

**JUDICIAL COUNCIL RESOLUTION NO. JC04-014
RELATIVE TO APPOINTING THE
COMPILER OF LAWS**

WHEREAS, Guam Public Law 27-77, attached hereto as Exhibit "A" and incorporated herein by reference, was enacted on April 26, 2004 and created the position of Compiler of Laws as an entity of the Supreme Court of Guam;

WHEREAS, Public Law 27-77 authorizes the Chief Justice of Guam to appoint the Compiler of Laws with the approval of the Judicial Council;

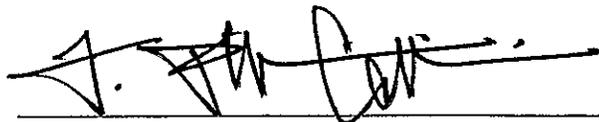
WHEREAS, pursuant to Public Law 27-77, Chief Justice F. Philip Carbullido appointed Andrew S. Quenga, Esq. to be the Compiler of Laws; and

WHEREAS, the Chief Justice herein submits the appointment of Andrew S. Quenga to the Judicial Council for approval.

NOW, THEREFORE BE IT RESOLVED, that the Judicial Council of Guam hereby finds that Andrew S. Quenga is an attorney licensed to practice law in Guam and qualified under Public Law 27-77 to be the Compiler of Laws; and

BE IT FURTHER RESOLVED, that the Judicial Council hereby approves the appointment of Andrew S. Quenga to be the Compiler of Laws responsible for fulfilling the duties and responsibilities assigned to that office by Public Law 27-77, and who shall be subject to the provisions of the Judiciary's Personnel Rules and Regulations for removal and pay.

DULY ADOPTED this 18th day of August, 2004 at a duly noticed meeting of the Judicial Council of Guam.

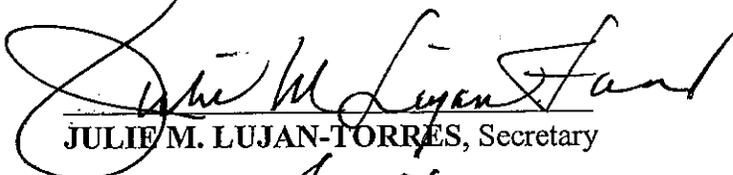


CHIEF JUSTICE F. PHILIP CARBULLIDO,
Chairman

Date: _____

8/24/04

ATTEST:



JULIE M. LUJAN-TORRES, Secretary

Date: _____

8/24/04

Public Law 27-77

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 49 (COR)

As substituted by the
Committee on Judiciary and Transportation
and further substituted by the Author and amended
on the Floor.

Introduced by:

F. R. Cunliffe
J. M. Quinata
T. R. Muña Barnes
F. B. Aguon, Jr.
J. M.S. Brown
C. Fernandez
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
v. c. pangelinan
R. J. Respicio
Toni Sanford
Ray Tenorio

**AN ACT TO REPEAL AND REENACT CHAPTER 16 AND TO AMEND OTHER
SECTIONS OF TITLE 1, GUAM CODE ANNOTATED, TO UPDATE AND
MODERNIZE THE PUBLICATION OF THE LAWS OF GUAM AND TO ESTABLISH
THE COMPILER OF LAWS WITHIN THE SUPREME COURT OF GUAM.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Chapter 16 of Title 1 of the Guam Code Annotated is hereby *repealed* and
reenacted in its entirety to read:

“Chapter 16

Compiler of Laws

- §1600. Findings and Policy.
- §1601. Compiler of Laws.
- §1602. Compiler of Laws' Responsibilities.
- §1603. Definitions.
- §1604. Administrative Support for the Compiler of Laws.
- §1605. Powers of the Compiler of Laws.
- §1606. Powers of the Compiler of Laws Relative to Revision.
- §1607. Copyright.
- §1608. Charges for Publications; Fee Distribution.
- §1609. Compiler of Laws as Repository for Certain Documents.
- §1610. Publication of Administrative Rules and Regulations.

