



OFFICE OF THE GOVERNOR
GUAM

Refer to
Legislative Secretary

JUL 01 1999

The Honorable Antonio R. Unpingco
Speaker
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

Office of the Speaker
ANTONIO R. UNPINGCO

Date: July 1, 1999

Time: 10:20

Rec'd by: [Signature]

Print Name: [Signature]

0525/99-0198

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 225 (COR), "AN ACT TO COMPLY WITH P.L. NO. 25-03 BY REQUESTING LEGISLATIVE AUTHORIZATION FOR THE CREATION OF THE SUPREME COURT OF GUAM STAFF ATTORNEY POSITION AND ONE (1) RESEARCH ATTORNEY POSITION, AND THE ASSOCIATED FUNDING FOR EACH POSITION; INCLUDING APPROVAL FOR THE CREATION OF ONE ADDITIONAL RESEARCH ATTORNEY POSITION", which was enacted into law without the signature of the Governor. It is now designated as **Public Law No. 25-62**.

Very truly yours,

Madeleine Z. Bordallo
Madeleine Z. Bordallo
I Maga'lahaen Guåhan, Akto
Acting Governor of Guam

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>3:25 pm</u>
Date	<u>7-1-99</u>

Attachment: copy attached for signed bill or overridden bill
 original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

00343

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 225 (COR), "AN ACT TO COMPLY WITH P.L. NO. 25-03 BY REQUESTING LEGISLATIVE AUTHORIZATION FOR THE CREATION OF THE SUPREME COURT OF GUAM STAFF ATTORNEY POSITION AND ONE (1) RESEARCH ATTORNEY POSITION, AND THE ASSOCIATED FUNDING FOR EACH POSITION; INCLUDING APPROVAL FOR THE CREATION OF ONE ADDITIONAL RESEARCH ATTORNEY POSITION," was on the 17th day of June, 1999, duly and regularly passed.

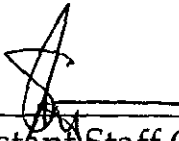

ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN

Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 18th day of June, 1999,
at 5:50 o'clock P. .M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

MADELEINE Z. BORDALLO

Akto I Maga'lahaen Guahan
Acting Governor of Guam

Date: July 1, 1999

Public Law No. 25-62

*Became law without the signature of
I Maga'lahaen Guahan, the Governor
of Guam.*

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 225 (COR)

As substituted by the Committee
on Judiciary, Public Safety, Consumer
Protection and Human Resources
Development and substituted on the Floor.

Introduced by:

Committee on Rules,
Government Reform,
Reorganization and Federal
Affairs

Mark Forbes
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
J. C. Salas
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO COMPLY WITH P.L. NO. 25-03 BY
REQUESTING LEGISLATIVE AUTHORIZATION
FOR THE CREATION OF THE SUPREME COURT OF
GUAM STAFF ATTORNEY POSITION AND ONE (1)
RESEARCH ATTORNEY POSITION, AND THE
ASSOCIATED FUNDING FOR EACH POSITION;
INCLUDING APPROVAL FOR THE CREATION OF**

**ONE ADDITIONAL RESEARCH ATTORNEY
POSITION.**

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

2 **Section 1. Legislative Findings and Intent.** As one (1) facets of *I*
3 *Liheslaturan Guåhan's* public policy to prudently allocate limited financial
4 resources, a government wide freeze on hiring and a repeal of appropriations
5 for positions vacated has been mandated by Public Law Number 25-03. Such
6 policy, *however*, has, as an unintended consequence, had an adverse impact
7 upon small organizations staffed primarily by professional, unclassified
8 personnel. The automatic repeal of positions and associated funding hinders
9 organizations such as the Supreme Court of Guam from functioning
10 effectively and properly.

11 To ensure that operations are *not* adversely affected, *I Liheslaturan*
12 *Guåhan* finds that provisions must be made to authorize the creation of the
13 Supreme Court of Guam Staff Attorney position and one (1) Research
14 Attorney position, both of which are affected by §21(b) of Chapter V of Public
15 Law Number 25-03. Further, *I Liheslaturan Guåhan* recognizes that the
16 Supreme Court of Guam caseload has exceeded projections and necessitates
17 the creation of one (1) additional Research Attorney positions.

18 **Section 2.** The following positions for the Supreme Court of Guam are
19 hereby created by *I Liheslaturan Guåhan*. These positions shall be paid for
20 from the appropriation to the Supreme Court of Guam as provided in §33 of
21 Chapter III of Public Law Number 25-03.

