be managing a system, without concern for vested leave rights of up to five weeks a year amongst our judges will be more administratively manageable than a system where judges and justices have to be absent from a bench regardless of their work loads in order to avoid forfeiture of vested annual leave hours. So, we are working towards a system where there will be a 100% non-defined benefit judges over time, I think that is where we are going to be headed to. So this was a way to accommodate both the defined benefit people recognizing that they are treated differently under the current plan and how annual leave gets approved for them and how it gets counted for their retirement verses those that are in the DC plan, and so that is kind of why we split it.

Senator ben pangelinan: So, if you're saying that there are seventeen jurisdictions that treat judges differently there must be then thirty-three others that treat them the same as other employees?

Chief Justice Robert Torres: No, that is not necessarily right. I was just giving the seventeen jurisdictions that have no formal leave policy at all for judges. Some jurisdictions have a leave policy when they give you thirty days of personal time absolutely without recognition of taking time off for other reasons. So the policies vary but I was just pointing out where there is no formal leave policies for the judicial officers those of the seventeen jurisdictions.

Senator ben pangelinan: Again, the problem was, or I guess, the problem was created when the senators reinstated leave for themselves and I don't know if that really, probably inadvertent, but certainly in the policy of accountability, we wanted to do that and if we made a mistake in accountability by requiring the judges and justices to come back to that then that was a good mistake if there is such a thing as a good mistake in terms of accountability. Now we want to reverse and parody, and now we want to reverse and carve something out. I certainly understand the problem that was created by freezing these things and then the court made a move to recover the time off that the judges had taken and I think that they should by all accounts be able to use that accrued leave and not have to pay back because of the inadvertent errors. I am still trying to rationalize the Solomon-like decision in terms of clarifying the treatment of the judges and justices and the problem created by...is there a problem by requiring judges to, all judges and justices, to accrue annual leave. Is there a problem created by that or is the problem that now some judges have to dig out of their own pockets, which I don't want them to do.

Chief Justice Robert Torres: I think as I tried to indicate, maybe wasn't so eloquent in doing so, the idea, I think, from a management perspective that when you have the ability to manage a docket, manage administrative leave, how your judges and justices deal with their calendar, utilizing the model code of judicial conduct, our administrative rules that we have in place, our time standards and our performance measures, we think that those are sufficient and much better control to be able to manage ten judges and justices than a system that automatically vests in judges or justices, five or six weeks of leave a year, that they would use at certain times, particularly when it is coming to the end of fiscal year, and there is a possibility of forfeiture because of the cap on 320 hours, we aren't really going to have a role on being able to stop them from taking their leaves during that time so they are going to be able to do that and without regard for the management of the docket.

Senator ben pangelinan: Was that a problem before when judges said they are going to leave because they are entitled to their leave or did the administration of the court able to work with judges and plan out the fiscal year.

Chief Justice Robert Torres: Well, I can't speak during the time that I was Chief Justice or Administrator. This wasn't an issue because we didn't realize we weren't accruing any leave during that time. I can tell you that since we became aware of it there has

been situations where judges decided to take leave and maybe it is simply a result of the timing of knowing about it because of the potential for forfeiture even though scheduling might not have been the most perfect time.

Chairman Matt Rector: Thank you. If I could just follow up on that chain of thought before I get to Senator Tenorio. You guys set up administrative rules on how judges take leave, right? This law doesn't tell you how to set up administrative rules on how judges take leave. That is something that you guys decide. You schedule them how you want. See that doesn't really answer the question, if every justice gets five weeks of leave you guys figure out amongst yourselves how and when they take their leave. To use the argument that all of a sudden all of the justices that accrued leave are going to use it all on the last month of the fiscal year and you are not going to have any justices, that doesn't make any sense to me because you already set up how people will take leave.

Chief Justice Robert Torres: Well the leave policy under the administrative rule, the judges actually looking at their calendar, looking at their caseload, the timing, their monitoring ensuring that their decisions are out within the 190 days and 120 days that we have set forth, that helps govern the timing of the judicial leave.

Chairman Matt Rector: Okay, Senator Tenorio?

Senator Ray Tenorio: Thank you Mr. Chairman. Good morning. Thank you for your testimony here today, just a couple of questions real quick. 006-01 I think is what you mentioned for your administrative leave, Justice Carbullido had referenced earlier also, I think, that you balance the leave based on the request, the time, and the necessity, so if you restore the leave as is envisioned here then its not looked on as an entitlement. It has to go through the same request process and review. It's not simply that you submit your leave and walk away, correct?

Chief Justice Robert Torres: That is correct Senator Tenorio.

Senator Ray Tenorio: The leave taken, in fact, is allowed however, in Section 3 if passed, those hours would be subtracted because you indicated that you weren't aware during this period that there was a law in place so people had submitted their leave so if we do retroactively change the law, then are those leave hours that were submitted

for then subtracted for the aggregate accrued leave that was given or would have been received by the judges?

Justice F. Philip Carbullido: The answer is yes.

Senator Ray Tenorio: Okay, and then the other question is, you had indicated, or someone had indicated, is it five weeks that is allowed?

Chief Justice Robert Torres: That is just estimating eight hours of accrued leave, I think 208 hours times 26 pay periods. That is for those who are over fifteen years of service.

Senator Ray Tenorio: Is that for those whether they are on the DB or DC plan, regardless?

Chief Justice Robert Torres: It doesn't distinguish between DC or DB in terms of the number of hours.

Senator Ray Tenorio: So if you get five weeks of leave as a judge or justice, then do you need leave...beyond that?

Chief Justice Robert Torres: No.

Senator Ray Tenorio: Thank you very much Mr. Chairman.

Chairman Matt Rector: Thank you, Senator. With that, is there anybody else on the committee who has anymore questions? Gentlemen, thank you so much for coming out and testifying. Is there anybody else who would like to testify on Bill 221-30? Alright, there being none, this will conclude this hearing. Bill 221 has been duly heard.

Chairman Matt Rector concluded the hearing and requested that written testimony be submitted within the next ten (10) days. He adjourned the hearing at 9:45am.

III. WRITTEN TESTIMONIES

1. Chief Justice Robert J. Torres, In Favor of Bill with Amendments and Proposed As Substitute Bill

Substitute Bill No. 221-30, which has been submitted by Chief Justice Robert J. Torres on behalf of all the judges and justices of the Judicial Branch of Guam, will correct the inadvertent repeal by reinstating the annual leave exemption for judges and justice who are not members of the defined benefits retirement plan. It will also repeal Section 3 of Public Law 28-137 and allow judges and justice to use the leave that has been accrued to satisfy leave taken since the inadvertent repeal went into effect. The proposed legislation is unanimously supported by all the judges and justice of the Judiciary of Guam as shown in Judicial Council Resolution Number 09-015 (Please see attached documents).

