



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu


Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

Office of the People's Speaker
vicente (ben) c. pangelinan

09 DEC 2004

DEC 10 2004

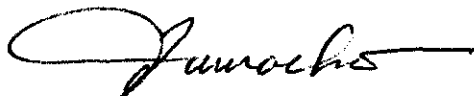
TIME: 10:10 AM 1 PM
RECEIVED BY: 

The Honorable Vicente C. Pangelinan
Speaker
Mina' Bente Siete Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 283 (COR), "AN ACT TO PREVENT NON-RESIDENTS FROM OBTAINING JURISDICTION FOR DOMESTIC DISPUTES IN THE COURTS OF GUAM," which I signed into law on December 3, 2004 as **Public Law No. 27-129**.

Sinseru yan Magåhet,



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

Attachment: copy attached of signed bill

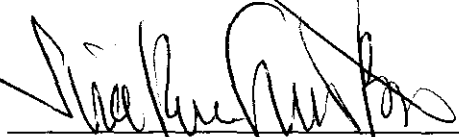
cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

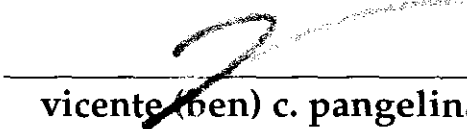
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 283 (COR), "AN ACT TO PREVENT NON-RESIDENTS FROM OBTAINING JURISDICTION FOR DOMESTIC DISPUTES IN THE COURTS OF GUAM," was on the 24th day of November, 2004, duly and regularly passed.

Attested:

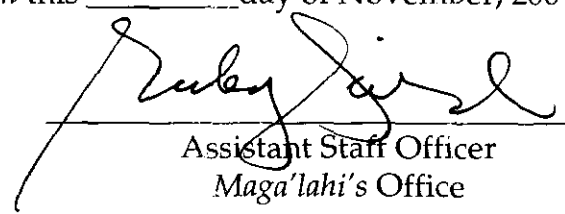


Tina Rose Muña Barnes
Senator and Legislative Secretary



vicente (ben) c. pangelinan
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 26th day of November, 2004,
at 5:05 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: December 3, 2004

Public Law No. 27-129

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

Bill No. 283 (COR)

As amended on the Floor.

Introduced by:

F. R. Cunliffe
R. Klitzkie
T. R. Muña Barnes
F. B. Aguon, Jr.
J. M.S. Brown
Carmen Fernandez
Mark Forbes
L. F. Kasperbauer
L. A. Leon Guerrero
J. A. Lujan
v. c. pangelinan
J. M. Quinata
R. J. Respicio
Toni Sanford
Ray Tenorio

**AN ACT TO PREVENT NON-RESIDENTS FROM
OBTAINING JURISDICTION FOR DOMESTIC DISPUTES
IN THE COURTS OF GUAM.**

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

2 **Section 1.** §8318 of Chapter 8, Article 3 of Title 19 of the Guam Code
3 Annotated, is hereby *amended* to read as follows:

4 **"§8318. Residence of Parties.** A divorce or dissolution of marriage may
5 be granted if one (1) of the parties has been a resident of Guam for at
6 least ninety (90) days immediately preceding the filing of a complaint
7 for divorce, or dissolution of marriage. For purposes of this Section, a
8 person shall be deemed a resident if one (1) of the parties has been

9 assigned with the U.S. Military to a unit on Guam or a ship home-ported
10 in Guam for at least ninety (90) days immediately preceding the filing of
11 a complaint for divorce or dissolution of marriage or if one (1) of the
12 parties is physically present in Guam for at least ninety (90) days
13 immediately preceding the filing of a complaint for divorce or
14 dissolution of marriage. Physical presence by one (1) of the parties in
15 Guam for a period of ninety (90) days prior to filing of the action for
16 divorce or dissolution of marriage shall give rise to a conclusive
17 presumption of compliance with this Section."