1 **ANNUAL SALARY AND BENEFITS.**

2	<u>TITLE OF POSITION</u>	<u>FEDERAL FUNDING</u>	<u>GENERAL FUND</u>
3	Staff Attorney	\$0.00	\$86,309.00
4	Research Attorney II	\$0.00	\$65,888.00

5 **FOURTH QUARTER SALARY AND BENEFITS.**


6	<u>TITLE OF POSITION</u>	<u>FEDERAL FUNDING</u>	<u>GENERAL FUND</u>
7	Research Attorney I	\$0.00	\$12,829.00



MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

COPY

June 18, 1999

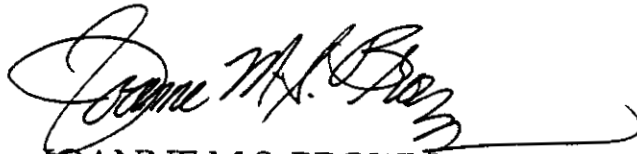
 6/18/99

The Honorable Carl T.C. Gutierrez
I Maga'lahaen Guahan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Bill Nos. 129(COR), 210(LS) and 238(COR) and Substitute Bill Nos. 186(COR), 191(COR) and 225(COR) which were passed by *I Mina'Bente Singko Na Liheslaturan Guahan* on June 17, 1999.

Sincerely,



JOANNE M.S. BROWN
Senator and Legislative Secretary

Enclosure (6)

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 225 (COR), "AN ACT TO COMPLY WITH P.L. NO. 25-03 BY REQUESTING LEGISLATIVE AUTHORIZATION FOR THE CREATION OF THE SUPREME COURT OF GUAM STAFF ATTORNEY POSITION AND ONE (1) RESEARCH ATTORNEY POSITION, AND THE ASSOCIATED FUNDING FOR EACH POSITION; INCLUDING APPROVAL FOR THE CREATION OF ONE ADDITIONAL RESEARCH ATTORNEY POSITION," was on the 17th day of June, 1999, duly and regularly passed.

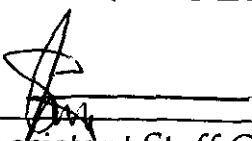

ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN

Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 18th day of June, 1999,
at 5:50 o'clock P. .M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

1 **ANNUAL SALARY AND BENEFITS.**

2	<u>TITLE OF POSITION</u>	<u>FEDERAL FUNDING</u>	<u>GENERAL FUND</u>
3	Staff Attorney	\$0.00	\$86,309.00
4	Research Attorney II	\$0.00	\$65,888.00

5 **FOURTH QUARTER SALARY AND BENEFITS.**

6	<u>TITLE OF POSITION</u>	<u>FEDERAL FUNDING</u>	<u>GENERAL FUND</u>
7	Research Attorney I	\$0.00	\$12,829.00

6

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 6/17/99

VOTING SHEET

SBill No. 225(COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT ROLL CALL
AGUON, Frank B., Jr.					✓
BERMUDES, Eulogio C.	✓				
BLAZ, Anthony C.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

Bill 225 (con)



Office of the Speaker
ANTONIO R. UNPINGCO
Date: 5-21-99
Time: 12:20 pm
Rec'd by: [Signature]
Print Name: FRED GOF/6AN

**Refer to
Legislative Secretary**

SUPREME COURT OF GUAM

May 21, 1999

Honorable Antonio R. Unpingco
Speaker
25th Guam Legislature
155 Hesler Street
Hagatña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By:	<u>[Signature]</u>
Time	<u>2:45 pm</u>
Date	<u>5-21-99</u>

Dear Mr. Speaker:

On behalf of the Supreme Court of Guam, I write respectfully requesting your favorable consideration of restoring two positions affected by Public Law 25-03, §21(b).

As a small entity that relies significantly on unclassified, professional staff such as attorneys, our operations are crippled every time one of the staff vacates his or her position. For example, our Staff Attorney is departing island in the next two weeks and the Research Attorney for retired Associate Justice Janet Healy Weeks entered the private sector upon her departure. These two positions, like all others within our court, are essential and critical to operations.

Given the nature of unclassified, professional staff (attorneys) rotating in and out every one or two years, we believe that the language contained within §21(b) of Public Law 25-03 is detrimental to our efforts to properly dispatch and conduct court. The process of obtaining legislative approval for reinstatement of such positions and associated funding is a hindrance and is unwieldy.

Please note that we have taken all steps possible to be efficient and frugal. We have filled only those positions which were deemed essential to hold down personnel costs and benefits. Additionally, we have consolidated equipment and other areas of our operations to maintain expenses at the lowest levels possible. As a matter of fact, on April 16, 1999, we remitted \$500,000 to taxpayers.

Ideally, an amendment to the statute, in which an exemption is granted for the recruitment of attorneys, would be suitable. If, however, this poses difficult, then I ask for your expedited attention and support for the resotation of the two essential attorney slots which are currently affected.

Attached is draft language for your consideration.

Please call if you have any inquiries or comments.