IV. FINDINGS AND RECOMMENDATIONS

Senator Adolpho Palacios, Sr. is now the Interim Chairman for the Committee on Labor, the Public Structure, Public Libraries, and Technology and reports out Bill No. 221-30(LS) because former Chairman, Senator Matt Rector resigned from the Guam Legislature on January 19, 2010.

The Committee on Labor, the Public Structure, Public Libraries, and Technology (~~which Bill No. 221-30 (LS), as substituted,~~) does hereby submit its findings and recommendations to *I Mina'Trenta na Liheslaturan Guåhan* **REPORT OUT** ^{Substitute} Bill No. 221-30 (LS)-" An act to amend 4 GCA §4109(a) relative to eliminating annual leave for judges and justices."

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

2009 AUG 25 AM 9:28
LW

Bill No. ZZ1-30 (LS)

Introduced by:

Adolpho B. Palacios, Sr. 

AN ACT TO AMEND 4 GCA §4109(a) RELATIVE TO ELIMINATING ANNUAL LEAVE FOR JUDGES AND JUSTICES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. Public Law 29-019:VI:60 (Sept. 27, 2009) amended 4 GCA §4109(a) and inadvertently repealed the exemption of judges and justices from earning annual leave provided for by Public Law 28-137 (July 11, 2006). This law is intended to restore judges and justices exemption from annual leave which was a significant component of P.L. 28-137, the Judicial Efficiency Act of 2006, to adjust judges' compensation, improve the dispatch of cases and increase efficiency in the Judicial Branch of Guam.

Section 2. §4109(a) of Title 4 Guam Code Annotated is *amended* as follows:

“§ 4109. Annual Leave.

(a) Annual leave *shall* be granted to employees occupying permanent positions, except personnel of the ~~Guam Public School System~~ Department of Education, the Guam Community College *or* the University of Guam, who are employed on a school year basis, and judges of the Superior Court and justices of the Supreme Court in accordance with the following schedule:

- (1) One-half day (4 hours) for each full bi-weekly pay period in the case of employees with *less than* five (5) years of service;

1 (2) Three-fourths day (6 hours) for each bi-weekly pay period in the case of
2 employees with five (5) years of service but *less than* fifteen (15) years of service.

3 (3) One (1) day (8 hours) for each full biweekly pay period in the case of
4 employees with fifteen (15) years *or more* service.

5 For purposes of this Subsection (a), all elected officials except members of the Guam
6 Education Policy Board, and the Consolidated Commission on Utilities *shall* be deemed
7 employees occupying permanent positions.”

I MINA 'TRENTA NA LIHESLATURAN GUÅHAN

2009 (FIRST) Regular Session

Bill No. 221-30 (LS)

As substituted by the Committee on Labor,
the Public Structure, Public Libraries and Technology

Introduced by:

Adolpho B. Palacios, Sr.

AN ACT RELATIVE TO ANNUAL LEAVE FOR JUDGES AND JUSTICES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent.

1 Public Law 29-019:VI:60 (Sept. 29, 2007) amended 4 GCA §4109(a) and
2 inadvertently repealed the exemption of judges and justices from accruing
3 annual leave provided for by Section 2 of P.L. 28-137 (July 11, 2006). This
4 inadvertent action failed to consider Section 3 of P.L. 28-137, which prevents any
5 annual leave accrued by a judge or justice prior to the effective date of Section 2
6 from being used or disposed of except on retirement, disability, death,
7 resignation or removal. The unintended and unfair result is that the leave
8 accrued by a judge or justice prior to October 1, 2006 may not be used or
9 disposed of by a judge or justice who, since the amendment of 4 GCA §4109(a) by
10 P.L. 29-019: VI: 60, accrues annual leave.
11

1 This law is intended to restore judges and justices who are not members of the
2 defined benefits retirement plan to the exemption from annual leave. Judges and
3 justices who are members of the defined benefits retirement plan will continue
4 accruing annual leave.

5 **Section 2. Section 4109(a) of Title 4 Guam Code Annotated is amended**
6 **as follows:**

7 **§4109. Annual Leave.**

8 (a) Annual leave *shall* be granted to employees occupying
9 permanent positions, except personnel of the Department of Education, the
10 Guam Community College *or* the University of Guam, who are employed on a
11 school year basis, and judges and justices of the Judiciary of Guam who are not
12 members of the defined benefits retirement plan of the Government of Guam, in
13 accordance with the following schedule:

14 (1) One-half day (4 hours) for each full bi-weekly pay period in
15 the case of employees with *less than* five (5) years of service;

16 (2) Three-fourths day (6 hours) for each bi-weekly pay
17 period in the case of employees with five (5) years of service but *less than*
18 fifteen (15) years of service.

19 (3) One (1) day (8 hours) for each full biweekly pay period
20 in the case of employees with fifteen (15) years *or* more service.

21 For purposes of this Subsection (a), all elected officials except
22 members of the Guam Education Policy Board, and the Consolidated
23 Commission on Utilities *shall* be deemed employees occupying permanent
24 positions.

25 **Section 3. Section 3 of Guam Public Law 28-137 is repealed as of its**
26 **effective date in said public law.**

SENATOR MATT RECTOR

CHAIRMAN, COMMITTEE ON LABOR, THE PUBLIC STRUCTURE, PUBLIC LIBRARIES AND TECHNOLOGY
PUBLIC HEARING SIGN-IN SHEET

Tuesday, October 6, 2009 • 9:00 am • Guam Legislature Public Hearing Room

Bill No. 221-30(LS) AN ACT TO AMEND 4 GCA §4109(a) RELATIVE TO ELIMINATING ANNUAL LEAVE FOR JUDGES AND JUSTICES.

#	NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT (X)	OPPOSE (X)	WRITTEN TESTIMONY (pls intl)	ORAL TESTIMONY (pls intl)	CONTACT NUMBER	EMAIL ADDRESS/VILLAGE
1	DANTYDINGCO	JUDICIARY				X	475 3278	XOC@AMTSY.PRENICECOURT.COM
2								
3								
4								
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9								
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SENATOR MATT RECTOR

CHAIRMAN, COMMITTEE ON LABOR, THE PUBLIC STRUCTURE, PUBLIC LIBRARIES AND TECHNOLOGY
PUBLIC HEARING SIGN-IN SHEET

Friday, October 9, 2009 • 9:00am • Guam Legislature Public Hearing Room

Bill No. 221-30(LS) AN ACT TO AMEND 4 GCA §4109(a) RELATIVE TO ELIMINATING ANNUAL LEAVE FOR JUDGES AND JUSTICES.

