



Office of the Governor of Guahan

P.O. Box 2950 Hagåtña, GU 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • Email: governor@guam.gov

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

JUL 28 2010

2010 JUL 28 PM 3:17

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

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 100-30 (COR) "AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT OF GUAM, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENT OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS BY I LIHESLATURAN GUAHAN TO THE JUDICIARY OF GUAM", which was enacted into law without the Governor's signature. The legislation is now designated as Public Law No. 30-177.

Sinseru yan Magahet,

[Handwritten signature of Michael W. Cruz]

MICHAEL W. CRUZ, M.D.
I Maga'lahen Guahan para pa'go
Acting Governor of Guahan

Attachment: copy of Bill

30-10-0644
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 7/28/10
Time: 11:10
Received by: [Signature]

2140



Office of the Governor of Guahan

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

JUL 22 2010

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

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 100-30 (COR) "AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT OF GUAM, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENT OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS BY I LIHESLATURAN GUAHAN TO THE JUDICIARY OF GUAM", which is now designated as Public Law 30-177.

Sinseru yan Magâhet,

MICHAEL W. CRUZ, M.D.
I Maga'lâhen Guahan para pa'go
Acting Governor of Guahan

Attachment: copy of Bill

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 7/22/10
Time 4:42P
Received by [Signature]

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

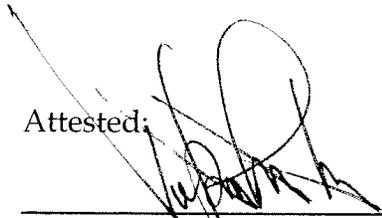
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 100-30 (COR), "AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT OF GUAM, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENT OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY I LIHESLATURAN GUÅHAN TO THE JUDICIARY OF GUAM", was on the 2nd day of July, 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 6th day of July, 2010, at
5 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____
Public Law No. P.L. 30-177

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

Bill No. 100-30 (COR)

As substituted by the Committee on Appropriations,
Taxation, Banking, Insurance, Retirement, and Land,
and amended on the Floor.

Introduced by:

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

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

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

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

7 Pursuant to the doctrine of separation of powers, the disbursal of the
8 monthly cash allotments for the amount appropriated by *I Liheslaturan Guåhan* for
9 the Judiciary’s operations should *not* be subject to interpretation, interference,
10 infringement or intrusion by any other branch of government once the
11 appropriation is legally made by the Legislative Branch.

12 Funds collected under the General Fund of the Government of Guam are by
13 necessity channeled through the Department of Administration as the Central
14 Accounting Office for the Government of Guam pursuant to Title 5 GCA, §§
15 22201 and 22202.

16 Title 5 GCA, § 1303 exempts the Judicial Branch from the Bureau of Budget
17 and Management Research allotment process, by providing that “[Section 1303,
18 “Management of Allotments”] shall not apply to the Judicial Branch.” Under Title
19 5 GCA, § 1303, the Judicial Branch draws against its respective appropriation in
20 accordance with a monthly allotment drawdown schedule submitted to the
21 Department of Administration.

22 Historically, the amounts appropriated by *I Liheslaturan Guåhan* for the
23 Judiciary’s operations for any fiscal year have been *less than* five percent (5%) of
24 the General Fund revenues.

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

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

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

7 **“§22111. Direct Deposit of Judiciary Appropriations.**

8 (a) With respect to the appropriations by *I Liheslaturan Guåhan* for
9 the operations of the Judiciary of Guam for any fiscal year, the Director of
10 Administration *shall* deposit, on the last day of each month, into a bank
11 account designated by the Judiciary, a sum from the prior month’s General
12 and Special Fund revenue collections as defined in Subsection (a)(1) and (2)
13 of this Section; *provided, however*, that the deposits for the fiscal year *shall*
14 *not exceed* the total amount appropriated by *I Liheslaturan Guåhan* for the
15 fiscal year.

16 (1) Deposit percentage calculation *shall* equal the total
17 aggregate fiscal year appropriations of the Judiciary’s budget divided
18 by the aggregate of all estimated revenues of each revenue funding
19 source of the Judiciary’s budget for the same fiscal year.

20 (2) The monthly deposit *shall* be based on the percentage
21 derived from Subsection (a)(1) of this Section multiplied by the actual
22 cash collected by the aggregate revenue funding sources as defined in
23 Subsection (a) of this Section.

24 (b) The Chief Justice of the Judiciary of Guam *shall* submit to the
25 Speaker of *I Liheslaturan Guåhan*, *I Maga’lahen Guåhan*, and the Director
26 of Administration, on *or* before October 10 of each year, a projected

1 schedule of the monthly deposits in accordance with Subsection (a)(2) of
2 this Section for the Judiciary for the fiscal year.