Sincerely,

[Signature]
BENJAMIN J.F. CRUZ
Chief Justice
06239

cc: Chairman, Committee on Judiciary

*Tony,
Can we introduce this
today so it can get a
hearing ASAP?
Thank you
[Signature]*

**MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
FIRST (1999) REGULAR SESSION**

Bill No. 225 (CN)
Introduced by:

An Act to comply with the Hiring Freeze and Automatic Repeal of Appropriations and Full-Time Equivalencies Upon Vacancy provisions contained in §21(b) of Public Law 25-03 by requesting legislative authorization for the restoration of the Supreme Court of Guam Staff Attorney position and one Research Attorney position, and the associated funding for each of those positions; including approval for two additional Research Attorneys.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Legislative Findings. As one facet of the Guam Legislature's public policy to prudently allocate limited financial resources, a government-wide freeze on hiring and a repeal of appropriations for positions vacated has been mandated by Public Law 25-03. Such policy, however, has, as an unintended consequence, an adverse impact on small organizations staffed primarily by professional, unclassified personnel. The automatic repeal of positions and associated funding hinders organizations such as the Supreme Court of Guam from functioning effectively and properly. To ensure that operations are not adversely affected, the Legislature finds that ameliorative provisions must be made to authorize the restoration of the Supreme Court of Guam Staff Attorney position and one Research Attorney position; both of which are affected by §21(b) of Public Law 25-03. Further, the Legislature recognizes that the Guam Supreme Court caseload has exceeded

1 projections and necessitates the employ of two (2) additional Research Attorneys.

2 Section 1. The appropriated funding and Full-Time Equivalencies ('FTE') for the
3 Guam Supreme Court Staff Attorney and one Research Attorney are hereby authorized
4 and restored.

5 Section 2. The Legislature authorizes the Guam Supreme Court to recruit two (2)
6 additional Research Attorneys for the operations of its court.

7

**MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
FIRST (1999) REGULAR SESSION**

**Bill No. ____
Introduced by:**

An Act to authorize the restoration of the Supreme Court of Guam Staff Attorney position and one Research Attorney position, and the associated Equivalenfrom the Hiring Freeze and Automatic Repeal of Appropriations and Full-Time Equivalencies Upon Vacancy provisions contained in §21(b) of Public Law 25-03.

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

2 **Legislative Findings.** As one facet of the Guam Legislature's public policy to
3 prudently allocate limited financial resources, a government-wide freeze on hiring and a
4 repeal of appropriations for positions vacated has been mandated by Public Law 25-03.
5 Such policy, however, has, as an unintended consequence, an adverse impact on small
6 organizations staffed primarily by professional, unclassified personnel. The automatic
7 repeal of positions and associated funding hinders organizations such as the Supreme
8 Court of Guam from functioning effectively and properly. To ensure that operations are not
9 adversely affected, the Legislature finds that ameliorative provisions must be made to
10 exempt professional, unclassified staff positions of the Guam Supreme Court from the
11 mandate outlined in §21(b) of Public Law 25-03. Section 21(b) of Public Law 25-03 is
12 hereby amended to read as follows:

13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

“Section 21(b). Notwithstanding and other provision of law, §11 of Public Law Number 24-327 is hereby amended to read as follows:

‘Section 11. Hiring Freeze and Automatic Repeal of Appropriations and FTE’s Upon Vacancy. The appropriated funding and Full-Time Equivalencies (‘FTE’) for any position in the government of Guam, including the Judicial Branch, funded by the General Fund or any fund appropriated, including the Tourist Attraction Fund, by I Liheslaturan Guahan, which becomes vacant after the effective date of this Act for whatever reason, shall be considered automatically repealed, **with the exception of full-time, unclassified professional staff within the Supreme Court of Guam such as attorneys and law clerks.**”

1999

**MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
FIRST (1999) REGULAR SESSION**

Bill No. 225 (COR)
Introduced by:

CHAIRMAN,
Committee on Rules, Government Reform,
Reorganization and Federal Affairs
By request of the Chief Justice of the
Supreme Court of Guam

An Act to comply with the Hiring Freeze and Automatic Repeal of Appropriations and Full-Time Equivalencies Upon Vacancy provisions contained in §21(b) of Public Law 25-03 by requesting legislative authorization for the restoration of the Supreme Court of Guam Staff Attorney position and one Research Attorney position, and the associated funding for each of those positions; including approval for two additional Research Attorneys.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1
2 **Legislative Findings.** As one facet of the Guam Legislature's public policy to
3 prudently allocate limited financial resources, a government-wide freeze on hiring and a
4 repeal of appropriations for positions vacated has been mandated by Public Law 25-03.
5 Such policy, however, has, as an unintended consequence, an adverse impact on small
6 organizations staffed primarily by professional, unclassified personnel. The automatic
7 repeal of positions and associated funding hinders organizations such as the Supreme
8 Court of Guam from functioning effectively and properly. To ensure that operations are not
9 adversely affected, the Legislature finds that ameliorative provisions must be made to
10 authorize the restoration of the Supreme Court of Guam Staff Attorney position and one
11 Research Attorney position; both of which are affected by §21(b) of Public Law 25-03.
12 Further, the Legislature recognizes that the Guam Supreme Court caseload has exceeded

1 projections and necessitates the employ of two (2) additional Research Attorneys.

2 Section 1. The appropriated funding and Full-Time Equivalencies ('FTE') for the
3 Guam Supreme Court Staff Attorney and one Research Attorney are hereby authorized
4 and restored.

5 Section 2. The Legislature authorizes the Guam Supreme Court to recruit two (2)
6 additional Research Attorneys for the operations of its court.

7