#	NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPOR T (X)	OPOSE (X)	WRITTEN TESTIMONY (pls intl)	ORAL TESTIMONY (pls intl)	CONTACT NUMBER	EMAIL ADDRESS/VILLAGE
1	R J TORRES	JUDICIARY	X	"	[Signature]	[Signature]	4753302	
2	F P CARBULLIDO	"	X	"	[Signature]	[Signature]		
3	Bruce Bradley	"	X	(As Substituted by Judiciary)				
4	Dan Tydings	"	X	"				
5	Sergio Rivera	"	X	"				
6	Perry Triphos	"	X	"				
7	Alberto Lomana	"	X	"				
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Testimony of Chief Justice Robert J. Torres
Before *I Mina Trenta Na Liheslaturan Guåhan*
Committee on Labor, the Public Structure, Public Libraries and Technology
Public Hearing on Bill No. 221-30
An Act Relative to Annual Leave for Judges and Justice
Friday October 9, 2009
Hagatna, Guam

Håfa Adai Mr. Chairman and Committee Members.

On behalf of all the judges and justices of the Judicial Branch of Guam, I am pleased to submit testimony on Bill No. 221-30.

Section 60 of Chapter VI of Public Law 29-019, enacted on September 29, 2007, inadvertently repealed the annual leave exemption for judges and justices that had been enacted by Section 2 of Public Law 28-137 on July 11, 2006.

Because the repeal was inadvertent, no consideration was given to also repeal Section 3 of Public Law 28-137, which accommodated the annual leave exemption by freezing and prohibiting the use of annual leave accrued by judges and justices prior to October 1, 2006 until retirement, disability, death, resignation or removal. This frozen leave still remains unavailable to judges and justices.

Substitute Bill No. 221-30, which we are submitting today, will correct the inadvertent repeal by reinstating the annual leave exemption for judges and justices who are not members of the defined benefits retirement plan. It will also repeal section 3 of Public Law 28-137 and allow judges and justices to use the leave we have accrued to satisfy leave taken since the inadvertent repeal went into effect.

This proposed legislation is unanimously supported by all the judges and justices of the Judiciary of Guam as shown in Judicial Council Resolution Number 09-015, which I will now read into the record and submit as part of my testimony in support of this proposed legislation.

We hope for expedited passage of this measure. *Si Yu'us Ma'ase.*

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

Bill No. ____ (____)

Introduced by:

AN ACT RELATIVE TO ANNUAL LEAVE FOR JUDGES AND JUSTICES.

1 **Section 1. Legislative Intent.**

2 Public Law 29-019:VI:60 (Sept. 29, 2007) amended 4 GCA § 4109(a) and inadvertently
3 repealed the exemption of judges and justices from accruing annual leave provided for by Section 2
4 of P.L. 28-137 (July 11, 2006). This inadvertent action failed to consider Section 3 of P.L. 28-137,
5 which prevents any annual leave accrued by a judge or justice prior to the effective date of Section 2
6 from being used or disposed of except on retirement, disability, death, resignation or removal. The
7 unintended and unfair result is that the leave accrued by a judge or justice prior to October 1, 2006
8 may not be used or disposed of by a judge or justice who, since the amendment of 4 GCA § 4109(a)
9 by P.L.29-019:VI:60, accrues annual leave .

10 This law is intended to restore judges and justices who are not members of the defined
11 benefits retirement plan to the exemption from annual leave. Judges and justices who are members
12 of the defined benefits retirement plan will continue accruing annual leave.

13 **Section 2. Section 4109(a) of Title 4 Guam Code Annotated is amended as follows:**

14 **§ 4109. Annual Leave.**

15 (a) Annual leave *shall* be granted to employees occupying permanent positions,
16 except personnel of the Department of Education, the Guam Community College *or* the



BEFORE THE 2009 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC 09-00 15

**RELATIVE TO SUPPORTING PROPOSED LEGISLATION REGARDING ANNUAL
LEAVE FOR JUDGES AND JUSTICES**

WHEREAS, in Public Law 29-019:VI:60 (September 29, 2007), *I Liheslatura* inadvertently repealed the exemption from annual leave for judges and justices enacted by Section 2 of P.L. 28-137 and caused judges and justices to begin accruing annual leave;

WHEREAS, because the repeal was inadvertent, Public Law 29-019 did not consider Section 3 of P.L. 28-137, which was meant to accommodate the exemption from annual leave and prohibits the use of such leave accrued prior to October 1, 2006 until retirement, disability, death, resignation or removal;

WHEREAS, Section 3 of P.L. 28-137 must be repealed to eliminate the aforementioned unfairness to judges and justices, who since the repeal of the annual leave exemption accrue annual leave;

WHEREAS, judges and justices who are members of the defined benefits retirement plan desire to continue accruing annual leave and judges and justices who are not members of the defined benefits retirement plan desire to be exempt from the accrual of annual leave;

WHEREAS, all sitting judges and justices concur with the attached proposed legislation which will correct the inadvertent and unfair impact caused by P.L. 29-019:VI:60.

NOW THEREFORE BE IT RESOLVED that the Judicial Council hereby agrees that the attached proposed legislation will be transmitted to *I Liheslaturan Guahan* at the appropriate time and by the Chief Justice.

DULY ADOPTED effective as of the 8th day of October, 2009.



CHIEF JUSTICE ROBERT J. TORRES, JR. Chairman
Date: 10-7-09



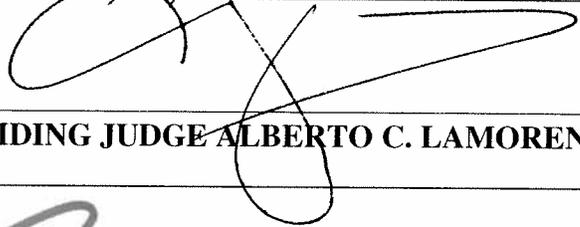
JUSTICE F. PHILIP CARBULLIDO, Member

Date: 10-07-2009



JUSTICE KATHERINE A. MARAMAN, Member

Date: 10/8/09



PRESIDING JUDGE ALBERTO C. LAMORENA, III, Member

Date: _____



JUDGE ARTHUR R. BARCINAS, Member

Date: 10.07.09

CONCURRED:



JUDGE STEVEN S. UNPINGCO

Date: _____



JUDGE MICHAEL J. BORDALLO

Date: Oct 7, 2009



JUDGE ELIZABETH BARRETT-ANDERSON

Date: _____



JUDGE ANITA A. SUKOLA

Date: _____



JUDGE VERNON P. PEREZ

Date: October 8, 2009



COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Interim Chairman

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The Public Structure,
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and Technology
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Palacios, Sr.
Interim Chairman

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Aguon, Jr.
Member

Senator Judith P.
Guthertz, DPA
Member

Senator Tina Rose
Muña-Barnes
Member

Senator vicente "ben"
pangelinan
Member

Senator Rory J.
Respicio
Member

Senator Telo Taitague
Member

Speaker Judith T.
Won Pat
Ex-Officio Member

March 4, 2010

Bertha M. Duenas
Director, Bureau of Budget and Management Resources
P.O. Box 2950
Hagatna, GU 96910

Dear Director Duenas,

Pursuant to Title 2 Guam Code Annotated, Chapter 9, I respectfully request BBMR prepare fiscal note(s) for the following bill(s):

- **Bill No. 221-30 (LS) AN ACT TO AMEND 4 GCA §4109(a) RELATIVE TO ELIMINATING ANNUAL LEAVE FOR JUDGES AND JUSTICES.**

Copies of the aforementioned bill(s) may be obtained at the *I Liheslaturan Guåhan* website, www.guamlegislature.com. In the event that a fiscal note or waiver is not received by March 18, 2010, it shall be deemed waived pursuant to Title 2 G.C.A., Chapter 9, §9105.