3 (c) It *shall* be a ministerial duty of the Director of Administration
4 to make the monthly deposits to the Judiciary of Guam as required by this
5 Act.”

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

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

6

I MINA' TRENTA NA LIHESLATURAN GUAHAN

2010 (SECOND) Regular Session

Date: 7/2/10

VOTING SHEET

SBill No. 100-30(COR)

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.	✓				
ADA, V. Anthony	✓				
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	✓				
WON PAT, Judith T.	✓				

TOTAL 15 _____

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



The People

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

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

Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

October 21, 2009

The Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina' Trenta Na Liheslaturan Guåhan
155 Hesler Place
Hagatna, Guam 96910

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

RE: Committee Report – Bill No. 100 (COR) As Substituted

Hafa Adai Speaker Won Pat,

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land, to which was referred **Bill No. 100 (COR) - "AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT OF GUAM, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENT OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY I LIHESLATURAN GUÅHAN TO THE JUDICIARY OF GUAM."**- sponsored by Senator Frank Aguon, Jr. & Senator James Espaldon, hereby reports its findings and recommendation.

Committee votes are as follows:

<u>6</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>1</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse!

vicente c. pangelinan
Chairman

Clerk of the Legislature

ACKNOWLEDGEMENT RECEIPT

Received by: *nc*

3:50 pm

1-19-10



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

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

COMMITTEE REPORT ON

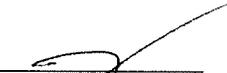
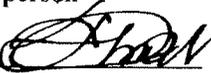
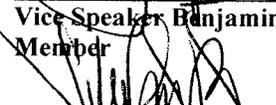
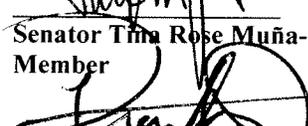
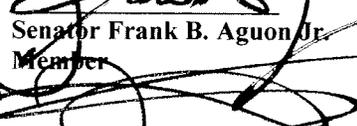
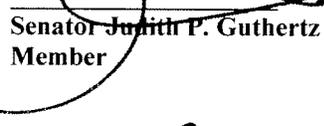
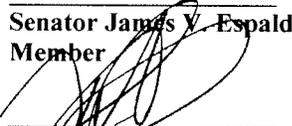
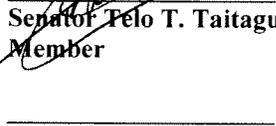
Bill No. 100 (COR) As Substituted

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

I MINA' TRENTA NA LIHESLATURAN GUÁHAN
Committee Voting Sheet
Committee on Appropriations, Taxation, Banking, Insurance, Retirement,
and Land

Bill No. 100 (COR) – “AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT OF GUAM, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENT OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY I LIHESLATURANGUAHAN TO THE JUDICIARY OF GUAM.”

As Substituted by the Committee

Committee Members	To Pass	Not To Pass	Report Out	Abstain	Inactive Files
 Senator Vicente C. Pangelinan Chairperson	✓				
 Speaker Judith T. Won Pat, Ed.D. Vice Chairperson	✓				
 Vice Speaker Benjamin J.F. Cruz Member					
 Senator Tina Rose Muña-Barnes Member	✓				
 Senator Frank B. Aguon Jr. Member	✓				
 Senator Judith P. Guthertz Member					
 Senator James V. Espaldon Member					
 Senator Telo T. Taitague Member			a		
 Senator Frank Blas, Jr. Member					



The People

Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

October 21, 2009

MEMORANDUM

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

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

To: All Members
Committee on Appropriations, Taxation, Banking, Insurance,
Retirement, and Land

From: Senator vicente c. pangelinan
Chairperson

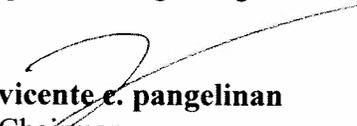
Subject: Committee Report on Bill No. 100 (COR) As Substituted

Transmitted herewith for your consideration is the Committee Report on Bill No. 100 (COR) – “AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT OF GUAM, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENT OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY I *LIHESLATURAN* *GUAHAN* TO THE JUDICIARY OF GUAM.” sponsored by Senator Frank B. Aguon, Jr & Senator James V. Espaldon.