1 **§1611. Guam Code Advisory Commission.**

2 **§1612. Compiler of Laws Fund.**

3 **§1613. Transition Provisions.**

4 **§1614. Existing Licenses and Contracts.**

5 **§1615. Publication by Government Entities.**

6 **§1600. Findings and Policy.** *I Liheslaturan Guåhan* determines that as of the
7 Year 2000, the Guam Code Annotated has been updated with a General Index, Session
8 Laws published through the Twenty-Third (23rd) Guam Legislature, and the Administrative
9 Rules republished. *I Liheslatura* finds that the Internet has come into wide-use and is now a
10 preferred research vehicle since the first Compiler of Laws statute was enacted in 1978.
11 Therefore, *I Liheslatura* determines that a regular program of publication, indexing, updating,
12 and annotating the laws of Guam, both on paper and on the Internet, is imperative for the
13 regular operations of both government and private interests having dealings with Guam, and
14 therefore adopts this Chapter to provide for an office within the Judicial Branch to assure that
15 the laws, administrative rules, court reports and other publications of Guam are timely
16 published and regularly distributed.

17 **§1601. Compiler of Laws.** There is hereby created within the Supreme Court
18 of Guam, a Compiler of Laws. In addition to any other qualifications which may be
19 established in accordance with the Personnel Rules and Regulations promulgated and
20 adopted by the Judicial Council, the Compiler of Laws shall be an attorney licensed to
21 practice in Guam. The Chief Justice of the Supreme Court of Guam shall appoint the
22 Compiler of Laws, with the approval of the Judicial Council. The Compiler of Laws shall be
23 subject to removal and shall be paid in accordance with the Personnel Rules and Regulations
24 of the Judicial Branch promulgated by the Judicial Council.

25 **§1602. Compiler of Laws' Responsibilities.** It shall be the responsibility of the
26 Compiler of Laws, through outsourcing, privatization, or other means, to:

27 (1) Cause to be published annually, together with an adequate index, all
28 laws enacted by any given legislature in the form in which the laws were enacted,
29 commonly known as the Legislature Session Laws;

30 (2) Cause to be published, periodic revisions and updates of the Guam
31 Code Annotated, as determined by the Compiler of Laws, including available
32 annotations thereto, such as Attorney General's Opinions, Executive Orders, and
33 Court cases, and distributed at least annually, or more often if practical, to *I*
34 *Liheslatura*, the Courts of Guam, the Executive Branch, and other interested
35 individuals or entities as determined by the Compiler of Laws;

36 (3) Undertake the publication of the continuing Administrative Rules and
37 Regulations, Opinions of the Attorney General, Executive Orders of *I Maga'lahi*, and

1 reports of cases decided in the Supreme Court of Guam; and

2 (4) Make available on CD-ROM or similar recorded medium, the
3 publications of the Compiler of Laws and provide on the Internet, interim updates of
4 the published material promulgated between regular publications thereof.

5 **§1603. Definitions. (a) Publication Defined.** The terms 'publish, published,
6 publishing, and publication' as used in this Chapter means any printed or duplicated material,
7 regardless of format, which is produced, purchased for distribution, or authorized by the
8 Compiler of law for distribution and purchase to the public, including the Guam Code
9 Annotated, Legislature Session Laws, Attorney General's Opinions, Executive Orders,
10 Administrative Rules, and Court cases. The offering to distribute printed or duplicated
11 materials to a group of persons for purposes of further distribution or public display
12 constitutes publication. The distribution to other agencies or instrumentalities of the
13 government of Guam constitutes publication. The term 'publication' shall *not* include the
14 authority to create or enable any text-based searchable or researchable database of such
15 printed or duplicated materials.

16 (b) **Distribution Defined.** The term 'distribute or distribution' shall mean to
17 sale, lease, assign or otherwise transfer published materials, or offer to sale, lease,
18 assign or otherwise transfer published materials. The term 'distribution' shall *not*
19 include the authority to sale, lease, assign, transfer or offer to sale, lease, assign or
20 transfer, or otherwise create or enable any text-based searchable or researchable
21 database of published materials.

22 **§1604. Administrative Support for the Compiler of Laws.** The Supreme
23 Court of Guam shall provide technical, clerical, and administrative support to the Compiler of
24 Laws. The Chief Justice of the Supreme Court of Guam shall *not* request for additional
25 funding for personnel and operating expenses for the Compiler of Laws. However, in the
26 exercise of the responsibilities included in this Chapter, the Supreme Court of Guam may:

27 (1) Accept grants, contributions, appropriations, and payments for the
28 publications of the office;

29 (2) Employ such professional or clerical staff as necessary for the
30 operations of the Compiler of Laws, in accordance with the Personnel Rules and
31 Regulations of the Judicial Branch promulgated by the Judicial Council; and

32 (3) Enter into contracts as necessary for the operations of the Compiler
33 of Laws, in accordance with the law and the Rules and Regulations promulgated by
34 the Judicial Council.

