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Office of the Governor of Guam

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2008 JUL 28 PM 2:07

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

24 JUL 2008

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

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 285(EC), "AN ACT TO ADD A NEW SECTION TO ARTICLE 1, CHAPTER 4 OF TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO GRANTING AUTHORITY TO *I MAGA' LAHEN GUÅHAN* AND *I LIHESLATURAN GUÅHAN* TO REQUEST A DECLARATORY JUDGMENT FORM THE SUPREME COURT OF GUAM" which I signed into law on July 22, 2008 as **Public Law 29-103**.

Sinseru yan Magåhet,

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

29-08-0534
Office of the Speaker
Judith T/Won Pat, Ed. D.
Date 7/25/08
Time 1:45
Received by [Signature]

Attachment: copy of Bill

cc: The Honorable Tina Rose Muña Barnes,
Senator and Legislative Secretary

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

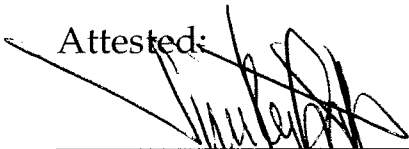
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 285(EC), "AN ACT TO ADD A NEW SECTION TO ARTICLE 1, CHAPTER 4 OF TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO GRANTING AUTHORITY TO I MAGA'LAHEN GUÅHAN AND I LIHESLATURAN GUÅHAN TO REQUEST A DECLARATORY JUDGMENT FROM THE SUPREME COURT OF GUAM", was on the 9th day of July, 2008, duly and regularly passed.

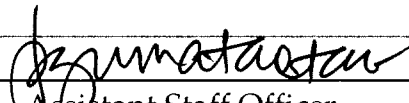


Judith T. Won Pat, Ed. D.
Speaker

Attested:


Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by I Maga'lahaen Guåhan this 10 day of July 2008, at
3:16 o'clock P.M.


Assistant Staff Officer
Maga'laha's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: 22 JULY 08

Public Law No. 29-103

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 285 (EC)

As amended,

Introduced by:

v. c. pangelinan
Frank F. Blas, Jr.
Edward J.B. Calvo
B. J.F. Cruz
James V. Espaldon
Mark Forbes
Judith P. Guthertz, DPA
Frank T. Ishizaki
J. A. Lujan
Tina Rose Muña Barnes
A. B. Palacios, Sr.
R. J. Respicio
Dr. David L.G. Shimizu
Ray Tenorio
J. T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW SECTION TO ARTICLE 1,
CHAPTER 4 OF TITLE 7, GUAM CODE ANNOTATED,
RELATIVE TO GRANTING AUTHORITY TO *I*
MAGA'LAHEN GUÅHAN AND *I LIHESLATURAN GUÅHAN*
TO REQUEST A DECLARATORY JUDGMENT FROM THE
SUPREME COURT OF GUAM.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that several states permit the Governor, and in some states the Legislature, to seek
4 opinions from their respective Supreme Courts on matters respecting the duties of
5 the Governor and the Legislature. It has been recognized that such a grant of

1 jurisdiction can solve many serious questions which have arisen, but which have
2 lacked a forum for decision. Under the usual rule, no case may be brought before
3 the Supreme Court until it has ripened into a case *or* controversy. This authority
4 will permit matters of great public interest to be decided before that time and will
5 avoid the necessity of creating harm to some party in order to have a decision.
6 This Section would also permit a full hearing in such cases and decisions rendered
7 under this Section would be binding.

8 *I Liheslatura* also finds that the language enabling a request for declaratory
9 judgment permits *I Maga'lahi* to request opinions as to the operation of the
10 Executive Branch, including questions involving separation of powers, and *I*
11 *Liheslatura* to request opinions on the operation of that Branch, but *does not*
12 permit one (1) Branch to request opinions as to the operation of the other, where
13 that operation does *not* impinge on the requesting branch's operations. The
14 purpose of this limitation is to avoid one (1) branch trying to regulate the other
15 through the courts.

16 This grant of power to the Supreme Court of Guam will return to the Court
17 the jurisdiction contained in its enabling legislation. Since repeal of this provision
18 in 2005, separation of powers issues have continued to arise. Prompt resolution of
19 these issues would greatly increase the efficiency of the entire government of
20 Guam.

21 **Section 2.** A new Section is hereby *added* to Article 1, Chapter 4 of Title 7,
22 Guam Code Annotated, to read:

23 **"Section ___.** *I Maga'lahi and I Liheslatura May Request*
24 **Declaratory Judgment.** *I Maga'lahaen Guåhan*, in writing, *or I*
25 *Liheslaturan Guåhan*, by resolution, may request declaratory judgments
26 from the Supreme Court of Guam as to the interpretation of any law, federal
27 *or* local, lying within the jurisdiction of the courts of Guam to decide, and

1 upon any question affecting the powers and duties of *I Maga'lahi* and the
2 operation of the Executive Branch, or *I Liheslaturan Guåhan*, respectively.
3 The declaratory judgments may be issued only where it is a matter of great
4 public interest and the normal process of law would cause undue delay.
5 Such declaratory judgments *shall* not be available to private parties. The
6 Supreme Court of Guam *shall*, pursuant to its rules and procedure, permit
7 interested parties to be heard on the questions presented and *shall* render its
8 written judgment thereon.”

9 **Section 3. Severability.** *If* any of the provisions of this Act or the
10 application thereof to any person or circumstance is held invalid, such invalidity
11 shall *not* affect any other provision or application of this Act which can be given
12 effect without the invalid provision or application, and to this end the provisions of
13 this Act are severable.
