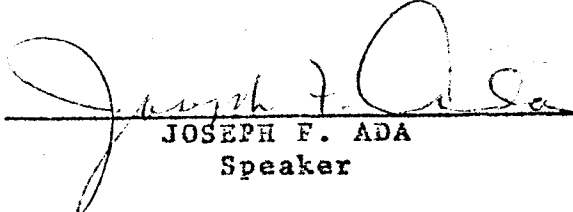


FOURTEENTH GUAM LEGISLATURE
1978 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 899, "An Act to add a new Chapter II to Title XXIX of the Government Code to establish the Guam Territorial Law Library," was on the 5th day of December, 1978, duly and regularly passed.




JOSEPH F. ADA
Speaker

ATTESTED:




ERNESTO M. ESPALDON
Legislative Secretary

This Act was received by the Governor this _____ day of _____,
1978 at _____ o'clock _____ .M.



RUTH F. WON PAT
Assistant Staff Officer

APPROVED:



RICARDO J. BORDALLO
Governor of Guam

DATED: _____
P.L. 14-158

FOURTEENTH GUAM LEGISLATURE
1978 (SECOND) Regular Session

Bill No. 899
Substituted by the Committee
on Judiciary & Criminal
Justice

Introduced by J. M. Rivera

AN ACT TO ADD A NEW CHAPTER II TO
TITLE XXIX OF THE GOVERNMENT CODE
TO ESTABLISH THE GUAM TERRITORIAL
LAW LIBRARY.

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

2 Section 1. A new Chapter II is added to Title XXIX
3 of the Government Code to read:

4 "CHAPTER II

5 Guam Territorial Law Library

6 Section 28500. (a) A non-profit public corporation
7 'The Guam Territorial Law Library', is hereby chartered.

8 (b) The Guam Territorial Law Library, as a non-
9 profit educational corporation, shall be exempt from
10 taxes and licensing requirements under the laws of Guam.

11 Section 28501. Existence and function. (a) There
12 is established in the territory of Guam a Board of Law
13 Library Trustees, which governs the Guam Territorial Law
14 Library.

15 (b) The first Board of Trustees shall prepare
16 Articles of Incorporation and By-Laws for the governing
17 of the library. The Articles and By-laws shall be filed
18 with the Director of the Department of Revenue and Taxa-
19 tion and the Legislative Secretary and shall become
20 effective upon filing.

21 (c) The Board of Trustees, by majority vote, may
22 appoint a law librarian whose duties, compensation,
23 qualifications and tenure of office shall be determined
24 by the Board. The librarian shall be the administrative

1 head of the law library and shall be responsible to the
2 Board of Law Library Trustees for the administration of
3 personnel and service activities of the Guam Territorial
4 Library.

5 Section 28502. Membership of Board: number of
6 members: manner of appointment. (a) The Board of Law
7 Library Trustees established in Section 28501 of this
8 Chapter shall initially consist of eleven (11) members
9 and shall initially be constituted as follows:

10 (1) the presiding judge of the Superior Court
11 may appoint himself to serve ex-officio as trustee,
12 or, in the event he chooses not to so serve, he shall
13 appoint a law clerk in the employ of the Superior
14 Court of Guam or a member of the Guam Bar to serve as
15 trustee;

16 (2) the judge of the District Court of Guam
17 may appoint himself to serve ex-officio as a trustee,
18 or, in the event he chooses not to so serve, he may
19 appoint a law clerk in the employ of the District
20 Court of Guam or a member of the Guam Bar to serve
21 as trustee; but if there be more than one (1) judge
22 of the District Court, such judges may appoint one
23 (1) of their number to serve ex-officio as trustee,
24 or, in the event they choose not to appoint one (1)
25 of their number to so serve, they may appoint a law
26 clerk in the employ of the District Court or a
27 member of the Guam Bar to serve as trustee;

28 (3) the associate judges of the Superior
29 Court of Guam may appoint one (1) of their number
30 to serve ex-officio as a trustee, or, in the event
31 that they choose not to appoint one (1) of their
32 number to so serve, they shall appoint a law clerk
33 in the employ of the Superior Court or a member of
34 the Guam Bar to serve as trustee;

1 (4) the Judicial Council shall appoint
2 one (1) trustee who is a member of the Guam Bar;

3 (5) the Chairman of the Judiciary and
4 Criminal Justice Committee of the Guam Legislature
5 shall appoint one (1) trustee who is a member of
6 the Guam Bar;

7 (6) the Territorial Librarian shall be a
8 trustee, ex-officio;

9 (7) the Governor of Guam shall appoint one (1)
10 trustee who is a member of the Guam Bar; and

11 (8) the President of the Guam Bar Association
12 shall appoint four (4) trustees who are members of
13 the Bar of the Territory of Guam.