Included in this report are the following items:

1. Committee Voting Sheet
2. Committee Report Digest
3. Copy of Bill No. 100 (COR)
4. Public Hearing Sign-in Sheet
5. Copies of Submitted Testimony & Supporting Documents
6. Copy of COR Referral of Bill No. 100 (COR)
7. Notices of Public Hearing & Related Correspondence
8. Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention and cooperation is greatly appreciated. Should there be any questions regarding this matter, please contact my office at 473-4236.


vicente c. pangelinan
Chairman

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

Committee Report

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

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

Bill No. 100 (COR): “An Act relative to reaffirming the Judiciary of Guam as a separate and equal branch of the Government of Guam, through ensuring the proper and timely disbursement of cash allotments necessary for the administration of justice in the courts as provided in the annual appropriations made by *I Liheslaturan Guahan* to the Judiciary of Guam”, sponsored by Senator Frank B. Aguon, Jr.

I. OVERVIEW

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land convened a public hearing Tuesday, July 7, 2009. The hearing was called to order at 1:00 pm in *I Liheslaturan Guahan's* Public Hearing Room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on 06/30/09 (5-day notice), and again on 07/04/09 (48-hour notice).

(a) Committee Members and Senators Present

Senator vicente c. pangelinan, Chairperson
Senator Tina Muña-Barnes, Member
Senator Telo Taitague, Member
Senator Adolpho Palacios, Sr.

(b) Appearing before the Committee

Robert Torres, Chief Justice of the Superior Court of Guam
Perry Taitano, Superior Court of Guam
Dan Tydingco, Superior Court of Guam

II. COMMITTEE PROCEEDINGS

(a) Bill Sponsor Summary

None

(b) Testimony:

Chairman Pangelinan: We would like to thank you gentlemen for your presence here this afternoon and will begin by the presentation by the Chief Justice.

1. Chief Justice Robert Torres:

Buenas and Hafa Adai, Chariman Pangelinan and Senators. On behalf of the Judicial Branch, as the Chief Justice, am happy to be here and appreciative of the opportunity to appear before you today to testify seeking favorable consideration of bill 100.

(Read written testimony; *see attached*)

Chairman Pangelinan, I also want to acknowledge and thank you for your expedient scheduling of this hearing. As the Senators prepare themselves for the new passage of the fiscal year budget, we humbly ask you of your favorable support of bill 100 as an essential component budget for the judiciary. Thank you very much.

Panel Comments and Questions

Chairman: Thank you and Si Yu'us Ma'ase Mr. Chief Justice Torres. Any comments or questions from the panel. I just also want to caution that this is not the first time we tried to do this funding based on a percentage of government operations. We do it for income tax, it's in the law and as a matter of fact income tax should be a lot easier to adhere to. We do it before we budget the operations.

When we are projecting to budget and amount, we are already expecting to intake an amount larger than what we projected and set aside an amount for refunds, but then we do not pay the refunds. We need to take it from that perspective, that the judiciary is a separate but co-equal branch of this government and needs be respected and treated as such without having to rely on an allotment control of another branch. It is fundamental to assuring its independence.

Mr. Torres: We are prepared to take the risks of the cash collections. The difficulties we face. We recognize that. We are not asking for more but a fair share on a daily basis. The legislature and the Governor get to decide the funding of the judiciary and the disbursement shouldn't be left to the sole discretion of the Director of Administration. I believe Bill 100 certainly addresses the inequity of our problem. Thank you Chariman Pangelinan for having the opportunity to provide testimony to all of you.

Chairman Pangelinan: Thank you Mr. Torres. Are there any other members of the public who would like to testify on Bill 100? We will move ahead and adjourn the hearing on Bill 100.

(c) Written Testimony:

Samuel J. Taylor, Esq. Chairman, Legislative Liaison Committee, Guam Bar Association

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land, hereby reports out Bill No. 100 (COR), as substituted by the Committee with the recommendation TO PASS.

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

Bill No. 100-30 (COR)

**As substituted by the Committee on
Appropriations, Taxation, Banking,
Insurance, Retirement, and Land**

Introduced by:

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

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

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

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

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

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

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

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

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

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

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

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

4 (a) With respect to the appropriations by *I Liheslaturan Guåhan*
5 for the operations of the Judiciary of Guam for any fiscal year, the
6 Director of Administration *shall* deposit, on the last day of each
7 month, into a bank account designated by the Judiciary, a sum from
8 the prior month's General and Special Fund revenue collections equal
9 ~~to the percentage of the Judiciary's budget for the fiscal year relative~~
10 ~~to the entire General Fund Budget for the same fiscal year as defined~~
11 in subsections (a)(1) and (a)(2) of this section; provided, however,
12 that the deposits for the fiscal year *shall not exceed* the total amount
13 appropriated by *I Liheslaturan Guåhan* for the fiscal year ~~plus any~~
14 ~~appropriations to the Judiciary from prior fiscal years which have not~~
15 ~~previously been received by the Judiciary.~~

16 (1) Deposit percentage calculation shall equal the total
17 aggregate fiscal year appropriations of the Judiciary's budget
18 divided by the aggregate of all estimated revenues of each
19 Revenue Funding source of the Judiciary's budget for the same
20 fiscal year.

