

**1 GCA GENERAL PROVISIONS
CH. 16 COMPILER OF LAWS**

**CHAPTER 16
COMPILER OF LAWS**

SOURCE: Government Code § 42100. Enacted by Public Law 14-93. Amended by P.L. 17-6:4. Repealed and reenacted by P.L. 27-77 (April 26, 2004).

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§ 1600. Findings and Policy.

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

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§ 1601. Compiler of Laws.

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

§ 1602. Compiler of Laws' Responsibilities.

It shall be the responsibility of the Compiler of Laws, through outsourcing, privatization, or other means, to:

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

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

(c) Undertake the publication of the continuing Administrative Rules and Regulations, Opinions of the Attorney General, Executive Orders of *I Maga'lahi*, and reports of cases decided in the Supreme Court of Guam; and

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

§ 1603. Definitions.

(a) Publication Defined. The terms 'publish, published, publishing, and publication' as used in this Chapter mean any printed or duplicated material, regardless of format, which is produced, purchased for

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distribution, or authorized by the Compiler of Laws for distribution and purchase to the public, including the Guam Code Annotated, Legislature Session Laws, Attorney General's Opinions, Executive Orders, Administrative Rules, and court cases. The offer to distribute printed or duplicated materials to a group of persons for purposes of further distribution or public display constitutes publication. The distribution to other agencies or instrumentalities of the government of Guam constitutes publication. With the exception of the Guam Code Annotated and Session Laws of the Legislature, the term 'publication' shall *not* include the authority to create or enable any text-based searchable or researchable database of such printed or duplicated materials.

(b) Distribution Defined. The term 'distribute or distribution' shall mean to sell, lease, assign or otherwise transfer published materials, or offer to sell, lease, assign or otherwise transfer published materials. With the exception of the Guam Code Annotated and Session Laws of the Legislature, the term 'distribution' shall *not* include the authority to sell, lease, assign, transfer or offer to sell, lease, assign or transfer, or otherwise create or enable any textbased searchable or researchable database of published materials.

SOURCE: Added by P.L. 27-77 (April 26, 2004). Amended by P.L. 28-179:1 (Jan. 29, 2007).

§ 1604. Administrative Support for the Compiler of Laws.

The Supreme Court of Guam *shall* provide technical, clerical, and administrative support to the Compiler of Laws. In the exercise of the responsibilities included in this Chapter, the Supreme Court of Guam may:

(a) Accept grants, contributions, appropriations, and payments for the publications of the office;

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

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

SOURCE: Added by P.L. 27-77 (April 26, 2004). Amended by P.L. 29-113:VI:65 (Sept. 30, 2008).

§ 1605. Powers of the Compiler of Laws.

In the exercise of his or her responsibilities under this Chapter, the Compiler of Laws may:

(a) Request and utilize the services of any bar association, legislative committee, legislative office, profession or other organization in any matter suitable for the fulfillment of the purposes of this Chapter;

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

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

§ 1606. Powers of the Compiler of Laws Relative to Revision.

In preparing the Guam Code Annotated, the Guam Administrative Rules and Regulations, court reports and other publications of the Office, the Compiler of Laws may:

(a) Number and renumber chapters, sections and parts of sections;

(b) Rearrange sections so that they fit harmoniously within the publication being prepared;

(c) Change reference numbers to agree with renumbered chapters, parts, or sections;

(d) Substitute the proper selection or chapter numbers for the terms 'the preceding section', 'this act', and like terms;

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

(f) Change capitalization for the purposes of uniformity; and

(g) Correct manifest clerical errors or typographical errors.

§ 1607. Copyright.

The government of Guam shall have the right to copyright or permit any appropriate private contractor to copyright any or all of the work product developed pursuant to this Chapter; provided, that the Supreme Court of Guam shall retain the power and right to distribute within the

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government of Guam any or all of the products of the office at below or at no cost to the recipient agency without having first to pay any copyright fee to the copyright holder; and provided, further, that the government of Guam shall not part with any rights to the form or structure of the laws, rules or other official documents of Guam so that, should the appropriate Guam authorities wish to amend or repeal such laws, rules or official documents in the future, there will exist no private claim to the form or structure.

§ 1608. Charges for Publications; Fee Distribution.

(a) All funds required to pay for printing the publications published by the Compiler of Laws or printed by him or her at the request of other government entities shall be taken from the proceeds from sales of publications, appropriations of *I Liheslaturan Guåhan* or by transfer from the funds of the requesting agencies.

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

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

All Senators of *I Liheslaturan Guåhan*;

The Clerk of *I Liheslaturan Guåhan*;

I Maga'lahren Guåhan;

I Segundu na Maga'lahren Guåhan;

Justices of the Supreme Court of Guam;

Judges of the Superior Court of Guam;

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

Department and agency heads of the government of Guam;

Office of the Attorney General;

Office of Public Accountability; and

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

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

COMMENT: Reference to Office of Public Auditor changed to Office of Public Accountability pursuant to P.L. 30-027:2 (June 16, 2009).

§ 1609. Compiler of Laws as Repository for Certain Documents.

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

§ 1610. Publication of Administrative Rules and Regulations.

All rules and regulations or amendments to rules and regulations promulgated by any Director, and/or board for departments, agencies, and instrumentalities of the government of Guam, pursuant to specific statute or through the Administrative Adjudication Act, having been transmitted to and received by the Legislative Secretary of *ILiheslaturan Guåhan* prior to the commencement of *IMina'Bente Siete Na Liheslaturan Guåhan*, and not otherwise acted upon, shall be codified and published as provided for in this Act.

§ 1611. Guam Code Advisory Commission.

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

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

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

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

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

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

- (1) The Attorney General, or his or her designee;
- (2) The Public Defender, or his or her designee;
- (3) The Legal Counsel to *I Maga''lahi* (the Governor);
- (4) The Legislative Counsel to *I Liheslaturan Guåhan* (the Guam Legislature);
- (5) The President of the Guam Bar Association, or his or her designee;
- (6) The Presiding Judge of the Superior Court of Guam, or his or her designee; and
- (7) The Chief Justice of the Supreme Court of Guam, or his or her designee, who shall serve as Chairperson of the Commission.

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

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

§ 1612. Compiler of Laws Fund.

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

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

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(a) Personnel. The incumbent Compiler of Laws shall remain an Attorney at the Office of the Attorney General subject to the appointing authority of the Attorney General and all funds appropriated for his or her personnel costs shall remain within the budget of the Office of the Attorney General, subject to his continued employment.

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

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

§ 1614. Existing Licenses and Contracts.

Any licenses granted, or contract entered into, by the Compiler of Laws prior to the effective date of this Act, and in accordance with the laws of Guam, shall continue in full force and effect for the term of such license or contract or as allowed by the laws of Guam.

§ 1615. Publication by Government Entities.

Nothing herein shall prevent *I Liheslaturan Guåhan*, *I Maga'lahen Guåhan*, the Courts of Guam, or the office of the Attorney General from publishing on their websites, in print or otherwise, any laws, decisions, executive orders, opinions, or other information promulgated by that branch or office.

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