



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

FEB 16 1998

Refer to  
Legislative Secretary

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

Dear Speaker Unpingco:

Enclosed please find a copy of Bill No. 424 (COR), "AN ACT TO ADD A NEW §33103.1 TO ARTICLE 1, CHAPTER 33 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE MODEL NOTARY LAW'S NON-APPLICATION TO COURT REPORTERS AND OTHER MINISTERIAL OFFICERS OF THE COURTS.", which I have signed into law today as **Public Law No. 24-130**.

This legislation clarifies that those who are court reporters or other ministerial officers of the courts do not have to undergo the procedures to become notaries public in addition to the requirements of their other professions when certifying documents which they routinely handle as part of their professions.

Very truly yours,

  
Carl T. C. Gutierrez

Attachment 00650

cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received by:	<u>Loni Gamatantao</u>
Time:	<u>4:16 p.m.</u>
Date:	<u>2-17-98</u>

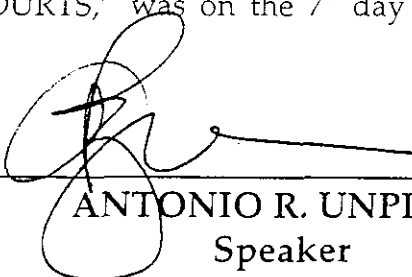
Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 2/17/98  
Time: 1:45 pm  
Rec'd by: [Signature]  
Print Name: Janice Medina

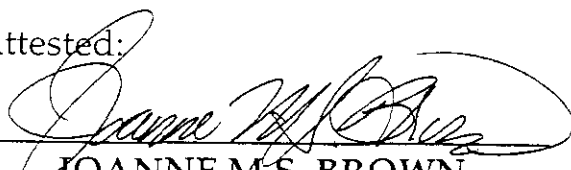
TWENTY-FOURTH GUAM LEGISLATURE  
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Bill No. 424 (COR), "AN ACT TO ADD A NEW §33103.1 TO ARTICLE 1, CHAPTER 33 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE MODEL NOTARY LAW'S NON-APPLICATION TO COURT REPORTERS AND OTHER MINISTERIAL OFFICERS OF THE COURTS," was on the 7<sup>th</sup> day of February, 1998, duly and regularly passed.

  
ANTONIO R. UNPINGCO  
Speaker


Attested:

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 10<sup>th</sup> day of February, 1997, at  
3:27 o'clock P.M.

  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 2-16-98

Public Law No. 24-130

TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

Bill No. 424 (COR)

As amended on the Floor.

Introduced by:

E. Barrett-Anderson  
T. C. Ada  
F. B. Aguon, Jr.  
A. C. Blaz  
J. M.S. Brown  
Felix P. Camacho  
Francisco P. Camacho  
M. C. Charfauros  
E. J. Cruz  
W. B.S.M. Flores  
Mark Forbes  
L. F. Kasperbauer  
A. C. Lamorena, V  
C. A. Leon Guerrero  
L. Leon Guerrero  
V. C. Pangelinan  
J. C. Salas  
A. L.G. Santos  
F. E. Santos  
A. R. Unpingco  
J. Won Pat-Borja

AN ACT TO ADD A NEW §33103.1 TO ARTICLE 1,  
CHAPTER 33 OF TITLE 5 OF THE GUAM CODE  
ANNOTATED, RELATIVE TO THE MODEL  
NOTARY LAW'S NON-APPLICATION TO COURT  
REPORTERS AND OTHER MINISTERIAL  
OFFICERS OF THE COURTS.

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

2           **Section 1.** A new §33103.1 is hereby added to Article 1, Chapter 33 of  
3 Title 5 of the Guam Code Annotated to read as follows:

4                   **“Section 33103.1.       Non-application to Court Reporters and**  
5           **Other Court Officers.** None of the provisions of this Chapter applies to  
6 any certification by official court reporters of transcripts of trials or  
7 other Court proceedings, or to the authentication of Court documents  
8 by other ministerial officers of the Court pursuant to statute or Court  
9 rule.”