21 (2) The monthly deposit shall be based on the
22 percentage derived from subsection (a)(1) of this section
23 multiplied by the actual cash collected by the aggregate

1 Revenue Funding sources as defined in subsection (a) of this
2 section.

3 (b) The Chief Justice of the Judiciary of Guam shall submit to
4 the Speaker of *I Liheslaturan Guåhan, I Maga'lahaen Guåhan*, and the
5 Director of Administration on or before Oct 10 of each year, a
6 projected schedule of the monthly deposits in accordance with
7 subsection (a)(2) of this section~~above~~ for the Judiciary for the fiscal
8 year.

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

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

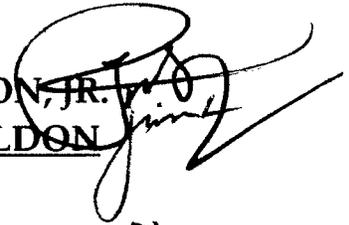
15 **Section 4. Effective Date.** The effective date of this Act shall be
16 thirty (30) days from the date of enactment.

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

Bill No. 100 (COR)

Introduced by:

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



2009 APR 17 PM 4:55
J

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicente "ben" c. pangelinan

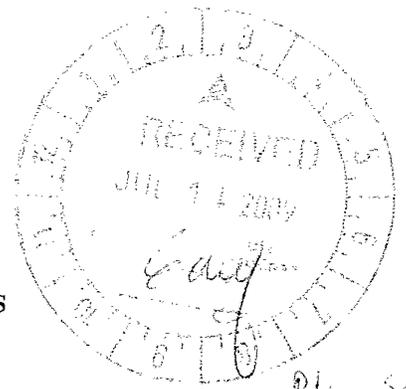
COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND
PUBLIC HEARING
BILL NO. 100

Sign In Sheet

Name	Address	Phone Number	Email	Written	Oral
CHIEF JUSTICE R. S. TORRES	JUDICIARY	475-3300			
P. TARRANT	"	"			
D. THORNTON	"	"			

324 W. Soledad Ave. Hagatna, Guam 96910
 Ph. 473-4236 Fax. 473-4238
 Email: senbemp@guam.net

①



*Pls give
Derrick
after his*

REMARKS
by
The Honorable Robert J. Torres
Chief Justice

before the
**Committee on Appropriations, Taxation, Banking,
Insurance, Retirement, and Land**

on
Bill 100
Tuesday, July 7, 2009
Legislative Public Hearing Room

Hafa Adai and good afternoon Mr. Chairman, Committee members and Senators:

On behalf of the Judicial Branch of Guam, I am Robert J. Torres, the Chief Justice and I am appreciative of the opportunity to appear before you today and testify seeking favorable consideration and passage of Bill 100.

Bill 100 is certainly a positive step to provide a more permanent solution to our funding issues. While its title may seem obvious and obligatory, the bill's objective of ensuring the proper and timely disbursement of cash allotments necessary for the administration of justice is indeed a basic reaffirmation of the Judiciary as a separate and co-equal third branch of government.

Just a few months ago, I appeared before this body to deliver my State of the Judiciary address and in that message discussed among many points the challenges we have grappled with because of fiscal constraints and budgetary allotments. Bill 100 is a welcome piece of legislation for the Judiciary because it will alleviate the uncertainty about funding levels from month to month and enable the courts to manage its budget and programs with better foresight.

To address the reduction in our FY09 Budget and the non receipt of our scheduled cash allotments, the Judiciary implemented a variety of cost cutting and containment measures, some of which were quite drastic, to include a hiring freeze, suspension of civil jury trials for thirty days, terminating certain contracts, permitting voluntary furloughs and adjusting our public hours of operation. I acknowledge with realism, however, that the court's austerity measures has its limits and the inconsistent receipt of allotments undoubtedly puts more pressure on us to deliver the essential services required and leaves many of our employees vulnerable and worried.

The reactionary and often times abrupt plan of action would not be necessary if the Judiciary were given a prescribed percentage of government revenues each month, regardless of whether that amount is lesser or greater than the fiscal year budget forecast. And because the Judiciary's budget is less than 5% of the entire Government of Guam budget, a consistent monthly disbursement to the courts from the prior month's General Fund revenue collections in order to carry out our mandates

under the Organic Act, pursuant to the Constitution of the United States, and as a third branch of the government should not have a detrimental impact to other government operations.