IX TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN

(Included in File w/ All Bills Transmitted)

BILL NO. 283 (COR)

- EXHIBITS ATTACHED *None*
- CONFIRM NUMBER OF PAGES *2*
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN""*"" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any *No*

Confirmed By: *DP/ky*

Dated: 11-26-04

FINAL REVIEW:

Dated: _____

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY) TO THE GOVERNOR. (DANNY, _____ OR OTHERS _____)
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK PLACED ON CLERK'S DESK. (Same copy given to _____)
- FILED by: _____



Twenty-Seventh
Guam Legislature

2017 2 2 2017
Committee on Judiciary & Transportation

I Mina' Bente Siete Na Liheslaturan Guåhan

CHAIRMAN:
Senator F Randall
Cunliffe

Vice Chairman:
Senator John M.
Quinata

Members:
Senator Robert
Klitzkie

Senator Lou A.
Leon Guerrero

Senator Jesse
Anderson Lujan

Senator Tina R.
Muña-Barnes

Senator Rory J.
Respicio

Senator Antoinette
(Toni) D. Sanford

The Honorable Vicente C. Pangelinan
Speaker
I Mina' Bente Siete Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

The Committee on Judiciary & Transportation, to which **Bill 283 (COR)**, was referred, wishes to report its findings and recommendations **TO DO PASS** An Act To Prevent Non-Residents From Obtaining Jurisdiction For Domestic Disputes In The Courts Of Guam.

The voting record is as follows:

TO PASS	<u>5</u>
NOT TO PASS	<u>0</u>
TO ABSTAIN	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached with this correspondence. Thank you for your consideration.

Sincerely,

F RANDALL CUNLIFFE
CHAIRMAN

Attachments

cc: Senator Lou Leon Guerrero, Chairperson
Committee on Rules & Health

Office Address:
Ada's
Commercial &
Professional Center

138 E. Marine Dr.
Hagatna, Guam
(USA) 96910

Mailing Address:
155 Hessler St.
Hagåtña, Guam 96910

Tel: 671.477.5310
Fax: 671.477.5300

Email:
frcunliffe@netpci.com



Twenty-Seventh
Guam Legislature

Committee on Judiciary & Transportation

I Mina' Bente Siete Na Liheslaturan Guahan

February 22, 2011
FRC

CHAIRMAN:
Senator F Randall
Cunliffe

Vice Chairman:
Senator John M.
Quinata

Members:
Senator Robert
Klitzkie

Senator Lou A.
Leon Guerrero

Senator Jesse
Anderson Lujan

Senator Tina R.
Muña-Barnes

Senator Rory J.
Respicio

Senator Antoinette
(Toni) D. Sanford

MEMORANDUM

TO: MEMBERS, COMMITTEE ON JUDICIARY & TRANSPORTATION
FROM: CHAIRMAN
SUBJECT: COMMITTEE REPORT – BILL NO. 283 (COR)

Transmitted for your information and action is the committee report on **BILL NO. 283 (COR) – AN ACT TO PREVENT NON-RESIDENTS FROM OBTAINING JURISDICTION FOR DOMESTIC DISPUTES IN THE COURTS OF GUAM.**

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Application Packet
4. Public Hearing Sign-in Sheet
5. Notice of Public Hearing.

Please review the attached Committee Report and take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or the accompanying documents, please do not hesitate to contact me or my Committee Director, Joshua Tenorio.

Sincerely,

F RANDALL CUNLIFFE

Attachments

Office Address:
Ada's
Commercial &
Professional Center

138 E. Marine Dr.
Hagatna, Guam
(USA) 96910

Mailing Address:
155 Hessler St.
Hagatna, Guam 96910

Tel: 671.477.5310
Fax: 671.477.5300

Email:
frcunliffe@netpci.com

COMMITTEE ON JUDICIARY & TRANSPORTATION

VOTING RECORD SHEET


BILL 283(COR) – AN ACT TO PREVENT NON-RESIDENTS FROM OBTAINING JURISDICTION FOR DOMESTIC DISPUTES IN THE COURTS OF GUAM

COMMITTEE MEMBERS:

