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MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
TWENTY-NINTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

July 10, 2008

OFFICE OF THE GOVERNOR
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TIME 3:16 AM/PM
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CENTRAL FILES

The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 199(EC), 232(LS), 238(LS), 267(EC), 273(EC), 284(EC), 285(EC), 287(EC) & 294(EC); and Substitute Bill Nos. 266(EC), 278(LS) & 279(LS) which were passed by *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on July 9, 2008.

Sincerely,

TINA ROSE MUÑA BARNES
Senator and Secretary of the Legislature

Enclosures (12)

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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'lahen Guåhan* this 10 day of July, 2008, at 3:16 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

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

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

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

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

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

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

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