In fact, under this bill the Courts will be entitled to no more than the total amount appropriated by *I Liheslaturan Guåhan* for the applicable fiscal year plus any appropriations to the Judiciary from prior fiscal years which have not previously been received by the Judiciary.

We view our budget as having three orientations or functions — control, management, and planning. The control function is to ensure that tax dollars are used to accomplish the budgeted targets. The management function promotes the technical and operational efficiency and effectiveness. The planning function facilitates decision making on the objectives and policies. The ministerial duty of the Director of Administration to make the monthly deposits required under Bill 100 will enable us to more appropriately implement strategic thinking, wise decision making and facilitate by planning ahead the smooth, routine operation of our daily duties.

What is vital to the Judiciary is the ability to efficiently and effectively operate a sound business plan for the performance of our mandates by working with a steady and reasonably predictable revenue source. Bill 100 will allow management to determine not only appropriate cost cutting measures, but opportunities for savings through timely and thorough procurement of services and supplies for the court and its patrons.

I want to thank the legislative Committee Chairman overseeing the Judiciary, Senator Frank Aguon, and our former oversight Chairman, Senator Jim Espaldon, for introducing the legislation. Chairman Pangelinan, I also want to acknowledge and express appreciation for your expedient scheduling of this public hearing. As you ready yourselves for passage of the new fiscal year budget, we humbly request your favorable support for Bill 100 as an essential accompaniment for our future operations.

Thank you.

2009 JUN 12 AM 11:13 me

Samuel J. Taylor, Esq.
Chairman, Legislative Liaison Committee
Guam Bar Association
578 North Marine Corps Drive
Tamuning, Guam 96913
Telephone No.: (671) 647-7681
Facsimile No.: (671) 646-2335
E-mail address: staylor@ite.net

30-09-0716
Office of the Speaker
Judith T. Won Pat, Ed. D.

Date: 6/12/09
Time: 9:30
Received by: [Signature]

[Handwritten initials]

June 9, 2009

The Honorable Judith WonPat
Speaker, 30th Guam Legislature
I Mina' Buente Neubi Na Liheslaturan Guåhan
155 Hessler Place
Hagatna, Guam 96910

Re: Guam Bar Association Legislative Liaison Committee - Survey and Comments on
Bill No. 98 – An Act to Add a New Chapter 6 to 22GCA Relative to Creating the
“Employee Secret Ballot Protection Act”; and
Bill No. 100 – An Act Relative to Reaffirming the Judiciary of Guam as a
Separate and Equal Branch of the Government of Guam, Through Ensuring the
Proper and Timely Disbursement of Cash Allotments Necessary for the
Administration of Justice in the Courts as Provided in the Annual Appropriations
Made by *I Leheslaturan Guåhan* to the Judiciary of Guam.

Dear Speaker WonPat,

I am the chairman of the GBA Legislative Liaison Committee and had a survey taken on
Bill Nos. 98 and 100. Attached are copies of the survey forms from the GBA Legislative
Liaison Committee on Bills 98 and 100.

The survey results for Bill 98 had a 4 – 1 vote in which they do support the Bill and
copies of those surveys are attached hereto with a summary of the responses as follows:
Four surveys chose to support the bill.

One survey chose – Do Not Support the Bill at all stating that: If the bill passes, the
Legislature could be inundated with similar requests thus causing havoc.

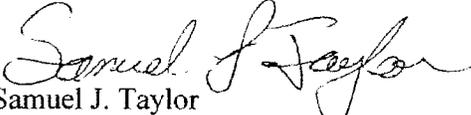
GUAM LEGISLATURE
REPRODUCTION/MAIL ROOM
DATE: 6/11/09
TIME: 11:25 AM KJPM
RECEIVED BY: [Signature]

0724

ORIGINAL

The survey results for Bill 100 had a 4 – 0 vote in which they do support the Bill and copies of those surveys are attached hereto. I will forward other responses if and when they are submitted to the Committee.

Sincerely,


Samuel J. Taylor
GWA Legal Counsel and Chairman of
the Legislative Liaison Committee

Attachments.

**GUAM BAR ASSOCIATION
LEGISLATIVE LIAISON COMMITTEE**

PROPOSED LEGISLATION SURVEY FORM
Relative to Bill No. 100 (see attached)

(PLEASE RESPOND ON OR BEFORE JUNE 5, 2009)

Please indicate whether you:

1. Support the Bill:

~~_____~~

2. Support the Bill with Amendments:

3. Do Not Support the Bill Unless Amendments are Made:
(my recommended amendments are below)

4. Do Not Support the Bill at All:

Recommended Amendments (please provide suggested changes and citations – use separate sheet if necessary or electronic file):

Please return this completed form to Sam Taylor via hand delivery, fax or e-mail:

