



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAR 12 1996

The Honorable Ted S. Nelson
Acting Speaker
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>4:10</u>
Date	<u>3-12-96</u>

Dear Speaker Nelson:

Enclosed please find a copy of Substitute Bill No. 357 (LS), "AN ACT TO ADD NEW §§1614 THROUGH 1616 TO TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADVISORY GUAM CODE COMMISSION", which I have signed into law today as **Public Law No. 23-82**.

This legislation creates an Advisory Guam Code Commission, which is to conduct a study of published materials relative to the Guam Codes and to make recommendations to the Attorney General and to the Legislature relative to these issues.

This commission should also provide its recommendations to the Governor, and should have a deadline for completing its work. These items can be accomplished without further legislation, and they are recommended.

Very truly yours,

[Signature]
Carl T. C. Gutierrez

Attachment
231039

Office of	
VICE-SPEAKER TED S. NELSON	
Received	
Print Name	<u>[Signature]</u>
Initial	<u>[Initials]</u>
Date	<u>3/12</u>
Time	<u>1:28pm</u>


TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

This is to certify that Substitute Bill No. 357 (LS), "AN ACT TO ADD NEW §§1614 THROUGH 1616 TO TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADVISORY GUAM CODE COMMISSION," was on the 28th day of February, 1996, duly and regularly passed.




D. PARKINSON
Speaker

Attested:



JUDITH WON PAT-BORJA
Senator and Legislative Secretary

This Act was received by the Governor this 1st day of MARCH
1996, at 5:40 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 3-12-96

Public Law No. 23-82

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) REGULAR SESSION

Bill No. 357 (LS)

As further substituted by the Committee
on Judiciary, Criminal Justice
and Environmental Affairs

Introduced by:

E. Barrett-Anderson

A. C. Blaz

T. S. Nelson

T. C. Ada

J. P. Aguon

J. M. S. Brown

F. P. Camacho

M. C. Charfauros

H. A. Cristobal

M. Forbes

A. C. Lamorena V

C. A. Leon Guerrero

L. A. Leon Guerrero

S. L. Orsini

V. C. Pangelinan

D. Parkinson

J. T. San Agustin

A. L. G. Santos

F. E. Santos

A. R. Unpingco

J. Won Pat-Borja

AN ACT TO ADD NEW §§1614 THROUGH 1616 TO
TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING AN ADVISORY GUAM CODE
COMMISSION.

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

2 **Section 1. Legislative Intent.** Since the final titles of the Guam Code
3 Annotated will be published in 1995, and since final legislative approval of a

1 Supreme Court of Guam has been given, and since technology is changing
2 rapidly, in the near future offering the possibility of having Guam's laws and
3 rules and court reports on computer, the Legislature believes that the time
4 has come to reexamine the delivery of the laws and regulations and their
5 physical form. In order to best accomplish this task, the Legislature wishes to
6 involve representatives of all interested groups while not reinventing a
7 structure that now works. Therefore, this Act will create an Advisory Guam
8 Code Commission to look into the best ways to make available, and easier to
9 find, Guam's laws, rules and regulations, and court decisions.

10 **Section 2.** New §§1614 through 1616 are added to Title 1, Guam Code
11 Annotated, to read:

12 **"§1614. Advisory Code Commission.** (a) **Creation and**
13 **Membership.** There is hereby created an Advisory Guam Code
14 Commission to consist of the following members:

15 (1) The Attorney General of Guam;

16 (2) Two members from the Judicial Branch, one to be
17 appointed by the Presiding Judge of the Superior Court and the
18 other by the Chief Justice of the Supreme Court of Guam. Should
19 there be no justices of the Supreme Court when the first
20 appointment is to be made, then the Presiding Judge shall make
21 the second appointment, whose term shall end upon the
22 appointment of a person by the Chief Justice;

23 (3) Two Legislators to be appointed by the Speaker. One
24 Legislator shall be from the majority and the other shall be from
25 the minority;

1 (4) Two members to be appointed by the President of the
2 Guam Bar Association from among the active membership of that
3 Association;

4 (5) One member to be appointed from among the attorneys
5 of the Public Defender's Office by the Public Defender;

6 (6) The Compiler of Laws.

7 Those members who are to be appointed by another official
8 shall be so appointed within 30 days of enactment of this section.
9 Such members shall hold office for a term of two years or as long
10 as they hold the position which qualified them for appointment,
11 whichever is shorter. Such persons may be reappointed.
12 Appointment of Legislators shall terminate upon the termination
13 of the Legislative term during which they were appointed.

14 Any vacancy in the Commission shall be promptly filled in
15 the same manner and by the same official who made the original
16 appointment.

17 The members of this Commission shall receive no stipend,
18 but may be reimbursed for any expenses incurred in Commission
19 business, provided money is available for this purpose.

20 **§1615. Commission's Purpose.** The Commission shall:

21 1) Conduct a review of the structure of Guam's laws, rules
22 & regulations, and court reports and recommend ways by which
23 these materials may be more readily available to users thereof,
24 and the contents thereof more easily researched. The
25 Commission should consider all means, paper and electronic, of
26 distribution and research.

1 2) Recommend to the Attorney General ways by which the
2 changes can be implemented, both as to editorial and production
3 issues.

4 3) Recommend to the Legislature any legislation which may
5 be necessary to implement the recommendations of the
6 Commission.

7 **§1616. Commission Support.** Support for the Commission shall be
8 provided through the Compiler of Laws Division of the Department of Law
9 and any assistance required by the Commission, or hearing to be held is
10 authorized in accordance with this subchapter."