# Committee on Judiciary, Public Safety and Consumer Protection

## Twenty-Fourth Guam Legislature

Senator  
**Elizabeth Barrett-Anderson**  
Chairperson

Senator  
**John C. Salas**  
Vice-Chairman

Senator  
**Anthony C. Blaz**  
Member

Senator  
**Joanne M.S. Brown**  
Member

Senator  
**Mark Forbes**  
Member

Senator  
**Edwardo J. Cruz, M.D.**  
Member

Senator  
**Vicente C. Pangelinan**  
Member

Senator  
**Frank Blas Aguon, Jr.**  
Member

December 4, 1997

**SPEAKER ANTONIO R. UNPINGCO**  
Twenty-Fourth Guam Legislature  
155 Hesler St.  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Judiciary, Public Safety and Consumer Protection, to which was referred **Bill No. 424**, wishes to report back to the Legislature with its recommendation **TO DO PASS Bill No. 424**.

The voting record is as follows:

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

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

Your attention to this matter is greatly appreciated.

Sincerely,

  
ELIZABETH BARRETT-ANDERSON  
Chairperson

Attachments

**COMMITTEE ON JUDICIARY, PUBLIC SAFETY AND  
C O N S U M E R P R O T E C T I O N  
T W E N T Y - F O U R T H G U A M L E G I S L A T U R E**

173 ASPINALL AVENUE, ADA PLAZA CENTER SUITE 108A, AGANA, GUAM 96910



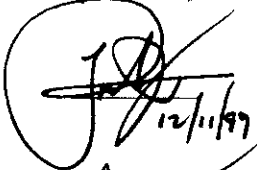


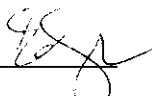
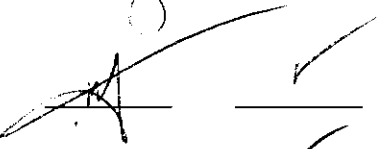
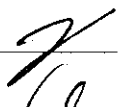

SENATOR ELIZABETH BARRETT-ANDERSON  
Chairperson

SENATOR JOHN C. SALAS  
Vice-Chairperson

SPEAKER ANTONIO R. UNPINGCO  
Ex-Officio Member

**VOTING SHEET**

**Bill No. 424: An Act to Add a New 5 GCA §33103.1, Relating  
to the Model Notary Law's Non-Application to Court Reporters  
and Other Ministerial Officers of the Courts.**

<u>COMMITTEE MEMBERS</u>	<u>INITIALS</u>	<u>TO DO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>
1). Sen. Elizabeth Barrett-Anderson Chairperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2). Sen. John C. Salas Vice-Chairperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3). Sen. Frank B. Aguon, Jr. Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4). Sen. Anthony C. Blaz Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5). Sen. Joanne M.S. Brown Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6). Sen. Edwardo J. Cruz M.D. Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7). Sen. Mark Forbes Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8). Sen. Vicente C. Pangelinan Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9). Speaker Antonio Unpingco Ex-Officio Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Committee on Judiciary, Public Safety and Consumer Protection  
ELIZABETH BARRETT-ANDERSON, CHAIRPERSON**

**Committee Report  
on**

**Bill No. 424:** AN ACT TO ADD A NEW 5 GCA §33103.1,  
RELATING TO THE MODEL NOTARY LAW'S  
NON-APPLICATION TO COURT REPORTERS  
AND OTHER MINISTERIAL OFFICERS OF THE  
COURTS.

**I. SUMMARY**

The Committee on Judiciary, Public Safety and Consumer Protection held a public hearing on Bill No. 424 on Wednesday, November 12, 1997 at 9:00 AM at the Legislative Public Hearing Room. Public Notice was published in the October 26 and November 5 editions of the Pacific Daily News.

Committee Members Present:

Senator Elizabeth Barrett-Anderson, Chairperson  
Senator John C. Salas, Vice Chairperson  
Senator Frank B. Aguon, Jr.

Other Senators Present:

Senator Lou Leon Guerrero

**Purpose:**

The bill is for the purpose of making it clear that the provisions of the Model Notary Law requiring certain formal notarization procedures for the certification and authentication of documents by notaries public do not apply to such acts performed by court reporters or other court officers with respect to trial transcripts and other official court papers.

**Relationship to Existing Law:**

The Model Notary Law codified in 5 GCA Chapter 33 is intended to apply only to the activity of Guam notaries. The bill adds a new §33103.1 to specifically state in the notary law itself that it does not apply to court reporters and other court officers who, pursuant to statute or court rule, certify and authenticate official court documents.