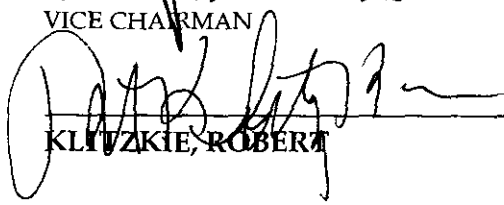
	TO PASS	NOT TO PASS	TO ABSTAIN	TO PLACE INACTIVE
--	------------	----------------	---------------	----------------------


 CUNLIFE, F. RANDALL
 CHAIRMAN

✓				
---	--	--	--	--


 QUINATA, JOHN M. "J.Q."
 VICE CHAIRMAN

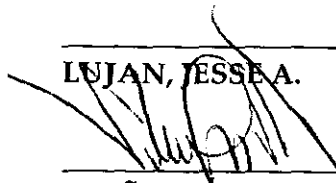
✓				
---	--	--	--	--


 KLITZKIE, ROBERT

✓				
---	--	--	--	--

LEON GUERRERO, LOU A.

--	--	--	--	--


 LUJAN, JESSE A.

✓				
---	--	--	--	--

MUÑA-BARNES, TINA R.

--	--	--	--	--


 RESPICIO, RORY J.

				
---	--	--	--	--

SANFORD, ANTOINETTE "Toni" D.

--	--	--	--	--

**I MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
COMMITTEE ON JUDICIARY & TRANSPORTATION**

F. RANDALL CUNLIFFE, CHAIRMAN

COMMITTEE REPORT

ON

BILL: 283(COR)

**AN ACT TO PREVENT NON-RESIDENTS FROM OBTAINING
JURISDICTION FOR DOMESTIC DISPUTES IN THE COURTS OF
GUAM**

November 18, 2004

I. OVERVIEW

The Committee on Judiciary and Transportation held a public hearing at 3:00 p.m. on Friday, June 11, 2004 on the following measure:

Bill 283 (COR) – "AN ACT TO PREVENT NON-RESIDENTS FROM OBTAINING JURISDICTION FOR DOMESTIC DISPUTES IN THE COURTS OF GUAM."

INTRODUCED BY: F.R. Cunliffe
DATE INTRODUCED: April 13, 2004
DATE REFERRED: May 10, 2004
PUBLICATION DATES: June 4 & June 9, 2004

SENATORS PRESENT AT THE PUBLIC HEARING WERE:

Chairman F. Randall Cunliffe
Senator Tina R. Muña Barnes
Senator Robert Klitzkie
Senator Toni D. Sanford

II. SYNOPSIS OF BILL

If passed into law Bill 283(COR) would amend §8318 of Chapter 8, Article 3 of Title 19 of the Guam Code Annotated by eliminating the provisions of current law, which allow non-residents to file for divorce in the Courts of Guam. Physical presence by one of the parties in Guam for a period of ninety days prior to filing of the action for divorce or dissolution of the marriage shall be required with its passage.

III. SUMMARY OF TESTIMONY

Testimony was solicited from the Attorney General's Office, the Supreme Court of Guam, the Public Defenders Service Corporation, and the Guam Bar Association.

No oral testimony was presented. However, all 3 other Senators present at the hearing indicated their support. A copy of the hearing transcript is included with this Committee Report.