35 **§1605. Powers of the Compiler of Laws.** In the exercise of his or her
36 responsibilities under this Chapter, the Compiler of Laws may:

37 (1) Request and utilize the services of any bar association, legislative

1 committee, legislative office, profession or other organization in any matter suitable
2 for the fulfillment of the purposes of this Chapter;

3 (2) Have access to any legislative, executive or judicial reports, opinions,
4 orders, or documents necessary to carry out the purposes of this Chapter; and

5 (3) Conduct meetings, formal or informal, with attorneys, bar associations
6 and others interested in the results and products of the office.

7 **§1606. Powers of the Compiler of Laws Relative to Revision.** In preparing
8 the Guam Code Annotated, the Guam Administrative Rules and Regulations, court reports
9 and other publications of the Office, the Compiler of Laws may:

10 (1) Number and renumber chapters, sections and parts of sections;

11 (2) Rearrange sections so that they fit harmoniously within the publication
12 being prepared;

13 (3) Change reference numbers to agree with renumbered chapters, parts,
14 or sections;

15 (4) Substitute the proper section or chapter numbers for the terms 'the
16 preceding section', 'this act', and like terms;

17 (5) Strike out figures where they are merely a repetition of written words;

18 (6) Change capitalization for the purposes of uniformity; and

19 (7) Correct manifest clerical errors or typographical errors.

20 **§1607. Copyright.** The government of Guam shall have the right to copyright or
21 permit any appropriate private contractor to copyright any or all of the work product
22 developed pursuant to this Chapter; provided, that the Supreme Court of Guam shall retain
23 the power and right to distribute within the government of Guam any or all of the products of
24 the office at below or at no cost to the recipient agency without having first to pay any
25 copyright fee to the copyright holder; and provided, further, that the government of Guam
26 shall not part with any rights to the form or structure of the laws, rules or other official
27 documents of Guam so that, should the appropriate Guam authorities wish to amend or
28 repeal such laws, rules or official documents in the future, there will exist no private claim to
29 the form or structure.

30 **§1608. Charges for Publications; Fee Distribution.** (a) All funds required to
31 pay for printing the publications published by the Compiler of Laws or printed by him or her at
32 the request of other government entities shall be taken from the proceeds from sales of
33 publications, appropriations of *I Liheslaturan Guåhan* or by transfer from the funds of the
34 requesting agencies.

35 (b) Except as provided in Subsection (c), below, the Compiler of Laws shall charge a
36 fee for any publications and printing jobs undertaken by the office. Such fees shall be
37 established and approved by the Judicial Council upon submission by the Compiler of Laws

1 as approved by the Chief Justice of the Supreme Court of Guam.

2 (c) The Compiler of Laws shall furnish legal publications of the office or its licensees
3 free of charge to the following public officials for official use:

4 All Senators of *I Liheslaturan Guåhan*;

5 The Clerk of *I Liheslaturan Guåhan*;

6 *I Maga'lahaen Guåhan*;

7 *I Segundu na Maga'lahaen Guåhan*;

8 Justices of the Supreme Court of Guam;

9 Judges of the Superior Court of Guam;

10 Guam's Delegate to the United States House of Representatives;

11 Department and agency heads of the government of Guam;

12 Office of the Attorney General;

13 Office of the Public Auditor; and

14 Such agencies of state, territorial, trust territory, and local governments,
15 which provide their publications free of charge to Guam.

16 All other persons shall be required to pay for publications in accordance with the fee
17 schedule established and approved by the Judicial Council of Guam.

18 **§1609. Compiler of Laws as Repository for Certain Documents.** In addition
19 to the duties of the Compiler of Laws specified in this statute, the Compiler of Laws shall
20 maintain a repository of all laws of Guam and all Opinions of the Attorney General, Executive
21 Orders of *I Maga'lahi*, and court decisions used in his or her annotations to the Codes of
22 Guam; provided, that if the materials are stored elsewhere within the Supreme Court of
23 Guam, the Compiler of Laws need not duplicate such efforts. Such repository may be
24 maintained on microfilm, microfiche, or other mechanical or electronic media.

