

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.



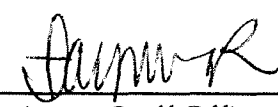
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 6th day of July, 2010, at
7 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____
Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÁHAN
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 *I*
LIHESLATURAN GUÁHAN 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.