Written testimony opposed to Bill 283(COR) was submitted on June 22, 2004 by Attorney Ron Moroni of the Law Offices of Tarpley & Moroni, LLP. In his written testimony, Attorney Moroni suggested the following:

- I. At a minimum, any law changing the existing residency requirement should contain a sunset provision or transitional period.
 - a. Pending Cases May Need to Be Dismissed
 - b. Many Cases are already in the pipeline
 - c. Many employees will lose their jobs or have their income substantially reduced

- d. Law firms should be allowed to recoup their investment
- II. The existing laws provide many benefits to Guam, and should not be changed.
 - a. Bill 283 would not provide any benefits of any kind to the people of Guam.
 - b. The current Guam law is of great benefit to America's military personnel and U.S. Expatriates everywhere
 - c. Non resident divorces provide revenue for the court but use little judicial resource
 - d. Non resident divorces have the potential of generating more than \$1,000,000 in taxes for the government
 - e. Non resident divorces provide substantial employment

IV. FINDINGS AND RECOMMENDATION

The Committee on Judiciary and Transportation finds that the filing of non-resident divorces on Guam is not complimentary to the overall image of Guam as a family tourist destination. In addition, the filing of non-resident divorces on Guam by non-residents causes a legal loophole for parties to avoid proper judicial action on areas relative to child custody, child support, spousal support, equitable distribution of assets and other areas of domestic law. Therefore, the Committee on Judiciary and Transportation recommends the passage of Bill 283(COR) as introduced.

04-0702

Law Offices

TARPLEY & MORONI, LLP

A Law Firm including a Professional Corporation

Bank of Hawaii Building

134 West Soledad Avenue, Suite 402

Hagatna, Guam 96910

Telephone: (671) 472-1539

Facsimile: (671) 472-4526

Email: tarpley@guam.net

Email: Moroni@guam.net

June 21, 2004

VIA HAND DELIVERY

Sen. F. Randall Cunliff, Chairman
Ada's Commercial & Professional Center
Suite 101-F
215 A Chalan Santo Papa
Hagatna, GU 96910

Office of Senator F. R. Cunliff

Date: 6/22/04

Time: 8:40 AM

Rec'd by: [Signature]

RE: BILL 283

Dear Chairman Cunliff:

I am writing with respect to Bill 283. I have great concerns that the Legislature is acting quickly on this bill, without considering the consequences, and without receiving input from members of the community that will be severely affected by its passage.

The Bill concerns changes in the law that allows for non resident divorces (NRDs). I do understand that there was a public hearing on the Bill and that apparently notice of the hearing was provided in the paper. I was off island, and only returned shortly before the hearing. I did not see the notices. However, I have contacted quite a number of other local family law attorneys. Almost no one even knew this bill was pending. Not one was invited to provide input at the public hearing.

I was told by your office, that the committee would be issuing its report in the next several days. I am therefore rushing to provide you with as many comments and as I can. However, because of the ramifications of this Bill, I think it would be prudent for the Legislature to defer any action until more complete information can be acquired.

I. At a minimum, any law changing the existing residency requirement should contain a sunset provision or transitional period.

Letter to Senator Randall Cunliff
Re: Bill 283
June 21, 2004
Page 2 of 5

Below I will try and explain why I think the existing divorce statute is a good one and why Bill 283 should not be passed. However, I am more concerned that if Bill 283 passes in its current form, there would be no transitional period.

While, citizens of Guam could reasonably differ whether this island should allow NRDs, it would be an act of Legislative irresponsibility to make changes to the existing law, without a Sunset provision, stating that the changes will not take effect for at least one year.

Please consider some of the ramifications of passing the Bill in its current form:

A. Pending Cases May Need to Be Dismissed. At any given time, there are undoubtedly dozens, if not more than a hundred, NRDs pending in court. If the Bill passes in its present form, it is possible that all pending NRDs will need to be dismissed. The parties to these divorces hired Guam attorneys, and filed in Guam based on their good faith reliance on the existing Guam laws. The rules should not be changed in the middle of the game. These people, at a bare minimum, should be permitted to have their divorces finalized.

B. Many Cases are already in the pipeline. It is not only the people that have already filed for an NRD that will be hurt. On any given day, there may be dozens more NRDs in the pipeline. That is, people that have retained a Guam attorney to handle their divorce but have not yet filed. I have found that it is not unusual for parties to return their signed pleadings to me, months after they had retained my services. These people also relied on the existing laws passed by the Guam Legislature. Guam passed a law saying "we provide this service." Guam must be good to its word, at least with respect to those people that have already paid for this service.