Sincerely,


Adolpho Borja Palacios, Sr.



COMMITTEE ON RULES

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

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

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RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
VICE
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LEGISLATIVE SECRETARY**

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**Frank B. Aguon, Jr.
SENATOR**

**Adolpho B. Palacios, Sr.
SENATOR**

**Vicente C. Pangelinan
SENATOR**

**Matthew Rector
SENATOR**

**MINORITY
MEMBERS:**

**Frank F. Blas, Jr.
SENATOR**

**James V. Espaldon
SENATOR**

August 26, 2009

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

*Attorney Therese M. Terlaje
Legislative Legal Counsel*

From: Senator Rory J. Respicio 
Chairperson, Committee on Rules

Subject: Referral of Bill No. 221-30(LS)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 221-30(LS).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine V. Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

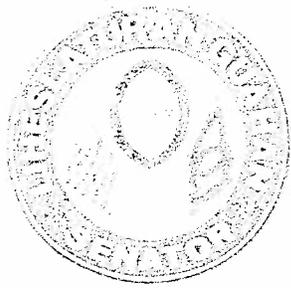
2009 AUG 26 AM 11:49

RJR

I Mina'Trenta Na Liheslaturan Guåhan
Bill Log Sheet

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Intro	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B221-30 (LS)	A. B. Palacios, Sr.	An act to amend 4 GCA §4109(a) relative to eliminating annual leave for judges and justices.	8/25/09 9:28 a.m.	8/26/09	Committee on Labor, the Public Structure, Public Libraries and Technology			



COMUNIDAD POLITICA DE GUAM
 The Government of the Commonwealth of Guam
 /Mina' Trenta na Liheslaturan Guahan
 Thirtieth Guam Legislature



September 29, 2009

To: All Senators/Members

From: Senator Matthew Rector, Chairperson,
 Committee on Labor, the Public Structure, Public Libraries and Technology

Subject: **Notification of Public Hearing (First Notice)**

**Re: Bill No's. B236 (COR), B227 (COR), B221 (LS), B211 (LS), B209 (LS),
 B208 (LS), B200 (COR)**

Please be advised that the Committee on Labor, the Public Structure, Public Libraries and Technology will be conducting a Public Hearing on Tuesday, **October 6, 2009** in the Legislative Public Hearing Room, beginning at **9:00 a.m.**

On the **AGENDA** are the following:

Bill No. B236-30 (COR) – Matt Rector / T.R. Muna-Barnes / A.B. Palacios, Sr. / R.J. Respicio
 An act to amend §6217 of 4 GCA for the purpose of ensuring that public employees that work at night receive night differential pay.

Bill No. B227-30 (COR) – A.B. Palacios, Sr.
 An act to authorize hazardous pay to Parole Officers who perform the duty of supervising and counseling parolees by amending 4 GCA §6222 (a); and to authorize hazardous pay to employees of the Department of Corrections who perform duties, which if performed by other law enforcement or public safety officers would entitle such officers would entitle such officers to hazardous pay, by adding a new Item (1) to §6222 (a).

Bill No. B221-30 (LS) – A.B. Palacios, Sr.
 An act to amend 4 GCA §4109(a) relative to eliminating annual leave for judges and justices.

Bill No. B211-30 (LS) – A.B. Palacios, Sr. / J.V. Espaldon
 An act relative to preserving the independence of the Office of Public Accountability by restoring the Public Auditor's authority to hire a Deputy Public Auditor and Secretary and the protection against the reduction of the salaries of the staff of the Office of Public Accountability by amending Subsection (b) Section 1907 of Title 1 of the Guam Code Annotated and adding a new Subsection (c) to Section 1907 of Title 1 of the Guam Code Annotated.

Bill No. B209-30 (LS) – J.P. Guthertz, DPA / R.J. Respicio
 An Act to amend § 13102 (a) of Chapter 13 of Title 4, Guam Code Annotated, to expand its definition, and to add a new sub item (4) to item (a) of § 13102 to require all persons or public officials that have authority to enter into binding contracts on behalf of the government of Guam or any of its departments, agencies, autonomous entities and public corporations to comply with the Public Official Financial Disclosure Act of the government of Guam.

Bill No. B208-30 (LS) – A.B. Palacios, Sr. / F.B. Aguon, Jr. / Telo Taitague
 An act relative to clarifying the restrictions established on the recruitment or compensation of government of Guam personnel above Step 10 of the Compensation Schedule; through amending Section 6205.2 of Chapter 6, Title 4, Guam Code Annotated.

155 Sesame Street Suite B
 Mangilao, Guam 96920

(671) 734-5288

(671) 734-5085

www.MattRector.com

SENATOR ADOLPHO S. PALACIOS, SR.

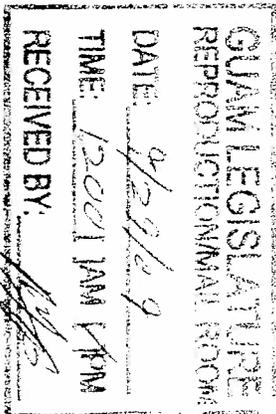
SENATOR VICENTE DE LA PAZ PAINSELMAN

SENATOR FRANK BLAS AGUON, JR.

SENATOR JUDITH GUTHERTZ

SENATOR TINA MUNA BARNES

SENATOR TELO TAITAGUE



Bill No. B200-30 (COR) – A.B. Palacios, Sr.

An act to adjust the compensation for the Attorney General of Guam to be comparable and equitable with other legal officer positions of the government of Guam by amending §30116(a) Chapter 30, Title 5 Guam Code Annotated; and to repeal §30116(b), Chapter 30, Title 5 Guam Code Annotated.