14 (b) Following the expiration of the terms of
15 membership of the initial members of the Board of Law
16 Library Trustees, the Board of Law Library Trustees
17 shall thereafter consist of nine (9) members, and shall
18 be constituted as follows:

19 (1) the Chief Justice of the territory or in
20 the event no Chief Justice is serving, the presiding
21 judge of the Superior Court may appoint himself to
22 serve ex-officio as a trustee, or, in the event he
23 chooses not to so serve, he shall appoint a law
24 clerk in the employ of the Court or a member of the
25 Guam Bar to serve as trustee;

26 (2) the judge of the District Court may appoint
27 himself to serve ex-officio as a trustee, or, in the
28 event he chooses not to so serve, he may appoint a
29 law clerk in the employ of the District Court or a
30 member of the Guam Bar to serve as trustee; provided,
31 that if there be more than one (1) judge of the
32 District Court, such judges may appoint one (1) of
33 their number to serve ex-officio as a trustee, or,
34 in the event they choose not to appoint one (1) of

1 their number to so serve, they may appoint a law
2 clerk in the employ of the District Court or a
3 member of the Guam Bar to serve as trustee;

4 (3) the judges of the Superior Court may
5 appoint one (1) of their number to serve ex-officio
6 as a trustee, or, in the event they choose not to
7 appoint one (1) of their number to so serve, they
8 shall appoint a law clerk in the employ of the
9 Superior Court or a member of the Guam Bar to
10 serve as trustee;

11 (4) the Judicial Council shall appoint one (1)
12 trustee who is a member of the Guam Bar;

13 (5) The Chairman of the Committee on Judiciary
14 and Criminal Justice of the Guam Legislature shall
15 appoint one (1) trustee who is a member of the Guam
16 Bar;

17 (6) the Territorial Librarian shall be a
18 trustee ex-officio;

19 (7) the Governor shall appoint one (1) trustee
20 who is a member of the Guam Bar; and

21 (8) the President of the Guam Bar Association
22 shall appoint two (2) trustees who are members of
23 the Guam Bar.

24 Section 28503. Same: term of membership on Board.

25 (a) The initial members of the Board of Law Library
26 Trustees shall be appointed within one (1) month after
27 the effective date of this Act. The initial members of
28 the Board of Law Library Trustees as so constituted shall
29 serve a term which shall expire at midnight on December
30 31, 1981.

31 (b) Not more than one (1) month before the expira-
32 tion of the terms of the initial members of the Board
33 of Law Library Trustees as set forth in Subsection (a)

1 of this section, those persons empowered by Section
2 28502(b) of this Chapter to appoint members of the Board
3 of Law Library Trustees shall submit in writing to the
4 President of the Board of Law Library Trustees the names
5 of their respective appointees. The terms of membership
6 of such appointees upon the Board of Law Library Trustees
7 shall commence at 12:01 a.m. on January 1, 1982, and
8 shall expire as follows:

9 (1) the terms of membership of those members
10 appointed pursuant to the provisions of Section
11 28502(b) (1), (4) and (7) shall expire at midnight
12 on December 31, 1984;

13 (2) the terms of membership of those members
14 appointed pursuant to the provisions of Section
15 28502(b) (2) and (8) shall expire at midnight on
16 December 31, 1983; and

17 (3) the terms of membership of those members
18 appointed pursuant to the provisions of Section
19 28502(b) (3), (5) and (6) shall expire at midnight
20 on December 31, 1982.

21 (c) Not more than one (1) month before the expira-
22 tion of the term of each member of the Board of Law Library
23 Trustees as set forth in Subsections (b) and (c) of this
24 section, those persons empowered by Section 28502(b) of
25 this Chapter to appoint such members of the Board of Law
26 Library Trustees shall submit in writing to the President
27 of the Board of Law Library Trustees the names of their
28 appointees. The term of membership of such appointees
29 upon the Board of Law Library Trustees shall commence at
30 12:01 a.m. on January 1 of the year following the expiration
31 of his predecessor's term of membership, and shall expire
32 at midnight on December 31, thirty-six (36) months there-
33 after.