C. Many employees will lose their jobs or have their income substantially reduced, if Bill 283 is passed. I would estimate that there are at least twenty (20) employees around the island, that will either lose their job or have their income or hours reduced, if Bill 283 becomes law. A transitional period is necessary, in order to allow these people to find other employment. In my own office, there are at least two (2) employees that will be immediately laid off. Both have families that they help to support. If the Legislature is inclined to change the existing law, it

Letter to Senator Randall Cunliff
Re: Bill 283
June 21, 2004
Page 3 of 5

should show some compassion for these people, by providing for a substantial transitional period.

D. Law firms should be allowed to recoup their investment.
Many Guam family law firms have invested substantial sums in advertising, equipment, employees, and other material to develop an NRD practice. Again, this was done in the good faith reliance on laws passed by the Legislature. If the Legislature is inclined to change those laws now, it should give law firms an opportunity to recoup their investment.

It is very important, that the present Legislators understand that **firms doing NRDs, are not exploiting some unintended loop hole in the law. Quite to the contrary. They are doing exactly what the legislature wanted them to do.** In enacting the existing statute, the legislature clearly wanted the private sector to develop this industry. It invited firms to invest their time and money. My law firm, as well as others, responded to the call. We have exercised our entrepreneurial initiative and are bringing in taxable income to Guam.

An analogy can be made to the current gambling issue. I can see how members of the Legislature can disagree in good faith on whether gambling should be permitted in Guam. However, everyone would agree that it would be a travesty if the Legislature passed laws permitting gambling, and then changed the law, after investors had spent substantial fortunes building casinos.

The passage of Bill 283 would have that same affect with respect to attorneys. It simply would be grossly unfair to change the rules in the middle of the game, without giving the firms that invested their money, an opportunity to recoup their investment.

II. The Existing Laws Provides Many Benefits to Guam, and should not be changed.

Before the committee or the Legislature act on this Bill, it should weigh the costs and benefits.

A. Bill 283 would not provide any benefits of any kind to the people of Guam. Allowing NRDs, does not lead to any crime, does not cost taxpayers any money, and does not result in any social ill effects. This industry brings in money from the outside, but does not require investment in infrastructure. One the other hand, I have not heard anyone articulate any way in which Guam would be

Letter to Senator Randall Cunliff
Re: Bill 283
June 21, 2004
Page 4 of 5

better off if Bill 283 passes.

B. The current Guam law is of great benefit to America's military personnel and U.S. Expatriates everywhere. I estimate that 80% of my clients for NRDs are U.S. military personnel residing in Japan, Korea, Europe or the Middle East.

Because these soldiers, in defense of their country, are required to move frequently, they are usually unable to meet the residency requirements of any state. In many cases, these soldiers and sailors have been separated from their spouses for years, but have never been able to obtain a divorce until they learned about the Guam law. I receive numerous letters of appreciation from soldiers that have used these services. They are thankful because the Guam divorce was the only option available to them to bring closure to a difficult problem in their life. The legislature should not move so quickly to eliminate a service that mainly benefits our fighting men and women, but costs the island nothing.

C. Non resident divorces provide revenue for the court but use little judicial resource. Our court system is suffering from a fiscal crisis. The current filing fee at the court for an NRD, is \$60.00. That amount could easily be raised to \$200.00, without substantially affecting the number of NRD filings. Given an opportunity, I could demonstrate that NRD's have the potential of generating as much as \$500,000.00 in annual filing fees for the court. The revenue generated by the NRDs, could assist the court in renovating facilities, hiring counsel for the indigent, or up grading technology.

D. NRD's have the potential of generating more than \$1,000,000.00 in taxes for the Government. NRDs bring in money from the outside, that otherwise would not find its way to Guam. Most of this money is paid to law firms that, in turn, pay gross receipt and income taxes, hire employees who also pay taxes, and use services provided by other small businesses, causing the revenues to multiply throughout the economy. Again, given the time and opportunity, I could demonstrate that NRD's could provide the government with more than \$1,000,000.00 of additional tax revenues, without requiring any additional expenditures. It is hard for me to understand, why the Committee or the Legislature would want to eliminate this revenue source without a more thorough examination.