25 **§1610. Publication of Administrative Rules and Regulations.** All rules and
26 regulations or amendments to rules and regulations promulgated by any Director, and/or
27 board for departments, agencies, and instrumentalities of the government of Guam, pursuant
28 to specific statute or through the Administrative Adjudication Act, having been transmitted to
29 and received by the Legislative Secretary of *I Liheslaturan Guåhan* prior to the
30 commencement of *I Mina'Bente Siete Na Liheslaturan Guåhan*, and not otherwise acted
31 upon, shall be codified and published as provided for in this Act.

32 **§1611. Guam Code Advisory Commission. (a) Commission Duties.** There
33 is hereby created a Guam Code Advisory Commission, which shall have the following duties:

34 (1) To conduct a review of the structure, format, and organization of
35 Guam's laws, rules and regulations, and court reports and recommend ways by
36 which these materials may be more accessible to the general public. The
37 Commission shall consider all means of distribution, including both paper and

1 electronic;

2 (2) To recommend to the Chief Justice of the Supreme Court of Guam and
3 the Judicial Council, ways by which such changes may be implemented both as to
4 editorial and production issues;

5 (3) To hold hearings as necessary or relative to the duties of the
6 Commission; and

7 (4) To recommend to the Chief Justice of Supreme Court of Guam and the
8 Judicial Council, any legislation necessary to implement the recommendations of
9 the Commission.

10 (b) **Commission Composition.** The Guam Code Advisory Commission
11 shall be comprised as follows:

12 (1) The Attorney General, or his or her designee;

13 (2) The Public Defender, or his or her designee;

14 (3) The Legal Counsel to *I Maga'lahi* (the Governor);

15 (4) The Legislative Counsel to *I Liheslaturan Guåhan* (the Guam
16 Legislature);

17 (5) The President of the Guam Bar Association, or his or her designee;

18 (6) The Presiding Judge of the Superior Court of Guam, or his or her
19 designee; and

20 (7) The Chief Justice of the Supreme Court of Guam, or his or her
21 designee, who shall serve as Chairperson of the Commission.

22 The members of the Commission shall receive no stipend for their meetings
23 and attendance.

24 (c) **Commission Support.** Administrative support for the Commission
25 shall be provided through the Office of the Compiler of Laws for any assistance
26 required by the Commission, or hearing to be held in accordance with this Chapter.

27 **§1612. Compiler of Laws Fund.** There is hereby created a special fund
28 entitled 'Compiler of Laws Fund', for the purposes of receiving payment for all fees
29 associated with the publication provided by the Compiler of Laws as authorized by this
30 statute. The Fund shall be maintained by the Supreme Court of Guam, separate and apart
31 from the General Fund. All funds to be expended from the Compiler of Laws Fund shall be
32 done in accordance with the law, and by rules and regulations promulgated by the Judicial
33 Council. Funds shall only be used for printing, research, publication, and publication
34 services, in whatever media designated by the Compiler of Laws.

35 **§1613. Transition Provisions: Personnel, Equipment, Supplies and Funds.**

36 (a) **Personnel.** The incumbent Compiler of Laws shall remain an Attorney at the Office of
37 the Attorney General subject to the appointing authority of the Attorney General and all funds

1 appropriated for his or her personnel costs shall remain within the budget of the Office of the
2 Attorney General, subject to his continued employment.

3 (b) **Office, Equipment, and Supplies.** All computer equipment, including
4 hardware and software (either prepackaged or developed by or at the direction of the
5 Compiler of Laws), and office supplies and equipment purchased, assigned, owned,
6 or leased by the Office of the Compiler of Laws or the Attorney General with public
7 funds for use in the official duties of the Compiler of Laws, and the Office itself, shall
8 be transferred from the Office of the Attorney General to the Supreme Court of
9 Guam. Such transfer shall take place on the next most convenient date for
10 accounting purposes following the effective date of this Act, provided, however, that
11 such effective date of transfer shall *not* exceed thirty (30) days from the effective date
12 of this Act. Nothing in this Act shall require the physical transfer of the office of the
13 Compiler of Laws, from those premises in which it is currently located.

14 (c) **Appropriations and Funds.** All funds in the custody of the Compiler of
15 Laws or under his control, including all appropriations made to or allocated to the
16 office, regardless of what fund, except for the personnel costs of the incumbent
17 Compiler of Laws, shall be transferred to the Supreme Court of Guam. All
18 encumbrances and purchase orders outstanding at the time of the transfer shall
19 remain valid following the transfer and shall be transferred.