7 GCA Chapter 8 contains statutes covering "Ministerial Officers of the Court" and provides for the appointment of such officers and their official duties. "Official court reporters" is a statutory term of art used to designate persons appointed by the Chief Justice of the Supreme Court or the Presiding Judge of the Superior Court pursuant to 7

GCA §8102. The duties of the reporters are set forth in §8103 and include the official certification of the original records of court proceedings and transcripts thereof. Supreme Court and Superior Court Clerks also may certify certain papers and records filed in their respective courts. Their authority to certify court records stems from their individual enabling laws and requires no notarization in order to authenticate such records.

## **II. SUMMARY of TESTIMONY:**

### **Charles H. Troutman, Compiler of Laws**

Mr. Troutman testified that he agreed with the purpose of the bill, but he questioned whether the new provisions should be placed in the Notary Law itself.

### **Anthony P. Sanchez, Administrative Director, Superior Court of Guam**

Mr. Sanchez told the Committee that the Presiding Judge supports the bill because it will remove the possibility of challenges to the authenticity of court documents that are certified by court officers in the course of their official duties. He later submitted a letter to the Chairperson affirming the Superior Court's support of the measure.

(See attached)

There was no stated opposition to the bill.

## **III. FINDINGS and RECOMMENDATIONS:**

The Committee on Judiciary, Public Safety and Consumer Protection finds support for the passage of Bill No. 424 as introduced by Senator Barrett-Anderson and presents its report to the Twenty-Fourth Guam Legislature with a recommendation **TO DO PASS.**





# SUPERIOR COURT OF GUAM

OFFICE OF THE ADMINISTRATIVE DIRECTOR

GUAM JUDICIAL CENTER  
120 WEST O'BRIEN DRIVE  
AGANA, GUAM 96910

24th Guam Legislature  
Committee on Judiciary, Public  
Safety and Consumer Protection  
Date: 11/14/97  
4:40 P.M.



**ANTHONY P. SANCHEZ**  
ADMINISTRATIVE DIRECTOR

TELEPHONE: (671) 475-3544  
FACSIMILE: (671) 477-3184

November 14, 1997

Senator Elizabeth Barrett-Anderson  
Chairperson on Public Safety, Judiciary, & Consumer Affairs  
24<sup>th</sup> Guam Legislature  
120 Hessler St,  
Agana, Guam

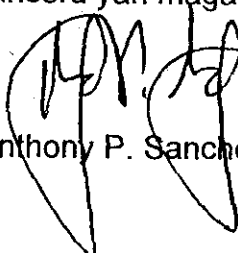
Dear Madame Chairperson,

Thank you for the opportunity to submit written testimony on Bill 396 and 424. Both bills will enhance the ability of the Superior Court to serve the community.

I would ask that you consider placing the appointment of Pro-tempore Judges with the Presiding Judge which would foster greater expediency in administering justice in the trial courts. As you know the caseload of Guam continues to grow, and the close-knit community fosters an environment wherein all of the Judges have to recuse themselves. Since the pro-tempore appointment has changed there has been a noticeable delay in the appointments being made.

Your consideration is greatly appreciated. Thank you for introducing this legislation and your continued support of the Superior Court and the community we serve. Thank you and si Yu'os ma'ase.

Sinceru yan magahet,



Anthony P. Sanchez

cc: Presiding Judge

# TWENTY-FOURTH GUAM LEGISLATURE

## PUBLIC HEARING

**SENATOR ELIZABETH BARRETT-ANDERSON**

**Chairperson, Committee on Judiciary, Public Safety and Consumer Protection**

## **WITNESS SIGN-IN SHEET**

Committee Hearing Room, 173 Aspinall Ave., Ada Plaza Center, Suite 108A, Agana, Guam 96910

**Wednesday, November 12, 1997**

**Public Hearing on Bill No. 424**

	NAME(Please print)	ORGANIZATION	My Testimony: Oral/Written	I am For Bill 424	I am Against Bill 424
1	<i>Charles H. Troutman</i>	<i>Compiler</i>	<i>Oral</i>	<input checked="" type="checkbox"/>	
2	<i>Anthony P. Sandoz</i>	<i>Superior Court</i>	<i>oral</i>	<input checked="" type="checkbox"/>	
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