TWENTY-THIRD GUAM LEGISLATURE

1996 (SECOND) Regular Session

6
Date: 2/28/96

VOTING SHEET

Bill No. 357
 Resolution No. _____
 Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith	✓			

TOTAL 21 0 0 0

CERTIFIED TRUE AND CORRECT:

 Recording Secretary

23-82

Senator Mark C. Charfauros

Chairman

Committee on Judiciary, Criminal Justice, and Environmental Affairs Twenty-Third Guam Legislature

Ada's Commercial and Professional Center
138 East Marine Drive, Suite 101C-Annex
Agana, Guam 96910

Tel: (671) 472-3342/3/5
Fax: (671) 472-3440
E-Mail: markchar@uog9.uog.edu

February 12, 1996

SPEAKER DON PARKINSON
Twenty-Third Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker:

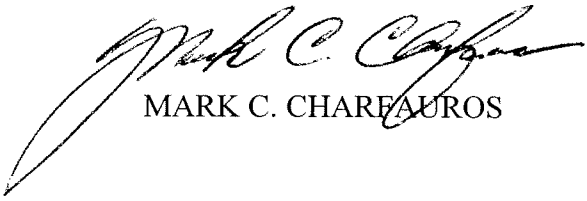
The Committee on Judiciary, Criminal Justice and Environmental Affairs to which was referred **Bill No. 357** As further substituted by the Committee "AN ACT TO ADD NEW SECTIONS 1614 AND 1616 TO TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADVISORY GUAM CODE COMMISSION."

The voting record is as follows:

TO PASS	<u>9</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.



MARK C. CHAREAUROS

Attachments.

Senator Mark C. Charfauros

Chairman

Committee on Judiciary, Criminal Justice, and Environmental Affairs Twenty-Third Guam Legislature

Ada's Commercial and Professional Center
138 East Marine Drive, Suite 101C-Annex
Agana, Guam 96910

Tel: (671) 472-3342/3/5
Fax: (671) 472-3440
E-Mail: markchar@uog9.uog.edu

February 9, 1996

MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report - **Bill No. 357** As further Substituted by the Committee "AN ACT TO ADD NEW SECTIONS 1614 AND 1616 TO TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADVISORY GUAM CODE COMMISSION."

Transmitted herewith for your information and action is the Committee on Judiciary, Criminal Justice and Environmental Affairs' Report on the subject Bill.

The narrative report is accompanied by the following:

1. Bill 357 As substituted by the Committee; Bill 357 As further substituted by the Committee;
2. Committee Voting Sheet;
3. Testimony and Sign-in Sheet
4. Public Hearing Notice.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Please take the appropriate action on the attached voting sheet and return the documents to my office for transmittal to the other members.

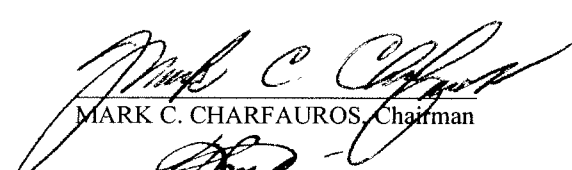
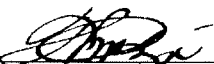

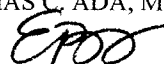

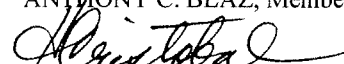
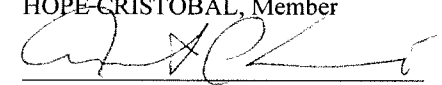
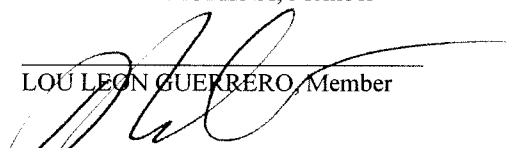

Your attention and cooperation in this matter is greatly appreciated.

Attachments.


MARK C. CHARFAUROS

**COMMITTEE ON JUDICIARY, CRIMINAL JUSTICE AND
ENVIRONMENTAL AFFAIRS
23rd Guam Legislature
VOTING RECORD**

Bill No. 357 As further substituted by the Committee "AN ACT TO ADD NEW SECTIONS 1614 AND 1616 TO TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADVISORY GUAM CODE COMMISSION."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK C. CHARFAUROS, Chairman	✓	—	—	—
 JUDITH WONPAT BORJA, Vice-Chairperson	✓	—	—	—
 THOMAS C. ADA, Member	✓	—	—	—
 ELIZABETH BARRETT-ANDERSON, Member	✓	—	—	—
 JOANNE BROWN, Member	✓	—	—	—
ANTHONY C. BLAZ, Member	—	—	—	—
 HOPE CRISTOBAL, Member	✓	—	—	—
 A. TONY LAMORENA, Member	✓	—	—	—
LOU LEON GUERRERO, Member	—	—	—	—
 TED S. NELSON, Member	✓	—	—	—
VICENTE C. PANGELINAN, Member	—	—	—	—
 ANGEL L.G. SANTOS, Member	✓	—	—	—
DON PARKINSON, Ex-Officio Member	—	—	—	—

COMMITTEE ON JUDICIARY, CRIMINAL
JUSTICE AND ENVIRONMENTAL
AFFAIRS

Twenty-Third Guam Legislature

COMMITTEE REPORT

on

Bill No. 357

As further substituted by the Committee

“AN ACT TO ADD NEW SECTIONS 1614 AND 1616 TO TITLE 1, GUAM CODE
ANNOTATED, RELATIVE TO ESTABLISHING AN ADVISORY GUAM CODE
COMMISSION.”

January 24, 1996

I. OVERVIEW

The Committee on Judiciary, Criminal Justice and Environmental Affairs scheduled a public hearing on January 24, 1995 at 9:30 a.m. at the Legislative Public Hearing Room. Public notice was announced on the January 23, 1996 issue of the PDN. Members present were:

Senator Mark C. Charfauros, Chairman
Senator Ben Pangelinan
Senator Ted Nelson
Senator Tom Ada
Senator Elizabeth Barret-Anderson
Senator Joanne Brown
Senator Tony Blaz
Senator Tony Unpingco

Appearing before the Committee to testify on the bill were:

Charles Troutman, Compiler of Laws, **oral, written.**

II. SUMMARY OF TESTIMONY

Charles Troutman, Compiler of Laws, **oral, written, attached.**

III. FINDING AND RECOMMENDATION

The Committee finds that a reexamination of the condition of Guam's Codes and Administrative Regulations is needed. The Committee finds that Bill 357 as further substituted by the Committee would establish a much needed Advisory Guam Code Commission. The Committee finds that this Commission would review the structure of Guam's laws, rules and regulations and recommend ways by which these materials may be made more available to its users. The Committee further finds that Bill 357 as further substituted by the Committee has received support of the Compiler of Laws and the authors.