Hand delivery: 578 North Marine Corps Drive, Tamuning, GU (GWA building 2nd floor)
Fax: 646-2335 E-mail: staylor@ite.net

John Weisenberger



COMMITTEE ON RULES

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

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

2009 APR 22 PM 5:13 EBM

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

**MAJORITY
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SPEAKER

Benjamin J. F. Cruz
VICE SPEAKER

Tina Rose Muña Barnes
LEGISLATIVE SECRETARY

Thomas C. Ada
SENATOR

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

April 22, 2009

MEMORANDUM

To: Clerk of the Legislature
I Mina' Trenta Na Liheslaturan Guåhan

Attorney Therese M. Terlaje, Legislative Legal Counsel
I Mina' Trenta Na Liheslaturan Guåhan

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

Subject: Referral of Bill No. 100

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 100.

Please ensure that the subject Bill is referred, in my name, to the respective Chairperson, 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 Elaine V. Tajalle at 472-7679.

Si Yu'os Ma'åse'!

Attachment

Bill Referral 4/22/09

Bill	Sponsor	Description	Date Introduced	Date Referred	Committee Referred
100 (COR)	F. B. Aguon, Jr., J. V. Espaldon	AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT OF GUAM, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENT OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY <i>LIHESLATURAN GUÅHAN</i> TO THE JUDICIARY OF GUAM.	4/17/09	4/22/09	Committee on Appropriations, Taxation, Banking, Insurance and Land



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

June 30, 2009

Memorandum

To All Senators

From: ~~Senator ben pangelinan~~

Re: Public Hearing Notice

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

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

The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing beginning at 1:00pm on **Tuesday, July 7, 2009** at the Guam Legislature's Public Hearing Room. The following resolution and bills are on the agenda:

BILL NO. 100 (COR) (Aguon): AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENTS OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY / LIHESLATURAN GUAHAN TO THE JUDICIAR OF GUAM.

BILL NO 152 (COR) (pangelinan): AN ACT TO REPEAL AND REENACT SECTION 68975 ARTICLE 11, TITLE 21 GUAM CODE ANNOTATED RELATIVE TO FARMER'S COOPERATIVE ASSOCIATION OF GUAM.

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Public Hearing Notice

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 Tom Ada <tom@senatorada.org>,
 fbaguon.guam@hotmail.com,
 "Frank F Blas, Jr." <frank.blasjr@gmail.com>,
 "Edward J B Calvo" <sencalvo@gmail.com>,
 BJ Cruz <senadotbjcruz@aol.com>,
 Jimmy Espaldon <senator@espaldon.com>,
 Senator Judi Guthertz <judiguthertz@pticom.com>,
 Tina Muna Barnes <tinamunabarnes@gmail.com>,
 ABPalacios@gmail.com,
 Matt Rector <matt@mattrector.com>,
 "Rory J Respicio" <roryforguam@gmail.com>,
 Ray Tenorio <ray@raytenorio.com>,
 Telo Taitague <senatortelo@gmail.com>,
 Judi Won Pat <info@judwonpat.com>
 Bill Phillips <phillipsguam@gmail.com>,
 carlospguam@yahoo.com,
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 phil@raytenorio.com,
 epgogue@hotmail.com,
 roberto.phil@gmail.com,
 psantos@guamlegislature.org,
 sgtarms@guamlegislature.org,
 Chris Budasi <chris budasi@guamlegislature.org>,
 Yong Pak <yong@guamlegislature.org>,
 Stephanie Mendiola <sem@guamlegislature.org>
 Tue, Jun 30, 2009 at 4:35 PM
 Public Hearing Notice
 guamlegislature.org

Please see attached

--
 Lisa Cipollone
 Chief of Staff
 Office of Senator ben c pangelinan
 (671) 473-4236
 cipo@guamlegislature.org

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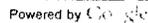
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Public Hearing Notice - Office of Senator ben pangelinan Inbox

Lisa Cipollone to news, news, news, news, msilva, msilva, jtyquiengco, sabrii

Please see attached.

--

Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
(671) 473-4236
cipo@guamlegislature.org

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from **Lisa Cipollone** <cipo@guamlegislature.org>
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news@spbg Guam.com,
msilva@spbg Guam.com,
msilva@pacificnewscenter.com,
jtyquiengco@spbg Guam.com,
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clynt@kuam.com,
mindy@kuam.com,
gerry@mvguam.com,
marvic@mvguam.com,
rgibson@k57.com,
cmelyan@guam.gannett.com
date Sun, Jul 5, 2009 at 9:31 AM
subject Re: Public Hearing Notice - Office of Senator ben pangelinan



The People

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

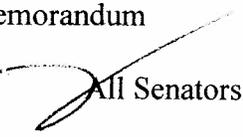
Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

July 3, 2009

Memorandum

To:  All Senators

From: Senator ben pangelinan

Re: Public Hearing Notice – SECOND NOTICE

The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing beginning at 1:00pm on **Tuesday, July 7, 2009** at the Guam Legislature's Public Hearing Room. The following resolution and bills are on the agenda:

BILL NO. 100 (COR) (Aguon): AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENTS OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY *LIHESLATURAN GUAHAN* TO THE JUDICIAR OF GUAM.