Copies of the Bills mentioned above may be found on the official Guam Legislature's website at www.guamlegislature.com. Hard copies can be obtained at the office of the Clerk of the Legislature. Please address written testimonies to Senator Matt Rector, Chairman, Committee on Labor, the Public Structure, Public Libraries and Technology or may be submitted to the Office of Senator Matt Rector at 153 Sesame Street, Suite B, Mangilao Guam 96923, via e-mail to matt@mattrector.com or facsimile to (671) 734-8085. For special accommodations, auxiliary aids or services, please contact and submit request to Justin Parvin or Rhad Sutacio at our office.

I look forward to your attendance during this hearing. Should you have any questions suggestions or comments concerning the hearing, please feel free to share them with me.

Si Yu'os Ma'ase!

cc: All Senators
Sergeant At Arms
MIS
Clerk of the Legislature

Senseramente,

MATT RECTOR

Rhad Sutacio

From: therese@mattrector.com
Sent: Tuesday, September 29, 2009 2:57 PM
To: life@guampdn.com; therese@mvguam.com; msilva@spbgum.com;
jtyquiengco@spbgum.com; kevin@spbgum.com; rgibson@spbgum.com;
parroyo@spbgum.com; blognews@aficio.org; info@chinesetimesguam.com;
georgebamba@hotmail.com; gerry@mvguam.com; hr100prod@hitradio100.com;
michelle@kuam.com; csanagustin@kuam.com; kprg@guam.net; ksto@ite.net;
kstonews@ite.net; miguel@kktb.com; krisgaza@yahoo.com; hottips@kuam.com;
newsdirector@kuam.com; jason@kuam.com; bettyann@kuam.com; amier@mvguam.com
Subject: NOTICE OF PUBLIC HEARING: Senator Matthew Rector Committee on Labor, the
Public Structure, Public Libraries and Technology

FOR IMMEDIATE RELEASE

September 29, 2009

Notice of Public Hearing (First Notice)

Please be advised that the Committee on Labor, the Public Structure, Public Libraries and Technology will be conducting a Public Hearing on Tuesday, October 6, 2009 in the Legislative Public Hearing Room, beginning at 9:00 a.m.

On the AGENDA are the following:

Bill No. B236-30 (COR) - Matt Rector / T.R. Muna-Barnes / A.B. Palacios, Sr. / R.J. Respicio
An act to amend §6217 of 4 GCA for the purpose of ensuring that public employees that work at night receive night differential pay.

Bill No. B227-30 (COR) - A.B. Palacios, Sr.

An act to authorize hazardous pay to Parole Officers who perform the duty of supervising and counseling parolees by amending 4 GCA §6222 (a); and to authorize hazardous pay to employees of the Department of Corrections who perform duties, which if performed by other law enforcement or public safety officers would entitle such officers would entitle such officers to hazardous pay, by adding a new Item (1) to §6222 (a).

Bill No. B221-30 (LS) - A.B. Palacios, Sr.

An act to amend 4 GCA §4109(a) relative to eliminating annual leave for judges and justices.

Bill No. B211-30 (LS) - A.B. Palacios, Sr. / J.V. Espaldon An act relative to preserving the independence of the Office of Public Accountability by restoring the Public Auditor's authority to hire a Deputy Public Auditor and Secretary and the protection against the reduction of the salaries of the staff of the Office of Public Accountability by amending Subsection (b) Section 1907 of Title 1 of the Guam Code Annotated and adding a new Subsection (c) to Section 1907 of Title 1 of the Guam Code Annotated.

Bill No. B209-30 (LS) - J.P. Guthertz, DPA / R.J. Respicio An Act to amend § 13102 (a) of Chapter 13 of Title 4, Guam Code Annotated, to expand its definition, and to add a new sub item (4) to item (a) of §

13102 to require all persons or public officials that have authority to enter into binding contracts on behalf of the government of Guam or any of its departments, agencies, autonomous entities and public corporations to comply with the Public Official Financial Disclosure Act of the government of Guam.

Bill No. B208-30 (LS) - A.B. Palacios, Sr. / F.B. Aguon, Jr. / Telo Taitague An act relative to clarifying the restrictions established on the recruitment or compensation of government

of Guam personnel above Step 10 of the Compensation Schedule; through amending Section 6205.2 of Chapter 6, Title 4, Guam Code Annotated.

Bill No. B200-30 (COR) - A.B. Palacios, Sr.

An act to adjust the compensation for the Attorney General of Guam to be comparable and equitable with other legal officer positions of the government of Guam by amending §30116(a), Chapter 30, Title 5 Guam Code Annotated; and to repeal §30116(b), Chapter 30, Title 5 Guam Code Annotated.

Copies of the Bills mentioned above may be found on the official Guam Legislature's website at www.guamlegislature.com. Hard copies can be obtained at the office of the Clerk of the Legislature. Please address written testimonies to Senator Matt Rector, Chairman, Committee on Labor, the Public Structure, Public Libraries and Technology or may be submitted to the Office of Senator Matt Rector at 153 Sesame Street, Suite B, Mangilao Guam 96923, via e-mail to matt@mattrector.com or facsimile to (671) 734-8085. For special accommodations, auxiliary aids or services, please contact and submit request to Justin Parvin or Rhad Sutacio at our office.

Please contact 734-MATT (6288) for more information.



30th Guam Legislature
 Department of Labor, the Public Structure, Public Libraries and Technology
I Mina' Trenta na Liheslaturan Guahan
 Thirtieth Guam Legislature



October 2, 2009

To: All Senators/Members

From: Senator Matthew Rector, Chairperson,
 Committee on Labor, the Public Structure, Public Libraries and Technology

Subject: **Notification of Public Hearing (Second Notice)**

**Re: Bill No's. B236 (COR), B227 (COR), B221 (LS), B211 (LS), B209 (LS),
 B208 (LS), B200 (COR)**

150 Sesame Street, Suite B
 Mangilao, Guam 96920

(671) 734-6088

(671) 734-6085

www.MattRector.com

Please be advised that the Committee on Labor, the Public Structure, Public Libraries and Technology will be conducting a Public Hearing on Tuesday, **October 6, 2009** in the Legislative Public Hearing Room, beginning at **9:00 a.m.**

On the **AGENDA** are the following:

SENATOR ADOLPHO B. PALACIOS, SR.

Bill No. B236-30 (COR) – Matt Rector / T.R. Muna-Barnes / A.B. Palacios, Sr. / R.J. Respicio
 An act to amend §6217 of 4 GCA for the purpose of ensuring that public employees that work at night receive night differential pay.

SENATOR VIOLETE BERNARDINO

SENATOR FRANK BLAS AGUON, JR.

Bill No. B227-30 (COR) – A.B. Palacios, Sr.
 An act to authorize hazardous pay to Parole Officers who perform the duty of supervising and counseling parolees by amending 4 GCA §6222 (a); and to authorize hazardous pay to employees of the Department of Corrections who perform duties, which if performed by other law enforcement or public safety officers would entitle such officers to hazardous pay, by adding a new Item (1) to §6222 (a).