Accordingly, the Committee on Judiciary, Criminal Justice and Environmental Affairs, to which was referred **Bill No. 357**, does hereby submit its findings and recommendation to the Twenty-Third Guam Legislature **TO DO PASS Bill No. 357** As further substituted by the Committee, "AN ACT TO ADD NEW SECTIONS 1614 AND 1616 TO TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADVISORY GUAM CODE COMMISSION."



COMMITTEE ON RULES

Twenty-Third Guam Legislature
155 Hesler St., Agana, Guam
96910

RECEIVED
NOV 22 1995

11/22/95

MEMORANDUM

TO: Chairperson, Committee on Judiciary, Criminal Justice and
Environmental Affairs

FROM: Chairman, Committee on Rules

SUBJECT: Referral of Bill 357

Provided herewith is the copy of **Bill 357 as amended**. Deleting section 3 which called for an appropriation for the establishment of the commission in the amount of \$10,800. The above Bill was referred to the Committee on Ways and Means on September 5, 1995. Please note that the Bill be immediately referred to your Committee having jurisdiction over Bill 357.

Thank you for your cooperation. If you have any questions, please call my office.



SONNY LUJAN ORSINI

Attachment: cc: Senator F. Santos
Senator E. Barrett-Anderson



23rd Guam Legislature
Office of
Senator Elizabeth Barrett-Anderson

Tel: (671) 472-3431

Capitol Plaza Building,
120 Father Duenas Ave., Suite 110
Agana, Guam 96910

Fax: (671) 472-34

November 20, 1995

To: Chairman of Rules Committee
From: Senator Elizabeth Barret-Anderson
Subject: Re. Referral of Bill 357 (Guam Code Commission) to
Committee on Judiciary & Criminal Justice

Attached please find a copy of Bill 357 as amended. Specifically I have deleted section 3 which called for an appropriation for the establishment of the Commission in the amount of \$10,800. Accordingly, I am requesting that the Bill be immediately referred to the Committee on Judiciary & Criminal Justice.


Elizabeth Barrett-Anderson

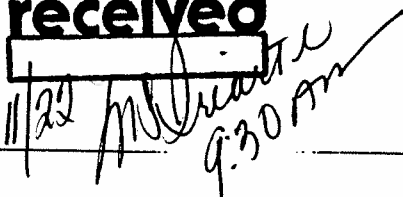
cc: Speaker Parkinson
Senator F. Santos
Senator M. Charfauros
Senator A. Blaz
Legal

COMMITTEE ON RULES

Rec'd by: Wark Date: 11/20 Time: 5:00

Routing:	Date:	Sen's Init.
Jackie Blas	_____	_____
	_____	_____
Action:	_____	

received



TWENTY THIRD GUAM LEGISLATURE
(1995) FIRST REGULAR SESSION

Bill No: 357 (LS)
As substituted by the Committee
on Judiciary & Criminal Justice.


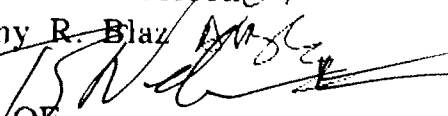
COMMITTEE ON RULES

Rec'd by: Blank Date: 11/20 Time: 5:00

Rolling:	Date:	Sen's Int.
Jackie Blas	_____	_____
_____	_____	_____

Action: _____

Introduced by:

E. Barrett-Anderson 
Anthony R. Blaz 

AN ACT TO ADD A NEW SECTION 1658 OF
TITLE 1 GUAM CODE ANNOTATED TO
RELATIVE TO ESTABLISHING
THE GUAM CODE COMMISSION

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2
3 SECTION 1. **Legislative Intent.** It is the purpose of the
4 Guam Legislature to establish the Guam Code Commission for the
5 purpose of examining the condition, efficiency, organization and
6 distribution of Guam's Codes and Administrative Regulations as
7 currently published, and distributed. In 1982 the work of the
8 former Law Revision Commission was disbanded by legislation, and
9 the work of compiling, publishing and distributing Guam laws was
10 transferred to the Compiler of Laws under the jurisdiction of the
11 Attorney General of Guam. Over the past fourteen years the task of
12 publishing Guam's Codes and Administrative Regulations has become
13 more complex, and there exist a need within the legal community to
14 reexamine such growth in relation to increased technological
15 advancements and achievements in printing, publication and multi-
16 media-distribution.

1 SECTION 2. A new Section 1658 is added to Title 1 Guam Code
2 Annotated to read:

3 "SECTION 1658. ESTABLISHMENT, MEMBERSHIP, AND
4 COMPENSATION. (a) The Guam Code Commission is hereby created
5 and shall consist of the following members:

6 (1) The Attorney General of Guam, who shall serve as a
7 permanent member and Chairperson of the Commission;

8 (2) Two (2) members appointed from the Judicial Branch as
9 follows: one (1) members appointed by the Chief Justice of the
10 Supreme Court of Guam; one (1) member appointed by the Presiding
11 Judge of the Superior Court of Guam. If at the time of the first
12 appointment of the Commission the Supreme Court has not been
13 constituted, such appointment by the Chief Justice shall be made by
14 the Presiding Judge.

15 (3) Two (2) members appointed from the membership of the
16 Legislature designated by the Speaker;

17 (4) Two (2) members appointed by the President of the Guam
18 Bar Association from among the active membership of the Guam Bar.

19 (5) One (1) member appointed by the Attorney General from
20 among government full time attorneys of the Department of Law,
21 and one (1) member appointed by the Executive Director of the
22 Public Defender Corporation from among the full time attorneys of
23 the Public Defender Corporation.