BILL NO 152 (COR) (pangelinan): AN ACT TO REPEAL AND REENACT SECTION 68975 ARTICLE 11, TITLE 21 GUAM CODE ANNOTATED RELATIVE TO FARMER'S COOPERATIVE ASSOCIATION OF GUAM.

Si Yu'os Ma'ase,



Mina' Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

June 30, 2009

Mr. Dan Tydingco
Director of Policy, Planning and Community Relations
Unified Courts of Guam
Hagatna, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Tydingco,

The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing beginning at 1:00pm on **Tuesday, July 7, 2009** at the Guam Legislature's Public Hearing Room. The following bill is on the agenda:

BILL NO. 100 (COR): AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENTS OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY I LIHESLATURAN GUAHAN TO THE JUDICIARY OF GUAM.

This letter invites you to provide written and/or oral testimony. Please do not hesitate to contact me should you have any questions or comments.

For copies of the bill, please log on to: <http://guamlegislature.com>

Si Yu'os Ma'ase,

ben c. pangelinan
Senator

JUL 01 2009
OFFICE OF THE LEGISLATURE OF GUAM

Office of



The People

Mina' Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

June 30, 2009

Ms. Bertha Duenas
Director
Bureau of Budget and Management Research
Adelup, Guam

[Handwritten signature]
Eddie S. Aguilera
CFO

Re: Public Hearing Notice

[Handwritten date and time] 7-1-09 8:41am

Hafa Adai Ms. Duenas,

The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing beginning at 1:00pm on **Tuesday, July 7, 2009** at the Guam Legislature's Public Hearing Room. The following bills are on the agenda:

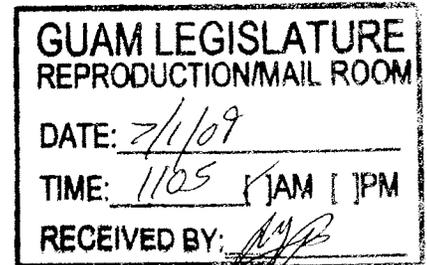
BILL NO. 100 (COR): AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENTS OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY I LIHESLATURAN GUAHAN TO THE JUDICIARY OF GUAM.

This letter invites you to provide written and/or oral testimony. Please do not hesitate to contact me should you have any questions or comments.

For copies of the bill, please log on to: <http://guamlegislature.com>

Si Yu'os Ma'ase,

[Handwritten signature]
ben c. pangelinan
Senator





The People

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

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

Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

June 30, 2009

Honorable Felix Camacho
Governor of Guam
Office of the Governor
Hagatna, Guam

Re: Public Hearing Notice

Hafa Adai Governor Camacho,

The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing beginning at 1:00pm on **Tuesday, July 7, 2009** at the Guam Legislature's Public Hearing Room. The following bill is on the agenda:

BILL NO. 100 (COR): AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENTS OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY I LIHESLATURAN GUAHAN TO THE JUDICIAR OF GUAM.

BILL NO 152 (COR): AN ACT TO REPEAL AND REENACT SECTION 68975 ARTICLE 11, TITLE 21 GUAM CODE ANNOTATED RELATIVE TO FARMER'S COOPERATIVE ASSOCIATION OF GUAM.

This letter invites you to provide written and/or oral testimony. Please do not hesitate to contact me should you have any questions or comments.

Si Yu'os Ma'ase,

ben.c. pangelinan
Senator

cc: Lt. Governor Mike Cruz

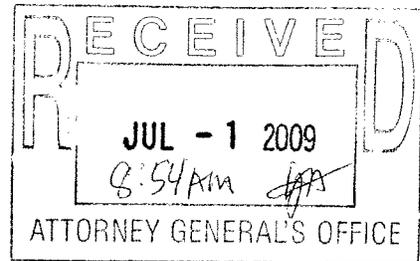


Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

June 30, 2009

Alicia Limtiaco
Attorney General of Guam
Office of the Attorney General
Hagatna, Guam



Re: Public Hearing Notice

Hafa Adai General Limtiaco,

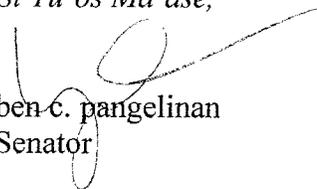
The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing beginning at 1:00pm on **Tuesday, July 7, 2009** at the Guam Legislature's Public Hearing Room. The following bills are on the agenda:

BILL NO. 100 (COR): AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENTS OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY I LIHESLATURAN GUAHAN TO THE JUDICIAR OF GUAM.