Letter to Senator Randall Cunliff
Re: Bill 283
June 21, 2004
Page 5 of 5

C. NRDs Provide Substantial Employment. As I discussed above, I presently have two (2) employees that devote most of their time to handling NRDs. Both of these employees will likely be terminated, if Bill 283 passes. I estimate that there may be as many as 20 employees that will be affected if the bill is passed. On the other hand, if the existing law is not changed and the industry is allowed to develop, NRD's could potentially employ between 50 and 100 people.

I apologize that I am not able to provide more concrete facts and figures. I am certain I could do so if I had more time to gather information. Because I am concerned that this Bill may be rushed through the Legislature without adequate review, I am sending you my comments now. If you would like me to assist your committee or the Legislature in documenting the costs of passing Bill 283, or the benefits from the existing law, I would be honored to do so.

I would also welcome an opportunity to meet with you or any members of your committee, to discuss these issues in more detail. If there are any additional public hearings on this matter, I kindly ask that I be notified. I would also recommend that an effort be made to contact the other firms and employees that will be affected by passage of this bill.

I thank you very much for the time you have taken to read this letter.

Sincerely,



Ron Moroni

cc: Sen. Lou Leon Guerrero
Sen. Jesse A. Lujan
Sen. Roy J. Respicio
Sen. Tina Muna Barnes
Sen. Toni D. Sanford
Sen. John M. Quinata
Sen. Robert Klitzkie

COMMITTEE ON JUDICIARY & TRANSPORTATION
SENATOR F RANDALL CUNLIFFE, CHAIRMAN

Public Hearing
3:00 P.M JUNE 11, 2004

Public Hearing Room, Guam Legislature

BILL NO. 283 (COR) - AN ACT TO PREVENT NON-RESIDENTS FROM OBTAINING JURISDICTION FOR DOMESTIC DISPUTES IN THE COURTS OF GUAM.

Name (Please Print)	Agency/Organization	Contact #	Oral Testimony	Written Testimony	In Favor	Not in Favor
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						

Committee on Judiciary & Transportation
Public Hearing
3:00 p.m., Friday, June 11, 2004

**Bill 283 (COR) – AN ACT TO PREVENT NON-RESIDENTS FROM
OBTAINING JURISDICTION FOR DOMESTIC DISPUTES IN THE COURTS OF
GUAM.**

- Chairman: The next matter on the agenda is Bill 283 (COR), an act to prevent non-residents from obtaining jurisdiction for domestic disputes in the courts of Guam, this bill was introduced by myself, it is a bill ...currently the law permits people to never come to Guam and get a divorce, this will delete that from the law. There have been no persons who have indicated intentions to testify. Do any of my colleagues wish to comment on the Bill?
- Klitzkie: Good bill, Mr. Chairman.
- Chairman: Thank you, Senator Klitzkie.
- Barnes: I also have to agree, Mr. Chairman, with No. 5 on the other side of the aisle, it is a good bill, and I know it's only done through motions, but if it's okay, I'd like to know if I could be a part of that sponsorship here.
- Chairman: Senator Klitzkie has requested to be the second.
- Barnes: That's okay.
- Chairman: Did you wish to testify on this bill, Mr. Mayor? ...[background talking]... Senator Sanford anything from you?
- Sanford: Mr. Chair, I just want to make a comment that I'm glad that you're making this bill, I would like Guam to be known as the Honeymoon Haven, and not otherwise, so this is going to remove some negativeness in all the good work that we've done in trying to say that Guam is a paradise, so thank you for sponsoring this bill, I think it's a good bill, too.
- Chairman: Thank you very much. There being nothing further and no further business before the Committee, the Committee will adjourn.