24 (b) Except for the position of Chairperson, Commission
25 members shall be appointed within thirty (30) days after the
26 enactment of this Section, shall hold office for a term of two (2)
27 years, and may be reappointed to successive terms. Appointments of

1 members of the Guam Legislature shall terminate automatically upon
2 expiration of the members present term of office.

3 (c) Any vacancy in the Commission membership shall be
4 promptly filled in the same manner and proportions as the initial
5 appointments.

6 (d) Commission members shall be paid in accordance with the
7 Uniform Compensation for Boards and Commissions provision 5 GCA
8 §1109, such funds to be appropriated by the Legislature to the
9 Department of Law as stipends to the members of the Commission.
10 No other incidental cost or expenses shall be allowed.

11 SECTION 1658.1. EXECUTIVE SECRETARY. The Compiler of
12 Laws shall function as the Executive Secretary to the Commission.
13 The Executive Secretary shall have such duties and responsibilities,
14 in addition to the position of Compiler of Laws, as may be directed
15 from time to time by the Commission. The Executive Secretary shall
16 serve without additional compensation. The employees of the
17 Department of Law, Compiler's Division, shall serve as the
18 administrative body for the work of the Commission.

19 SECTION 1658.2. COMMISSION POWERS. The Commission shall
20 have the following powers and responsibilities:

21 (a) To meet regularly on a monthly basis subject to the Open
22 Government Law for the purpose of reviewing Guam's Codes and
23 Administrative Regulations to determine the organization,
24 effectiveness, structure, usability, accessibility and distribution
25 thereof. Special meetings may be called by the Chair person.

26 (b) To recommend to the Attorney General methods to improve
27 access to, and greater use and distribution of Guam's Codes and

1 Administrative Regulations both locally and nationally for the benefit
2 of the legal community and the general public;

3 (c) To recommend to the Guam Legislature legislation to
4 improve public access to, and greater use and distribution of, Guam's
5 Codes and Administrative Regulations;

6 (d) To determine a five year program for printing, publication,
7 and distribution of Guam's Codes and Administrative Regulations;

8 (e) To determine requirements for printing, publication, and
9 distribution of the next series of Guam Reports, designating to the
10 Compiler of Laws certain trial opinions and decisions that are of
11 significant importance to the legal community to require publication;

12 (f) To coordinate with the Guam Judicial Council, and the Chief
13 Justice of the Supreme Court of Guam in the printing, publication and
14 distribution of the Guam Supreme Court Reports;

15 (g) To utilize the services of the Guam Bar Association,
16 professional associations and organizations, other state Commissions
17 empowered to develop and improve their state's code system in
18 order to fulfill the objectives of the Commission.

19 (h) To review all bid specifications, or requests for proposals,
20 for the procurement of printing, publication and distribution of
21 Guam's Codes and Administrative Regulations, and judicial reports.

22 SECTION 1658.3. COMMISSION RESPONSIBILITIES. The
23 Commission shall:

24 (a) Conduct a continuing, comprehensive and expeditious
25 examination of Guam's Code system in order to identify and resolve
26 any defects in the organization and effectiveness of the present
27 system to respond to the needs of the legal community, and the

1 concerns of the general public in understanding how to research and
2 find Guam laws;

3 (b) Conduct such public hearings as are essential and necessary
4 to obtain public input, and to accept suggestions from the members
5 of Guam's legal community, the public sector, and the business
6 community;

7 (c) Recommend to the Legislature the repeal of any statute
8 which has been held inorganic or unconstitutional by a court of final
9 appeal, and to further recommend such statutory changes in the
10 adoption of local laws that will improve Guam's Code system;

11 (d) Implement, through the Attorney General, such changes in
12 the compilation, codification, printing, publication and distribution of
13 Guam's Codes and Administrative Regulations, and judicial reports.

14 (e) To do all that is necessary and appropriate to accomplish
15 and fulfill the objectives of the Commission as stated in subsection
16 1658.2 hereof.

17 Section 1658.4. ACTS OF THE COMMISSION. A minimum of five
18 (5) members shall be required to constitute a quorum of the
19 Commission; a majority vote of the quorum shall be required to pass
20 any act of the Commission.

21 **SECTION 3.** This law shall take effect on enactment.



23rd Guam Legislature
Office of
Senator Elizabeth Barrett-Anderson

Tel: (671) 472-3431

Capitol Plaza Building,
120 Father Duenas Ave., Suite 110
Agana, Guam 96910

Fax: (671) 472-3434

TELEFAX COVERSHEET

FAX #: 472-3440

DATE & TIME: Nov. 21, 1995 - 11:30 a.m.

TO: Reps dujan, Office of Senator FROM: Senator E. Barrett-Anderson

TITLE OF DOCUMENT: Mark Charfauros

COMMENTS: Forwarded is a copy of my memo
to Com. on Rules Re Referral of Bill 357
to Com on Judiciary, Criminal Justice

OF PAGES: 7

(Including telefax coversheet)

BY: Josie Aguirre
RCA /IT&E (Circle One)



23rd Guam Legislature
Office of
Senator Elizabeth Barrett-Anderson

Tel: (671) 472-3431

Capitol Plaza Building,
120 Father Duenas Ave., Suite 110
Agana, Guam 96910

Fax: (671) 472-34

TELEFAX COVERSHEET

FAX #: 472-3512

DATE & TIME: NOV. 22, 1995

TO: Margaret Iriarte

FROM: Josie Aquino

TITLE OF DOCUMENT: Referral of Bill # 357

COMMENTS: _____

OF PAGES: 9
(Including telefax coversheet)

BY: CHRISTYNE OLIVER
RCA / IT&E (Circle One)

**TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) REGULAR SESSION**

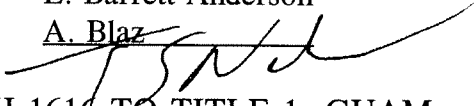
Bill No. 357

As further substituted by the Committee
on Judiciary, Criminal Justice
and Environmental Affairs

Introduced by:

E. Barrett-Anderson

A. Blaz



AN ACT TO ADD A NEW SECTIONS 1614 THROUGH 1616 TO TITLE 1, GUAM
CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADVISORY GUAM
CODE COMMISSION.