BILL NO 152 (COR): AN ACT TO REPEAL AND REENACT SECTION 68975 ARTICLE 11, TITLE 21 GUAM CODE ANNOTATED RELATIVE TO FARMER'S COOPERATIVE ASSOCIATION OF GUAM.

This letter invites you to provide written and/or oral testimony. Please do not hesitate to contact me should you have any questions or comments.

Si Yu'os Ma'ase,



ben-c. pangelinan
Senator



**Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicente "ben" c. pangelinan**

NOTICE OF PUBLIC HEARING

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING,
INSURANCE, RETIREMENT AND LAND

Date: Tuesday, July 7, 2009

Time: 1:00pm

Place: Guam Legislature Public Hearing Room

Agenda

BILL NO. 100 (COR): AN ACT RELATIVE TO REAFFIRMING THE JUDICIARY OF GUAM AS A SEPARATE AND EQUAL BRANCH OF THE GOVERNMENT, THROUGH ENSURING THE PROPER AND TIMELY DISBURSEMENTS OF CASH ALLOTMENTS NECESSARY FOR THE ADMINISTRATION OF JUSTICE IN THE COURTS AS PROVIDED IN THE ANNUAL APPROPRIATIONS MADE BY LIHESLATURAN GUAHAN TO THE JUDICIARY OF GUAM.

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For copies of bills, you can log onto <http://guamlegislature.com>
If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236 or email at senbenp@guam.net



Stephanie Mendiola <sem@guamlegislature.org>

Public Hearing Notice

Lisa Cipollone <cipo@guamlegislature.org>

Sun, Jul 5, 2009 at 9:39 AM

To: Tom Ada <tom@senatorada.org>, fbaguon.guam@hotmail.com, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Edward J.B. Calvo" <sencalvo@gmail.com>, BJ Cruz <senadotbjcruz@aol.com>, Jimmy Espaldon <senator@espaldon.com>, Senator Judi Guthertz <judiguthertz@pticom.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, ABPalacios@gmail.com, Matt Rector <matt@mattrector.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Ray Tenorio <ray@raytenorio.com>, Telo Taitague <senatortelo@gmail.com>, Judi Won Pat <info@judiwonpat.com>

Cc: Bill Phillips <phillipsguam@gmail.com>, carlospguam@yahoo.com, ciquinata@gmail.com, fbtorres@yahoo.com, fred@mattrector.com, jamespcastro@gmail.com, juliette@senatorada.org, Laurie Manibusan <laurielisla@gmail.com>, martinbenavente@yahoo.com, patrickcepeda@hotmail.com, rjquitugua@gmail.com, mona.duenas@gmail.com, phill@raytenorio.com, epogue@hotmail.com, roberto.phil@gmail.com, psantos@guamlegislature.org, sgtarms@guamlegislature.org, Chris Budasi <chris.budasi@guamlegislature.org>, Yong Pak <yong@guamlegislature.org>, Stephanie Mendiola <sem@guamlegislature.org>

Notice of public hearing on Tuesday, July 7. Please see attached.

On Tue, Jun 30, 2009 at 4:35 PM, Lisa Cipollone <cipo@guamlegislature.org> wrote:

[Quoted text hidden]

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Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE

Senator vicente "ben" c. pangelinan

**COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE,
RETIREMENT AND LAND**

PUBLIC HEARING

Tuesday, July 7, 2009

1:00pm

Guam Legislature Public Hearing Room

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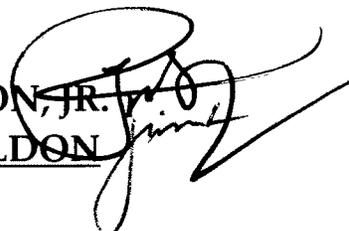
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MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 100 (COR)

Introduced by:

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



2009 APR 17 PM 4:55

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

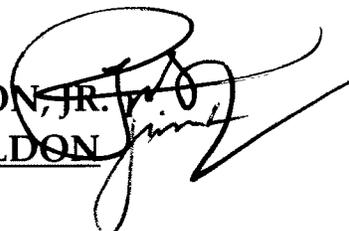
4 **Section 4. Effective Date.** The effective date of this Act shall be
5 thirty (30) days from the date of enactment.

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

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