SENATOR JUDITH GUTHERTZ

SENATOR TINA MUNI BARNES

SENATOR TELO TAITAGUE

Bill No. B221-30 (LS) – A.B. Palacios, Sr.
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I look forward to your attendance during this hearing. Should you have any questions suggestions or comments concerning the hearing, please feel free to share them with me.

Si Yu'os Ma'ase!

cc: All Senators
Sergeant At Arms
MIS
Clerk of the Legislature

Senseramente,

MATT RECTOR

Fred Burgos

From: Fred Burgos [fred@mattrector.com]
Sent: Friday, October 02, 2009 9:57 AM
To: judiguthertz@pticom.com; senjim@ite.net; Adolpho B. Palacios; Ben Pangelinan; Edward J.B. Calvo; Frank B. Aguon, Jr.; Frank F. Blas, Jr.; Jimmy Espaldon; Judi Won Pat; Ray Tenorio; Rory J. Respicio; Telo Taitague; Tina Muna Barnes; Tom Ada
Cc: aokada@guamlegislature.org; bruce.lloyd.media@gmail.com; chris.budasi@guamlegislature.org; ciquinata@gmail.com; cyrus@senatorada.org; doc.wytenbachsantos@gmail.com; edpocaigne@judiwonpat.com; edpocaigne@yahoo.com; epgogue@hotmail.com; fba_irenem@yahoo.com; fbtorres@yahoo.com; gtmarcos612@yahoo.com; jamespcastro@gmail.com; jennifer@mattrector.com; jessica@raytenorio.com; jonbdiaz@gmail.com; justin@mattrector.com; legislativesecretary1@gmail.com; lizama.frances@gmail.com; mark@judiwonpat.com; maryfejeran@gmail.com; mermae@raytenorio.com; mjperez48@yahoo.com; patrickcepeda@hotmail.com; peterlg@gmail.com; pjtcruz@yahoo.com; rjquitugua@gmail.com; rlikeke05@gmail.com; rob.tupaz@gmail.com; roland@judiwonpat.com; rsmuna@yahoo.com; sahara@judiwonpat.com; sayama01@yahoo.com; sem@guamlegislature.org; teddytaz_222@yahoo.com; tpmatane@yahoo.com; vel.komiyama@yahoo.com; zunior0831@hotmail.com; bill phillips; Derek Sablan; Derick Hills; Ed LeonGuerrero; Elaine Tajalle; Frank Torres; Fred Burgos; Gina Tabonares; Jay Sunga; Jose Cruz; Joy Unpingco; Lisa Cipollone; Mary Lou Wheeler; Maya Alonso; Mike Lidia; Nicole Santos; Phillip Leon Guerrero; Ron Taitague; teddytaz@ite.net; Tony Quitugua; Daniel Perez; Dorothy Cruz; Elvy Mew; Flo Terlaje; Maria Nieves Materne; Martha Cruz; Pat Santos; Rennae Perez; Therese Terlaje; vparriola@teleguam.net; vparriola@guamlegislature.org; Joe Leon Guerrero; tunsio@guamlegislature.org; Vince Bermudez; yong@guamlegislature.org
Subject: Public Hearing (Second Notice) October 6, 2009
Attachments: 2nd Notice 10609 Hearing Page 1.jpg; 2nd Notice 10609 Hearing Page 2.jpg

Please See Attached Notice.

Senseramente,

FRED BURGOS

Chief of Staff

OFFICE OF SENATOR MATT RECTOR

Committee on Labor, Public Structure, Public Libraries, and Technology

I Mina' Trenta Na Liheslaturan Guahan

Thirtieth Guam Legislature

153 Sesame Street, Suite B

Mangilao, Guam 96923

Ph.: (671) 734-6288

Fax: (671) 734-8085

Website: www.mattrector.com

Rhad Sutacio

From: therese@mattrector.com
Sent: Friday, October 02, 2009 3:03 PM
To: life@guampdn.com; therese@mvguam.com; msilva@spbg Guam.com;
jtyquiengco@spbg Guam.com; kevin@spbg Guam.com; rgibson@spbg Guam.com;
parroyo@spbg Guam.com; blognews@aficio.org; info@chinesetimesguam.com;
georgebamba@hotmail.com; gerry@mvguam.com; hr100prod@hitradio100.com;
michelle@kuam.com; csanagustin@kuam.com; kprg@guam.net; ksto@ite.net;
kstonews@ite.net; miguel@ktkb.com; krisgaza@yahoo.com; hottips@kuam.com;
newsdirector@kuam.com; jason@kuam.com; bettyann@kuam.com; amier@mvguam.com
Subject: NOTICE OF PUBLIC HEARING: Senator Matthew Rector Committee on Labor, the
Public Structure, Public Libraries and Technology

FOR IMMEDIATE RELEASE
October 2, 2009
Notice of Public Hearing (Second Notice)

Please be advised that the Committee on Labor, the Public Structure, Public Libraries and Technology will be conducting a Public Hearing on Tuesday, October 6, 2009 in the Legislative Public Hearing Room, beginning at 9:00 a.m.

On the AGENDA are the following:

Bill No. B236-30 (COR) - Matt Rector / T.R. Muna-Barnes / A.B. Palacios, Sr. / R.J. Respicio
An act to amend §6217 of 4 GCA for the purpose of ensuring that public employees that work at night receive night differential pay.

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Bill No. B209-30 (LS) - J.P. Guthertz, DPA / R.J. Respicio An Act to amend § 13102 (a) of Chapter 13 of Title 4, Guam Code Annotated, to expand its definition, and to add a new sub item (4) to item (a) of § 13102 to require all persons or public officials that have authority to enter into binding contracts on behalf of the government of Guam or any of its departments, agencies, autonomous entities and public corporations to comply with the Public Official Financial Disclosure Act of the government of Guam.

Bill No. B208-30 (LS) - A.B. Palacios, Sr. / F.B. Aguon, Jr. / Telo Taitague An act relative to clarifying the restrictions established on the recruitment or compensation of government

of Guam personnel above Step 10 of the Compensation Schedule; through amending Section 6205.2 of Chapter 6, Title 4, Guam Code Annotated.

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Please contact 734-MATT (6288) for more information.



SENATOR MATT RECTOR

Chairman, Committee on labor, the public structure, public libraries and technology

I Mina' Trenta na Liheslaturan Guahan

Thirtieth Guam Legislature



October 2, 2009

To: All Senators/Members

From: Senator Matthew Rector, Chairperson
Committee on Labor, the Public Structure, Public Libraries and Technology

Subject: First Notice of Public Hearing – Fri, Oct. 9, 2009 – 9:00 AM

Please be advised that the Committee on Labor, the Public Structure, Public Libraries and Technology will reconvene the public hearing on **Bill No. 221-30 (LS)**, introduced by A.B. Palacios, Sr., "An act to amend 4 GCA §4109(a) relative to eliminating annual leave for judges and justices," on **Friday, October 9, 2009** in the Legislative Public Hearing Room, from **9:00 a.m. to 12:00 p.m.** Please note that the public hearing on Bill No. 221-30 (LS) began on Tuesday, October 6, 2009.