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

2 **Section 1. Legislative Intent.** Since the final titles of the Guam Code Annotated will be
3 published in 1995, and since final legislative approval of a Supreme Court of Guam has been given,
4 and since technology is changing rapidly, in the near future offering the possibility of having Guam's
5 laws and rules and court reports on computer, the Legislature believes that the time has come to
6 reexamine the delivery of the laws and regulations and their physical form. In order to best
7 accomplish this task, the Legislature wishes to involve representatives of all interested groups while
8 not reinventing a structure that now works. Therefore, this Act will create an advisory Guam Code
9 Commission to look into the best ways to make available, and easier to find, Guam's laws, rules and
10 regulations and court decisions.

11 **Section 2. New §§1614 through 1616 are added to Title 1, Guam Code Annotated to**
12 **read:**

13 **“§1614. Advisory Code Commission. (a) Creation and Membership.** There is hereby
14 created an advisory Guam Code Commission to consist of the following members:

- 15 1) The Attorney General of Guam
16 2) Two members from the Judicial Branch, one to be appointed by the Presiding Judge of
17 the Superior Court and the other by the Chief Justice of the Supreme Court of Guam. Should there
18 be no justices of the Supreme Court when the first appointment is to be made, then the Presiding

1 Judge shall make the second appointment, whose term shall end upon the appointment of a person
2 by the Chief Justice.

3 3) Two Legislators to be appointed by the Speaker.

4 4) Two members to be appointed by the President of the Guam Bar Association from among
5 the active membership of that Association.

6 5) Two members, one each to be appointed from among the attorneys of the Department of
7 Law and Public Defender's Office, respectively, by the Attorney General and the Public Defender,
8 respectively.

9 6) The Compiler of Laws.

10 Those members who are to be appointed by the another official shall be so appointed within
11 30 days of enactment of this section. Such members shall hold office for a term of two years so long
12 as they hold the position which qualified them for appointment, whichever is shorter. Such persons
13 may be reappointed. Appointment of Legislators shall terminate upon the termination of Legislature
14 during which they were appointed.

15 Any vacancy in the Commission shall be promptly filled in the same manner and by the same
16 official who made the original appointment.

17 The members of this Commission shall receive no stipend, but may be reimbursed for any
18 expenses incurred in Commission business, provided money is available for this purpose.

19 **§1615. Commission's Purpose.** The Commission shall:

20 1) Conduct a review of the structure of Guam's laws, rules & regulations and court reports
21 and recommend ways by which these materials may be more readily available to users thereof, and
22 the contents thereof more easily researched. The Commission should consider all means, paper and
23 electronic, of distribution and research.

24 2) Recommend to the Attorney General ways by which the changes can be implemented,
25 both as to editorial and production issues.

26 3) Recommend to the Legislature any Legislation which may be necessary to implement the
27 recommendations of the Commission.

28 **§1616. Commission Support.** Support for the Commission shall be provided through the
29 Compiler of Laws Division of the Department of Law and any assistance required by the

1 Commission, or hearing to be held is authorized in accordance with this subchapter.”



Calvin E. Holloway, Sr.
Attorney General

Gus F. Diaz
Chief Deputy Attorney General

Charles H. Troutman
Compiler of Laws

OFFICE OF THE ATTORNEY GENERAL
TERRITORY OF GUAM

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January 22, 1996

Honorable Mark C. Charfauros
Chairman
Committee on Judiciary, Criminal Justice & Environmental Affairs
Twenty-third Guam Legislature
Agana, Guam

Re: Bill No. 357

Dear Senator Charfauros,

Buenas yan Saluda.

I wish to testify today in opposition to Bill No. 357, establishing a Guam Code Commission. There are several problems with this bill and, I believe, better means to address the clear and present problems of the Division.

First, I wish to give you an update on the Compilers' activities. We have finalized an agreement with West Publishing Company for the production of the Guam Code Annotated, Session Laws, Appellate Division Decisions and, possibly, Ninth Circuit decisions from Guam on CD ROM. This week, I have sent off the diskettes containing this material. Likewise, by the end of this week, we will have sent to William S. Hein the latest Guam Code Annotated updates, current through October 1, of last year. We are currently working on a recodification of the Administrative Rules. We have just begun distribution of the *Current Laws* of the 23rd Legislature (this one) which are complete with an Index and tables. I am looking into what can be placed on the Internet, but resources and technology are such that this project is not of immediate priority. We badly need to create a complete paper index of the Guam Code Annotated in its final form, but lack the resources for this project. I have received estimates that such a project will cost about \$125,000 and take over a year. However, the CD ROM will provide electronic indexing, which will greatly ease year attempts to find what you are looking for.



COMMONWEALTH NOW!

Compiler of Laws Division
Suite 701, Pacific News Building 238 F.C. Flores Street, Agana, Guam U.S.A. 96910-5195

The Bill, as written, makes the Commission directory. This structure does not fill well, either practically or legally, into the present structure. The Legislature determined to place the Compiler of Laws within the Executive Branch. Thus, it is not proper to have the Judiciary and Legislature directing the Attorney General and Compiler through means not permitted for such bodies. Several years ago, the Supreme Court declared unconstitutional the airport authority governing Washington National Airport because the law required that certain Representatives "in their individual capacities" be on the Board. This, said the Court, violated the separation of powers.

In addition, the Guam Supreme Court is well on its way to an operational status. Within the staffing pattern submitted to the Legislature as part of the Rules, recently approved, was the position of Revisor of Statutes. It will be that position, along with the adoption of Rules on the subject by the Court, which will determine the form of the Opinions of that Court. As the law stands, I will publish their output, but in the form the Court directs. The mechanism for publishing such decisions is already set in law - there is no need to change now.