20 §1614. **Existing Licenses and Contracts.** Any licenses granted, or contract
21 entered into, by the Compiler of Laws prior to the effective date of this Act, and in accordance
22 with the laws of Guam, shall continue in full force and effect for the term of such license or
23 contract or as allowed by the laws of Guam.

24 §1615. **Publication by Government Entities.** Nothing herein shall prevent /
25 *Liheslaturan Guåhan*, / *Maga'lahaen Guåhan*, the Courts of Guam, or the office of the Attorney
26 General from publishing on their websites, in print or otherwise, any laws, decisions,
27 executive orders, opinions, or other information promulgated by that branch or office.”

28 **Section 2.** §100 of Title 1 of the Guam Code Annotated is *amended* to read as follows:

29 “§100. **Laws Applicable to Guam.** The Laws in force in Guam constitute those
30 portions of the Constitution, treaties and laws of the United States of America applicable to
31 Guam; Acts of / *Liheslaturan Guåhan*; the Guam Code Annotated; Executive Orders of /
32 *Maga'lahaen Guåhan* promulgated pursuant to the Organic Act of Guam and pursuant to Acts
33 of / *Liheslatura*; decisions of the Supreme Court of Guam; decisions of the Supreme Court of
34 the United States ruling upon those portions of the Constitution, treaties and laws of the
35 United States applicable to Guam and upon cases and controversies applicable to Guam;
36 decisions of the appellate courts given jurisdiction to hear cases from Guam in those matters
37 applicable to Guam; and, as to the individual case, decisions of the Superior Court of Guam.”

1 **Section 3.** §101 of Title 1 of the Guam Code Annotated is *amended* to read as follows:

2 “**§101. Scope and Citation of Code.** (a) The laws embraced in this Code constitute
3 the ‘Guam Codes Annotated’. The laws as set out in this Code and in any then-current
4 supplement as certified by the Compiler of Laws establish the permanent laws of Guam
5 relating to and in force in Guam, other than the general and permanent laws of the United
6 States that relate to or apply to Guam, on the date specified in this Code or applicable
7 Supplement by the Compiler of Laws. The same are legal evidence of those laws in all of the
8 courts of the United States, its territories, possessions, and commonwealths, the District of
9 Columbia, and the several states, and in Guam. This Code is divided into Titles, each Title
10 containing the laws relating to one subject. Annotations and comments are not part of the
11 law.

12 (b) This Code may be cited by the abbreviations ‘GCA’, preceded by the number of
13 the Title and followed by the number of the section, chapter or part of the Title referenced.
14 For example, this Section is cited as ‘1 GCA §101(b)’.

15 (c) Titles of the Guam Code Annotated published by the Compiler of Laws shall be
16 the official publication of the codified laws of Guam. On the Title page of each Title, the
17 Compiler of Laws shall indicate the last date on which new Public Laws were included in that
18 Title of the Guam Code Annotated. Titles so published shall be *prima facie* evidence of the
19 laws of Guam in effect on the date indicated on the Title page; provided, however, if a
20 variance not authorized by this Chapter is found in a published Title, then the public law, as
21 signed by *I Maga’lahi*, last adding, repealing or amending the appropriate statutory matter
22 shall be the correct law of Guam and the Compiler of Laws shall make the necessary
23 corrections to the Guam Code Annotated.”

24 **Section 4.** New Subsections (1) and (2) are added to 1 GCA §103 to read as follows, and all
25 existing subsections and references in the final paragraph shall be *renumbered* accordingly:

26 “1. The Guam Code Annotated shall be the publication of the permanent codes
27 of Guam and the publications thereof, when certified by the Compiler of Laws, shall be legal
28 evidence of the laws contained therein;

29 2. Electronic publications authorized and certified by the Compiler of Laws shall
30 have the same validity as paper publications of the same or similar subject matter.”

31 **Section 5.** §30105 of Chapter 30 of Title 5 of the Guam Code Annotated is hereby *amended*
32 to read as follows:

33 “**§30105. Divisions of Office.** There shall be such divisions of the Department of
34 Law as the Attorney General shall determine; provided, however, that the Consumer Counsel
35 shall be an identifiable entity within the Office of the Attorney General.”

36 **Section 6. Effective Date.** The provisions of this Act shall be effective immediately upon
37 enactment.

1 **Section 7. Severability.** *If* any provision of this Law or its application to any person or
2 circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other provisions
3 or applications of this Law which can be given effect without the invalid provisions or application, and
4 to this end the provisions of this Law are severable.