A copy of Bill No. 221-30(LS) can be found on the Guam Legislature Website at www.guamlegislature.com. Hard copies can be obtained at the Office of the Clerk of the Legislature. Please address written testimonies to Senator Matt Rector, Chairman, Committee on Labor, the Public Structure, Public Libraries and Technology. Testimonies may be submitted via hand-delivery to the Office of Senator Matt Rector at 153 Sesame Street, Suite B, Mangilao Guam 96923, via e-mail to matt@mattrector.com or via facsimile to (671) 734-8085. For special accommodations, auxiliary aids or services, please contact and submit request to Justin Parvin or Rhad Sutacio at my office.

I look forward to your attendance during this hearing. Should you have any questions, suggestions or comments concerning the hearing, please feel free to share them with me.

Si Yu'os ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV
MIS
Clerk of the Legislature

Senseramente,

MATT RECTOR

Address
153 Sesame Street, Suite B
Mangilao, Guam 96923

Telephone
(671)734-6288

Fax
(671)734-8085

Website
www.MattRector.com

Committee Members

SENATOR ADOLPHO B. PALACIOS, SR.
VICE CHAIR

SENATOR VICENTE "ben" PANGELINAN

SENATOR FRANK BLAS AGUON, JR.

SENATOR JUDITH GÜTHERTZ

SENATOR TINA MUNA BARNES

SENATOR TELO TAITAGUE

GUAM LEGISLATURE
REPRODUCTION/MAIL ROOM

DATE: 10/2/09

TIME: 4:00 | AM | PM

RECEIVED BY:

From: therese@mattrector.com
To: life@guampdn.com; therese@mvguam.com; msilva@spbguam.com; itvquiengco@spbguam.com; kevin@spbguam.com; rgibson@spbguam.com; parroyo@spbguam.com; blognews@aficio.org; info@chinesetimesguam.com; georgebamba@hotmail.com; gerry@mvguam.com; hr100prod@hitradio100.com; csanagustin@kuam.com; kprg@guam.net; ksto@ite.net; kstonews@ite.net; krisgaza@yahoo.com; hottips@kuam.com; newsdirector@kuam.com; jason@kuam.com; bettyann@kuam.com; amier@mvguam.com
Subject: NOTICE OF PUBLIC HEARING: Committee on Labor, the Public Structure, Public Libraries and Technology
Date: Friday, October 02, 2009 4:17:53 PM

FOR IMMEDIATE RELEASE
October 2, 2009
Notice of Public Hearing (First Notice)

Please be advised that the Committee on Labor, the Public Structure, Public Libraries and Technology will reconvene the public hearing on Bill No. 221-30 (LS), introduced by A.B. Palacios, Sr., "An act to amend 4 GCA §4109(a) relative to eliminating annual leave for judges and justices," on Friday, October 9, 2009 in the Legislative Public Hearing Room, from 9:00 a.m. to 12:00 p.m. Please note that a public hearing on Bill No. 221-30 (LS) will be held on Tuesday, October 6, 2009.

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Please contact 734-MATT (6288) for more information.



SENATOR MATT RECTOR

Chairman, Committee on labor, the public structure, public libraries and technology

I Mina' Trenta na Liheslaturan Guahan

Thirtieth Guam Legislature



October 7, 2009

Address

153 Sesame Street, Suite B
Mangilao, Guam 96923

Telephone

(671)734-6288

Fax

(671)734-8085

Website

www.MattRector.com

Committee Members

SENATOR ADOLPHO B. PALACIOS, SR

VICE CHAIR

SENATOR VICENTE "ben" PANGELINAN

SENATOR FRANK BLAS AGUON, JR

SENATOR JUDITH GUTHERTZ

SENATOR TINA MUNA BARNES

SENATOR TELO TAITAGUE

To: All Senators/Members

From: Senator Matthew Rector, Chairperson
Committee on Labor, the Public Structure, Public Libraries and Technology

Subject: Second Notice of Public Hearing – Fri, Oct. 9, 2009 – 9:00 AM

Please be advised that the Committee on Labor, the Public Structure, Public Libraries and Technology will reconvene the public hearing on **Bill No. 221-30 (LS)**, introduced by A.B. Palacios, Sr., "An act to amend 4 GCA §4109(a) relative to eliminating annual leave for judges and justices," on **Friday, October 9, 2009** in the Legislative Public Hearing Room, from **9:00 a.m. to 12:00 p.m.** Please note that the public hearing on Bill No. 221-30 (LS) began on Tuesday, October 6, 2009.

A copy of Bill No. 221-30(LS) can be found on the Guam Legislature Website at www.guamlegislature.com. Hard copies can be obtained at the Office of the Clerk of the Legislature. Please address written testimonies to Senator Matt Rector, Chairman, Committee on Labor, the Public Structure, Public Libraries and Technology. Testimonies may be submitted via hand-delivery to the Office of Senator Matt Rector at 153 Sesame Street, Suite B, Mangilao Guam 96923, via e-mail to matt@mattrector.com or via facsimile to (671) 734-8085. For special accommodations, auxiliary aids or services, please contact and submit request to Justin Parvin or Rhad Sutacio at my office.

I look forward to your attendance during this hearing. Should you have any questions, suggestions or comments concerning the hearing, please feel free to share them with me.

Si Yu'os ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV
MIS
Clerk of the Legislature

Senseramente,

MATT RECTOR

GUAM LEGISLATURE
REPRODUCTION/MAIL ROOM

DATE: 10/07/

TIME: 12:45 | AM | PM

RECEIVED BY: J. Martinez

From: therese@mattrector.com
To: life@guampdn.com; therese@mvguam.com; msilva@spbguam.com; itvquiengco@spbguam.com; kevin@spbguam.com; rgibson@spbguam.com; parroyo@spbguam.com; blognews@afctio.org; info@chinesetimesguam.com; georgebamba@hotmail.com; gerry@mvguam.com; hr100prod@hitradio100.com; csanagustin@kuam.com; kprg@guam.net; ksto@ite.net; kstone@ite.net; krisgaza@yahoo.com; hottips@kuam.com; newsdirector@kuam.com; jason@kuam.com; bettyann@kuam.com; amier@mvguam.com
Subject: NOTICE OF PUBLIC HEARING: Committee on Labor, the Public Structure, Public Libraries and Technology
Date: Wednesday, October 07, 2009 11:58:09 AM

FOR IMMEDIATE RELEASE
October 7, 2009
Notice of Public Hearing (Second Notice)

Please be advised that the Committee on Labor, the Public Structure, Public Libraries and Technology will reconvene the public hearing on Bill No. 221-30 (LS), introduced by A.B. Palacios, Sr., "An act to amend 4 GCA §4109(a) relative to eliminating annual leave for judges and justices," on Friday, October 9, 2009 in the Legislative Public Hearing Room, from 9:00 a.m. to 12:00 p.m. Please note that a public hearing on Bill No. 221-30 (LS) was held on Tuesday, October 6, 2009.