On the Legislative side, I believe that you must make some fundamental decisions that only Senators can make. For instance, you need some guidance as to what is to be codified and what is not to be codified. Apart from general principles contained in Title 1, GCA, and in budget bills, I have no way of knowing whether permanent laws, such as the "Doc Sanchez" Scholarship program, should be codified, since the Legislature enacted it as sections of a Public Law. I have codified it because it is clearly permanent and ongoing, and it was hard to find in its original form. Still, the Legislature needs to provide its own guidance. Hawaii has a system - when a bill is not amending or repealing an existing part of the Code (Revised Statutes), the Legislature simply enacts the Bill in Section form, and in a separate section, directs the Revisor of Statutes to place that bill in its proper place in the HRS. Of course, Hawaii also has the "single subject rule", which we lack, so, in some cases, more precise guidance would be necessary.

Also, the Administrative Adjudication Law needs revision. Since the last amendment governing submission to the Legislature, it has become impossible for me to determine when a given rule has become effective. In the past, I received all rules submitted from the Legislative Secretary, with a notation as to the date submitted. Since calendar days were involved, finding the effective date was easy. I have received no rules, other than those passed by Public Law, in this Legislature.

Finally, there is the question of resources. With the publications we have, keeping up with just two word processing operators is not possible. To keep current for the laws, codes, rules and court reports, we need at least three word processing operators, and ideally, four. There is no way to index the entire codes except by contracting out the job. This is not unusual. Hawaii has done this, as do many other states. This is the only practical way, since this is a one-time job. The updating can be done locally once the overall indexing is done.

So, there is much that can be done, but an additional commission is not the way to do it. Particularly, not the operating Commission created by Bill No. 357. If the Legislature must create a Code Commission, I suggest creating an advisory Commission, to include the Compiler of Laws as a Member. This latter inclusion was first made in the original Law Revision Commission and worked very well. It should be continued. However, I urge that no commission be created, rather the various branches of government use the structure available to them to decide matters which each must decide on its own.

Hon. Mark C. Charfauros
Bill 357 Testimony
Page 3

Definitely, I would like to work with each branch to address not only overall issues, but ones unique to each branch of government. I welcome the Guam Bar's input, but I have noticed that Bar activity has not been all that obvious lately. However, that organization, of which I am a member (mandatory), is quite capable of organizing its own committees to address its interests. I would welcome working with such a group. As always, resources do limit, and it is up to the Legislature to decide the level of activity of this Division.

I am attaching for your consideration a Bill I was requested to draft by Senator Santos. While it will have little effect on the net General Fund - purchases by line agencies must be appropriated from the same source as funds for this Division - it will assist this Division in our activities. On Guam, by far the greatest number of Session Laws distributed is to the government.

Dangkolo Na Agradesimo - Thank you very much

Sincerely yours,



CHARLES H. TROUTMAN
Compiler of Laws

TWENTY-THIRD GUAM LEGISLATURE
1995 (First) Regular Session

Bill No. _____

Introduced by : _____

AN ACT TO AMEND 1 GCA §1607 TO REQUIRE
GOVERNMENT OF GUAM RECIPIENTS OF
PUBLICATIONS FROM THE COMPILER OF LAWS TO
PAY FOR THE SAME.

- BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
-
- Section 1. Title 1, Guam Code Annotated, §1607 is amended to read:
 - "§1607. Charges for Publications; ~~Free Distribution.~~ (a) There is created a fund known as the *Printing Revolving Fund*, which shall be accounted for separate and apart from the General Fund, into which shall be deposited all monies received as payment for publications and publication services of the Compiler of Laws, and other funds received by the Compiler of Laws for the purposes related to ~~of~~ printing, and any appropriations of the Legislature for such purpose. All funds required to pay for printing the publications published by the Compiler of Laws or printed by him at the request of other government entities or for equipment, directly or indirectly related to the Compiler's functions, shall be taken from the Printing Revolving Fund.
 - (b) Except as provided in subsection (c), below, the Compiler of Laws shall charge for and set the price of the publications of the Office and the printing jobs undertaken by the Office. The prices charged shall be such as to cover the costs incurred in printing the publications and a 25% administrative fee.
 - (c) The Compiler of Laws shall furnish publications of his Office free of charge to the following public officials for official use:
 - ~~All Department Heads and All Senators;~~
 - ~~The Recording Secretary of the Legislature;~~
 - ~~Legal Counsel for the Legislature;~~
 - The Governor of Guam;

The Lieutenant Governor of Guam;

Judges of the Superior Court

~~Judge of the District Court of Guam and the Judge of the District Court of the Northern Mariana Islands;~~

Guam's Delegate to Congress

~~All Department Heads of the Government of Guam;~~

~~A reasonable number of copies to be used by those Departments and agencies of the government which require them in their regular business; and~~

Such agencies of state, territorial, trust territory and local governments (other than of Guam) which provide their publications free of charge to Guam.

All other persons, whether within or without the government of Guam, shall be required to pay for such publications in accordance with the price schedule established by the Compiler of Laws.

(c) Notwithstanding any other law, any department, agency or branch of the Government of Guam which receives money from the General Fund may purchase publications of the Compiler of Laws using any funds whatsoever which have been appropriated for the operations of that office."

**TWENTY-THIRD GUAM LEGISLATURE
1995 (First) Regular Session**

Bill No.



Introduced by: E. Barrett-Anderson
Anthony R. Blaz

**AN ACT TO ADD A NEW SECTIONS 1614 THROUGH 1616 TO TITLE 1, GUAM CODE
ANNOTATED TO ESTABLISH AN ADVISORY GUAM CODE COMMISSION.**

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

Section 1. Legislative Intent. Since the final titles of the Guam Code Annotated will be published in 1995, and since final legislative approval of a Supreme Court of Guam has been given, and since technology is changing rapidly, in the near future offering the possibility of having Guam's laws and rules and court reports on computer, the Legislature believes that the time has come to reexamine the delivery of the laws and regulations and their physical form. In order to best accomplish task, the Legislature wishes to involve representatives of all interested group while not reinventing a structure that now works. Therefore, this Act will create an advisory Guam Code Commission to look into the best ways to make available, and easier to find, Guam's laws, rules and regulations and court decisions.