1 (d) In the event that any member of Board of Law
2 Library Trustees shall die, resign or otherwise be removed
3 from the Board prior to the expiration of his term as set
4 forth in this section, the vacancy so created shall be
5 filled for the remainder of such member's term in the same
6 manner in which the member whose death, resignation or
7 removal that created such vacancy was appointed.

8 Section 28504. Establishment, maintenance and
9 regulation of Territorial Law Library: leasing or
10 constructing quarters; furniture and services: regulations.
11 The Board of Law Library Trustees shall establish and
12 maintain a Law Library in Agana, as close to the Judiciary
13 Building as possible. The Board may lease or construct
14 suitable quarters to house the library facility and shall
15 provide these quarters with suitable furniture and services
16 for utilities, maintenance and security. The Board shall
17 coordinate with the Nieves M. Flores Library concerning
18 access to material by providing a catalog of the law
19 library collection at the central library.

20 Section 28505. Nature of office of trustee: com-
21 pensation. The office of trustee is honorary, without
22 salary or other compensation. Ordinary and necessary
23 expenses of trustees may be reimbursed from the funds of
24 the Territorial Law Library upon application approved by
25 the Board.

26 Section 28506. Grounds for removal of members. The
27 Board of Law Library Trustees, acting pursuant to the
28 provisions of the Articles and By-laws of the Territorial
29 Law Library, may remove a trustee for cause.

30 Section 28507. Designation of president. The Board
31 shall elect one (1) of its number as president, whose
32 powers and duties shall be prescribed in the Articles
33 and By-laws.

1 Section 28508. Election of treasurer and secretary:
2 duties and powers.

3 (a) The Board of Law Library Trustees shall elect
4 from its members a treasurer, who shall keep a full
5 statement and account of all property, money, receipt
6 and expenditures of the law library.

7 (b) The Board shall elect from its members a
8 secretary who shall keep a record and full minutes in
9 writing of all proceedings of the Board. The secretary
10 may certify to such proceedings, or any part thereof,
11 under his hand, verified by an official seal adopted and
12 provided by the Board for that purpose.

13 Section 28509. Disposition of money collected. All
14 money collected for the law library must be paid into the
15 hands of the treasurer of the law library, or his designee,
16 who must keep the same in a bank account or accounts in the
17 name of 'The Guam Territorial Law Library,' to be expended
18 by the Board of Law Library Trustees.

19 All funds that are a part of the Superior Court
20 Law Library Fund at the time this Act becomes effective
21 shall be immediately transferred to the 'Guam Territorial
22 Law Library.'

23 Section 28510. Fee payable for libraries: when to
24 be paid: commencement etc., of action, proceeding, etc.

25 (a) On the commencement in, or the removal to, the
26 Superior Court of any civil action, proceeding or appeal,
27 the party instituting such proceeding, or filing the first
28 papers, shall pay to the clerk of the court, for the
29 Territorial Law Library, a law library fee computed in
30 accordance with the following schedule or such increased
31 schedule as may be duly adopted by the Judicial Council.

1. For filing complaint in Superior Court - - \$10.50
2. For filing petition for appearance of
Judgment Debtor in Superior Court - - - - - \$ 4.00
3. For filing Confession of Judgment - - - - \$ 8.00
4. For filing appeals from Small Claims
Trial de novo - - - - - \$10.50
5. For filing Small Claims in Superior Court \$ 3.00

(b) Fifty percent (50%) of all fees collected by the clerk of the Superior Court for fees and for clerical services rendered in connection with probate and guardianship matters shall be paid over to the Territorial Law Library Fund.

(c) All penal fines and forfeited cash bonds collected by the territory, except those collected by the Traffic Court, shall be paid over to the Territorial Law Library.

(d) All interest and other income earned from funds held in the Judicial Branch Special Trust Funds shall be paid over to the Territorial Law Library.

(e) The fees collected under Subsections (a) and (b) of this section shall be in addition to any other fees collected by the clerk pursuant to the schedule established by the Judicial Council in the Rules of Civil Procedure for the Superior Court.

(f) The government of Guam, agencies and instrumentalities are exempted from paying the fees prescribed in this section.