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Please contact 734-MATT (6288) for more information.

SENATOR MATT RECTOR

Chairman,

Committee on Labor, the Public Structure, Public Libraries and Technologies

Public Hearing

AGENDA

Tuesday October 6, 2009 – 9:00 a.m.
Legislative Public Hearing Room, Hagatna

On the Agenda

Bill No. B236-30 (COR) – Matt Rector / T.R. Muna-Barnes / A.B. Palacios, Sr. / R.J. Respicio An act to amend §6217 of 4 GCA for the purpose of ensuring that public employees that work at night receive night differential pay.

Bill No. B227-30 (COR) – A.B. Palacios, Sr.

An act to authorize hazardous pay to Parole Officers who perform the duty of supervising and counseling parolees by amending 4 GCA §6222 (a); and to authorize hazardous pay to employees of the Department of Corrections who perform duties, which if performed by other law enforcement or public safety officers would entitle such officers would entitle such officers to hazardous pay, by adding a new Item (1) to §6222 (a).

Bill No. B221-30 (LS) – A.B. Palacios, Sr.

An act to amend 4 GCA §4109(a) relative to eliminating annual leave for judges and justices.

Bill No. B211-30 (LS) – A.B. Palacios, Sr. / J.V. Espaldon

An act relative to preserving the independence of the Office of Public Accountability by restoring the Public Auditor's authority to hire a Deputy Public Auditor and Secretary and the protection against the reduction of the salaries of the staff of the Office of Public Accountability by amending Subsection (b) Section 1907 of Title 1 of the Guam Code Annotated and adding a new Subsection (c) to Section 1907 of Title 1 of the Guam Code Annotated.

Bill No. B209-30 (LS) – J.P. Guthertz, DPA / R.J. Respicio

An Act to amend § 13102 (a) of Chapter 13 of Title 4, Guam Code Annotated, to expand its definition, and to add a new sub item (4) to item (a) of § 13102 to require all persons or public officials that have authority to enter into binding contracts on behalf of the government of Guam or any of its departments, agencies, autonomous entities and public corporations to comply with the Public Official Financial Disclosure Act of the government of Guam.

Bill No. B208-30 (LS) – A.B. Palacios, Sr. / F.B. Aguon, Jr. / Telo Taitague

An act relative to clarifying the restrictions established on the recruitment or compensation of government of Guam personnel above Step 10 of the Compensation Schedule; through amending Section 6205.2 of Chapter 6, Title 4, Guam Code Annotated.

Bill No. B200-30 (COR) – A.B. Palacios, Sr.

An act to adjust the compensation for the Attorney General of Guam to be comparable and equitable with other legal officer positions of the government of Guam by amending §30116(a), Chapter 30, Title 5 Guam Code Annotated; and to repeal §30116(b), Chapter 30, Title 5 Guam Code Annotated.

Copies of the Bills mentioned above may be found on the official Guam Legislature website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Justin Parvin or Rhad Sutacio at 734-6288.

The Committee will continue to receive testimonies for the next ten (10) days. Please fax testimonies to 734-8085, e-mail at matt@mattrector.com, or drop the testimonies to my office at 153 Sesame Street, Suite B, Mangilao or in my mailbox in the Reproduction room in the Legislature. You can also submit your testimony electronically to my website at www.mattrector.com

SENATOR MATT RECTOR

Chairman,

Committee on Labor, the Public Structure, Public Libraries and Technologies

Public Hearing

AGENDA

Fri day, October 9, 2009 – 9:00 a.m.

Legislative Public Hearing Room, Hagatna

On the Agenda

Bill No. B221-30 (LS) – A.B. Palacios, Sr.

An act to amend 4 GCA §4109(a) relative to eliminating annual leave for judges and justices.

A Copy of Bill No. 221-30 (LS) may be found on the official Guam Legislature website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Justin Parvin or Rhad Sutacio at 734-6288.

The Committee will continue to receive testimonies for the next ten (10) days. Please fax testimonies to 734-8085, e-mail at matt@mattrector.com, or drop the testimonies to my office at 153 Sesame Street, Suite B, Mangilao or in my mailbox in the Reproduction room in the Legislature. You can also submit your testimony electronically to my website at www.mattrector.com

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

2009 AUG 25 AM 9:28
won
Adp

Bill No. ZZ1-30 (LS)

Introduced by:

Adolpho B. Palacios, Sr. 

AN ACT TO AMEND 4 GCA §4109(a) RELATIVE TO ELIMINATING ANNUAL LEAVE FOR JUDGES AND JUSTICES.

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

2 **Section 1. Legislative Intent.** Public Law 29-019:VI:60 (Sept. 27, 2009) amended 4
3 GCA §4109(a) and inadvertently repealed the exemption of judges and justices from earning annual
4 leave provided for by Public Law 28-137 (July 11, 2006). This law is intended to restore judges and
5 justices exemption from annual leave which was a significant component of P.L. 28-137, the Judicial
6 Efficiency Act of 2006, to adjust judges' compensation, improve the dispatch of cases and increase
7 efficiency in the Judicial Branch of Guam.

8 **Section 2.** §4109(a) of Title 4 Guam Code Annotated is *amended* as follows:

9 **“§ 4109. Annual Leave.**

10 (a) Annual leave *shall* be granted to employees occupying permanent positions, except
11 personnel of the ~~Guam Public School System~~ Department of Education, the Guam Community
12 College *or* the University of Guam, who are employed on a school year basis, and judges of the
13 Superior Court and justices of the Supreme Court in accordance with the following schedule:

14 (1) One-half day (4 hours) for each full bi-weekly pay period in the case of
15 employees with *less than* five (5) years of service;

1 (2) Three-fourths day (6 hours) for each bi-weekly pay period in the case of
2 employees with five (5) years of service but *less than* fifteen (15) years of service.

3 (3) One (1) day (8 hours) for each full biweekly pay period in the case of
4 employees with fifteen (15) years *or* more service.

5 For purposes of this Subsection (a), all elected officials except members of the Guam
6 Education Policy Board, and the Consolidated Commission on Utilities *shall* be deemed
7 employees occupying permanent positions.”