Section 2. A new §1614 is added to Title 1, Guam Code Annotated to read:

“§1614. Advisory Code Commission. (a) Creation and Membership. There is hereby created an advisory Guam Code Commission to consist of the following members:

1. The Attorney General of Guam
- 2, Two members from the Judicial Branch, one to be appointed by the Presiding Judge of the Superior Court and the other by the Chief Justice of the Supreme Court of Guam. Should there be no justices of the Supreme Court when the first appointment is to be made, then the Presiding Judge shall make the second appointment, whose term shall end upon the appointment of a person by the Chief Justice.
3. Two Legislators to be appointed by the Speaker.
4. Two members to be appointed by the President of the Guam Bar Association from among the active membership of that Association.

1 5. Two members, one each to be appointed from among the attorneys of the
2 Department of Law and Public Defender's Office, respectively, by the Attorney General and
3 the Public Defender, respectively.

4 6. The Compiler of Laws.

5 Those members who are to be appointed by another official shall be so appointed within
6 30 days of enactment of this section. Such members shall hold office for a term of two years so long
7 as they hold the position which qualified them for appointment, whichever is shorter. Such persons
8 may be reappointed. Appointment of Legislators shall terminate upon the termination of the
9 Legislature during which they were appointed.

10 Any vacancy in the Commission shall be promptly filled in the same manner and by the
11 same official who made the original appointment.

12 The members of this Commission shall receive no stipend, but may be reimbursed for any
13 expenses incurred in Commission business, provided money is available for this purpose.

14 **§1615. Commission's Purpose.** The Commission shall:

15 1. Conduct a review of the structure of Guam's laws, rules & regulations and court reports
16 and recommend ways by which these materials may be more readily available to users thereof, and
17 the contents thereof more easily researched. The Commission should consider all means, paper
18 and electronic, of distribution and research.

19 2. Recommend to the Attorney General ways by which the changes can be implemented,
20 both as to editorial and production issues.

21 3. Recommend to the Legislature any Legislature which may be necessary to implement
22 the recommendations of the Commission

23 **§1616. Commission Support.** Support for the Commission shall be provided through
24 the Compiler of Laws Division of the Department of Law and any assistance required by the
25 Commission, or hearing to be held is authorized in accordance with this subchapter.

Copy

Notice of Public Hearing



**Senator
Mark C. Charfauros**

**Chairman, Committee on Judiciary,
Criminal Justice and Environmental Affairs
Twenty-Third Guam Legislature**

**9:30 a.m.
Agenda**

Bill No. 354, AN ACT TO AMEND CHAPTER 33 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO NOTARIES PUBLIC.

Bill No. 357, AN ACT TO ADD A NEW SECTION 1658 OF TITLE 1 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING THE GUAM CODE COMMISSION.

Bill No. 392 (AS AMENDED BY THE AUTHOR), AN ACT TO REPEAL AND REENACT §46.30 OF TITLE 9, GCA, RELATIVE TO THE ISSUANCE OF BAD CHECKS.

Bill No. 453, AN ACT TO PERMIT GUAM POLICE DEPARTMENT OFFICERS TO USE THEIR PERSONAL VEHICLES FOR OFFICIAL PURPOSES.

Date: Wednesday, January 24, 1996

Time: 9:30 a.m.

Place: Public Hearing Room, Guam Legislature
155 Hesler St., Agana

The Public is invited to attend

*Run date
1/23/96*

*file - file hand 4:50 pm
1/18/96*

JAN 10 1996

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill No. 357
Amendatory Bill: No

Date Received: December 5, 1995
Date Reviewed: January 4, 1996

Department/Agency Affected: Department of Law
Department/Agency Head: Calvin Holloway
Total FY Appropriation to Date: \$6,529,060

Bill Title (preamble): TO ADD A NEW SECTION 1658 OF TITLE 1 OF THER GUAM CODE ANNOTATED REPEAL AND RELATIVE TO ESTABLISHING THE GUAM CODE COMMISSION.

Change in Law: Adds new section 1658 to Title 1 of the Guam Code Annotated

Bill's Impact on Present Program Funding:
Increase X Decrease _____ Reallocation _____ No Change _____

Bill is for:
Operations X Capital Improvement _____ Other _____

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Public Safety	See attached comments.		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL						
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A IF NO, ADD'L AMOUNT REQUIRED: _____
AGENCY/PERSON/DATE CONTACTED: See attached comments

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER						
TOTAL						

ANALYST Carlos P. Bordallo DATE 1/9/96 DIRECTOR Francisco Balagadia DATE JAN 10 1996
for JOSEPH E. RIVERA

Comments on Bill 357

The Bill proposes to create the Guam Code Commission which would consist of nine (9) members. Compensation (stipends) for commission members is to be provided, however there is no direct appropriation contained in the bill. If the commission meets once a month with all members present, the annual requirement for stipends will be \$5,400.

The breakdown is as follows:

$$\begin{array}{r r r r r r} \text{Members} & \times & \text{Monthly Meetings} & \times & \text{Stipend} & \\ 9 & \times & 12 & \times & \$50 & = \$5,400 \end{array}$$

TWENTY THIRD GUAM LEGISLATURE
(1995) FIRST REGULAR SESSION

Bill No: 357(LS)

Introduced by:

E. Barrett-Anderson *EBA*

Anthony R. Blaz *ARB*

AN ACT TO ADD A NEW SECTION 1658 OF
TITLE 1 GUAM CODE ANNOTATED TO
RELATIVE TO ESTABLISHING
THE GUAM CODE COMMISSION

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

2

3 **SECTION 1. Legislative Intent.** It is the purpose of the
4 Guam Legislature to establish the Guam Code Commission for the
5 purpose of examining the condition, efficiency, organization and
6 distribution of Guam's Codes and Administrative Regulations as
7 currently published, and distributed. In 1982 the work of the
8 former Law Revision Commission was disbanded by legislation, and
9 the work of compiling, publishing and distributing Guam laws was
10 transferred to the Compiler of Laws under the jurisdiction of the
11 Attorney General of Guam. Over the past fourteen years the task of
12 publishing Guam's Codes and Administrative Regulations has become
13 more complex, and there exist a need within the legal community to
14 reexamine such growth in relation to increased technological
15 advancements and achievements in printing, publication and multi-
16 media-distribution.