Section 28511. Same: from members of Guam Bar Association. Each active member of the Bar of the territory, as part of his or her dues for membership in the Guam Bar under the Guam Integrated Act, shall pay Twenty Dollars (\$20.00) per year to the Territorial Law Library Fund. Said contribution shall be collected with

1 the annual dues for the Bar of Guam and transmitted by
2 it to the Territorial Law Library Fund.

3 Section 28512. Authority of Legislature to augment
4 fund with appropriations. The Legislature may appropriate
5 from the General Fund for the Territorial Law Library
6 such additional sums as may in its discretion appear
7 proper. When so appropriated such funds shall be paid
8 to the treasurer of the Territorial Law Library for
9 deposit in the Territorial Law Library Fund and for all
10 purposes.

11 Section 28513. Use of libraries: removal of
12 books: regulation. The Territorial Law Library shall
13 be free to the judiciary, to members of the Guam Bar,
14 and to all residents for the examination of books and
15 other publications at the library or its branches.

16 Section 28514. Furnishing of reports, statutes and
17 other documents. (a) The Governor shall cause to be
18 transmitted to the Territorial Law Library at least one
19 (1) copy of each executive order, administrative re-
20 gulations and each attorney general's opinion which has
21 been or shall be promulgated in the territory.

22 (b) The Chief Justice of the territory shall cause
23 to be transmitted to the Territorial Law Library at
24 least one (1) copy of every decision, opinion and order
25 of the Supreme Court of the territory, and at least one
26 (1) copy of all rules promulgated by the Supreme Court
27 of the territory.

28 (c) The presiding judge of the Superior Court
29 shall cause to be transmitted to the Territorial Law
30 Library at least one (1) copy of every decision, opinion
31 and order of the Superior Court, and at least one (1)
32 copy of all rules promulgated by the Superior Court.

1 (d) The Speaker of the Guam Legislature shall
2 cause to be transmitted to the Territorial Law Library
3 at least one (1) copy each of every public law, of
4 every vetoed bill and every bill introduced in the Guam
5 Legislature, and at least one (1) copy of every item
6 included in the legislative history of every bill con-
7 sidered by the Guam Legislature or any committee or sub-
8 committee thereof.

9 (e) In addition to the materials which shall be
10 transmitted to the Territorial Law Library pursuant to
11 the provisions of Subsections (a) through (d), inclusive,
12 of this section, the Governor, the Chief Justice, the
13 presiding judge of the Superior Court and the Speaker of
14 the Guam Legislature shall transmit or cause to be trans-
15 mitted to the Territorial Law Library any other public
16 records which shall be designated by the Territorial
17 Law librarian.

18 (f) At such time as the Compiler of Laws commences
19 its publication of any of the official documents referred
20 to in this section, he shall submit one (1) copy, free
21 of charge, to the Territorial Law Library. When such
22 publication has commenced, the officials referred to in
23 this section shall not be required to submit the documents
24 stated above unless requested to do so by the Board of
25 Law Library Trustees."

26 Section 2. The Governor is authorized to dedicate
27 government owned real property not to exceed 40,000 square
28 feet to the Girl Scouts of America for the construction of a
29 headquarters building. Said dedication shall provide if any
30 of the property dedicated shall not be used and maintained
31 for the aforesaid purpose, or if any part shall cease to be used

1 and maintained for the aforesaid purpose, or if any part
2 shall be used for any other purpose inconsistent with such
3 purpose, then all right, title and interest in and to the
4 property and to the improvements thereon, shall revert to
5 and revest in the dedicator, government of Guam.

6 Section 3. Any appropriation made to pay the accumulated
7 annual leave of the employees of the Fourteenth Guam Legisla-
8 ture shall include an allocation for the employees of the
9 Minority Office.

10 Section 4. The government shall lease to the Chamorro
11 Rosarian Foundation for the sum of One Dollar (\$1.00) per
12 annum, not more than twenty (20) acres of government owned
13 land located in the municipality of Dededo on Lot 5173-1-R2
14 NEW, registered on November 20, 1952, Certificate of Title
15 5597, land square 13 Section 1. The government shall require
16 the land to be used for construction of the International
17 Pacific Headquarters of the Chamorro Rosarian Foundation and
18 the Chamorro Society of the Marianas and to planting ground
19 areas for rose gardens.