17 **SECTION 2.** A new Section 1658 is added to Title 1 Guam Code
18 Annotated to read:

1 “SECTION 1658. ESTABLISHMENT, MEMBERSHIP, AND
2 COMPENSATION. (a) The Guam Code Commission is hereby created
3 and shall consist of the following members:

4 (1) The Attorney General of Guam, who shall serve as a
5 permanent member and Chairperson of the Commission;

6 (2) Two (2) members appointed from the Judicial Branch as
7 follows: one (1) members appointed by the Chief Justice of the
8 Supreme Court of Guam; one (1) member appointed by the Presiding
9 Judge of the Superior Court of Guam. If at the time of the first
10 appointment of the Commission the Supreme Court has not been
11 constituted, such appointment by the Chief Justice shall be made by
12 the Presiding Judge.

13 (3) Two (2) members appointed from the membership of the
14 Legislature designated by the Speaker;

15 (4) Two (2) members appointed by the President of the Guam
16 Bar Association from among the active membership of the Guam Bar.

17 (5) One (1) member appointed by the Attorney General from
18 among government full time attorneys of the Department of Law,
19 and one (1) member appointed by the Executive Director of the
20 Public Defender Corporation from among the full time attorneys of
21 the Public Defender Corporation.

22 (b) Except for the position of Chairperson, Commission
23 members shall be appointed within thirty (30) days after the
24 enactment of this Section, shall hold office for a term of two (2)
25 years, and may be reappointed to successive terms. Appointments of
26 members of the Guam Legislature shall terminate automatically upon
27 expiration of the members present term of office.

1 (c) Any vacancy in the Commission membership shall be
2 promptly filled in the same manner and proportions as the initial
3 appointments.

4 (d) Commission members shall be paid in accordance with the
5 Uniform Compensation for Boards and Commissions provision 5 GCA
6 §1109, such funds to be appropriated by the Legislature to the
7 Department of Law as stipends to the members of the Commission.
8 No other incidental cost or expenses shall be allowed.

9 SECTION 1658.1. EXECUTIVE SECRETARY. The Compiler of
10 Laws shall function as the Executive Secretary to the Commission.
11 The Executive Secretary shall have such duties and responsibilities,
12 in addition to the position of Compiler of Laws, as may be directed
13 from time to time by the Commission. The Executive Secretary shall
14 serve without additional compensation. The employees of the
15 Department of Law, Compiler's Division, shall serve as the
16 administrative body for the work of the Commission.

17 SECTION 1658.2. COMMISSION POWERS. The Commission shall
18 have the following powers and responsibilities:

19 (a) To meet regularly on a monthly basis subject to the Open
20 Government Law for the purpose of reviewing Guam's Codes and
21 Administrative Regulations to determine the organization,
22 effectiveness, structure, usability, accessibility and distribution
23 thereof. Special meetings may be called by the Chair person.

24 (b) To recommend to the Attorney General methods to improve
25 access to, and greater use and distribution of Guam's Codes and
26 Administrative Regulations both locally and nationally for the benefit
27 of the legal community and the general public;

1 (c) To recommend to the Guam Legislature legislation to
2 improve public access to, and greater use and distribution of, Guam's
3 Codes and Administrative Regulations;

4 (d) To determine a five year program for printing, publication,
5 and distribution of Guam's Codes and Administrative Regulations;

6 (e) To determine requirements for printing, publication, and
7 distribution of the next series of Guam Reports, designating to the
8 Compiler of Laws certain trial opinions and decisions that are of
9 significant importance to the legal community to require publication;

10 (f) To coordinate with the Guam Judicial Council, and the Chief
11 Justice of the Supreme Court of Guam in the printing, publication and
12 distribution of the Guam Supreme Court Reports;

13 (g) To utilize the services of the Guam Bar Association,
14 professional associations and organizations, other state Commissions
15 empowered to develop and improve their state's code system in
16 order to fulfill the objectives of the Commission.

17 (h) To review all bid specifications, or requests for proposals,
18 for the procurement of printing, publication and distribution of
19 Guam's Codes and Administrative Regulations, and judicial reports.

20 SECTION 1658.3. COMMISSION RESPONSIBILITIES. The
21 Commission shall:

22 (a) Conduct a continuing, comprehensive and expeditious
23 examination of Guam's Code system in order to identify and resolve
24 any defects in the organization and effectiveness of the present
25 system to respond to the needs of the legal community, and the
26 concerns of the general public in understanding how to research and
27 find Guam laws;

1 (b) Conduct such public hearings as are essential and necessary
2 to obtain public input, and to accept suggestions from the members
3 of Guam's legal community, the public sector, and the business
4 community;

5 (c) Recommend to the Legislature the repeal of any statute
6 which has been held inorganic or unconstitutional by a court of final
7 appeal, and to further recommend such statutory changes in the
8 adoption of local laws that will improve Guam's Code system;

9 (d) Implement, through the Attorney General, such changes in
10 the compilation, codification, printing, publication and distribution of
11 Guam's Codes and Administrative Regulations, and judicial reports.

12 (e) To do all that is necessary and appropriate to accomplish
13 and fulfill the objectives of the Commission as stated in subsection
14 1658.2 hereof.

15 Section 1658.4. ACTS OF THE COMMISSION. A minimum of five
16 (5) members shall be required to constitute a quorum of the
17 Commission; a majority vote of the quorum shall be required to pass
18 any act of the Commission.

19 **SECTION 3.** The sum of Ten Thousand Eight Hundred Dollars
20 (\$10,800.00) is hereby appropriated from the General Fund to the
21 Department of Law for FY 96 to fund the stipends authorized by this
22 law.

23 **SECTION 4.** This law shall take effect beginning October 1,
24 1995.