



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

SEP 30 1997

Refer to  
Legislative Secretary

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

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<i>Fernando Amador</i>
Time	<i>3 p.m.</i>
Date	<i>9-30-97</i>


Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 297 (COR), "AN ACT TO REPEAL AND REENACT §§9212 AND 9214 OF ARTICLE 2, CHAPTER 9 OF TITLE 7 GUAM CODE ANNOTATED AND TO REPEAL §160.90 OF CHAPTER 160 OF TITLE 8 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TERRITORIAL LIBRARY FEES PAID BY GUAM BAR MEMBERS.", which I have signed into law today as **Public Law No. 24-77**.

In this legislation, the Guam Bar Association members will each pay an additional \$30, added to the \$20 they each currently pay, as part of the bar dues, to fund the Guam Territorial Law Library. Additionally, a code section of the current law which prohibits criminal offenders from converting community service hours to cash fines is repealed, at the request of the Guam Bar and the Guam Territorial Law Library.

The amount of money collected from members of the Guam Bar by raising this contribution, however, will not yield a significant amount of money to fund the library. I believe that the legislature should address the funding of the law library by providing a more substantive source of funding for the only legal reference library accessible to the residents of Guam.

Very truly yours,

  
Carl T. C. Gutierrez  
Governor of Guam

Attachment

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

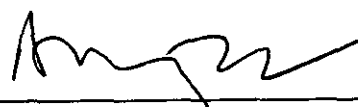
00452

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: *093097*  
Time: *1300*  
Rec'd by: *[Signature]*  
Print Name: *Charlene Duenas*

TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 297 (COR), "AN ACT TO REPEAL AND RE-ENACT §§9212 AND 9214 OF ARTICLE 2, CHAPTER 9 OF TITLE 7 OF THE GUAM CODE ANNOTATED AND TO REPEAL §160.90 OF CHAPTER 160 OF TITLE 8 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TERRITORIAL LIBRARY FEES PAID BY GUAM BAR MEMBERS," was on the 15th day of September, 1997, duly and regularly passed.

  
\_\_\_\_\_  
ANTHONY C. BLAZ  
Acting Speaker

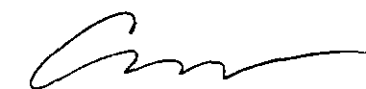
Attested:

  
\_\_\_\_\_  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 24<sup>th</sup> day of September, 1997, at  
5:00 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 9-30-97

Public Law No. 24-77

**TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session**

**Bill No. 297 (COR)**

As substituted by the Committee on  
Judiciary, Public Safety and Consumer  
Protection and 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 REPEAL AND RE-ENACT §§9212 AND  
9214 OF ARTICLE 2, CHAPTER 9 OF TITLE 7 OF  
THE GUAM CODE ANNOTATED AND TO  
REPEAL §160.90 OF CHAPTER 160 OF TITLE 8 OF  
THE GUAM CODE ANNOTATED, RELATIVE TO  
THE TERRITORIAL LIBRARY FEES PAID BY  
GUAM BAR MEMBERS.**

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

2           **Section 1.** Section 9212 of Article 2, Chapter 9 of Title 7 of the Guam  
3 Code Annotated is hereby repealed and re-enacted to read as follows:

4           **"Section 9212.** (a) Each active member of the Bar of the Territory,  
5 as part of his or her dues for membership in the Guam Bar under the  
6 Guam Integrated Act, shall pay Fifty Dollars (\$50.00) per year to the  
7 Territorial Law Library Fund. Said contribution shall be collected with  
8 the annual dues for the Bar of Guam and transmitted by it to the  
9 Territorial Law Library Fund.

10           (b) The fees described in Section (a) of this Section shall be  
11 subject to revision by the rules of the Supreme Court authorized in  
12 §9101 and §9102 of this Chapter."

13           **Section 2.** Section 9214 of Article 2, Chapter 9 of Title 7 of the Guam  
14 Code Annotated is hereby repealed and re-enacted to read as follows:

15           **"Section 9214. Use of Libraries.** The Territorial Law Library  
16 shall be free to all residents for the examination of books and other  
17 publications at the library."

18           **Section 3.** Section 160.90 of Chapter 160 of Title 8 of the Guam Code  
19 Annotated is hereby repealed.

20           **Section 4. Effective Date.** Section 1 of this Act shall be effective  
21 January 1, 1998.



Committee on Judiciary, Public Safety and Consumer Protection ✓  
Twenty-Fourth Guam Legislature

PL 24-77

Senator  
Elizabeth Barrett-Anderson  
Chairperson

September 2, 1997

Senator  
John C. Salas  
Vice-Chairman

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

Senator  
Anthony C. Blaz  
Member

Dear Mr. Speaker:

Senator  
Joanne M.S. Brown  
Member

The Committee on Judiciary, Public Safety and Consumer Protection, to which was referred **Bill No. 297**, wishes to report back to the Legislature with its recommendation **TO DO PASS.**

Senator  
Mark Forbes  
Member

The voting record is as follows:

Senator  
Edwardo J. Cruz, M.D.  
Member

8

TO PASS

Senator  
Vicente C. Pangelinan  
Member

—

NOT TO PASS

Senator  
Frank Blas Aguon, Jr.  
Member

—

ABSTAIN

—

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,

*John C. Salas*  
JOHN C. SALAS  
Acting Chairperson

Attachments

# COMMITTEE ON JUDICIARY, PUBLIC SAFETY AND CONSUMER PROTECTION

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





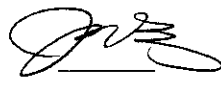




SENATOR ELIZABETH BARRETT-ANDERSON  
Chairperson

SENATOR JOHN C. SALAS  
Vice-Chairperson

SPEAKER ANTONIO R. UNPINGCO  
Ex-Officio Member

## VOTING SHEET

**BILL 297:** An act to repeal and reenact the Territorial Law Library Fees paid by Guam Bar members.

<u>COMMITTEE MEMBERS</u>	<u>TO PASS</u>	<u>NOT PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>	<u>INITIAL</u>
1). Sen. Elizabeth Barrett-Anderson Chairperson	<input checked="" type="checkbox"/>	<input 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"/>	<input type="checkbox"/>	
3). Sen. Frank B. Aguon, Jr. Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4). Sen. Anthony C. Blaz Member	<input checked="" type="checkbox"/>	<input 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"/>	<input type="checkbox"/>	
6). Sen. Edwardo J. Cruz M.D. Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7). Sen. Mark Forbes Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8). Sen. Vicente C. Pangelinan Member	<input checked="" type="checkbox"/>	<input 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"/>	<input type="checkbox"/>	

**COMMITTEE ON JUDICIARY, PUBLIC SAFETY AND  
COMSUMER PROTECTION**

**ELIZABETH BARRETT-ANDERSON  
CHAIRPERSON**

**Twenty-Fourth Guam Legislature**

**REPORT**

**on**

**Bill 297 - An act to repeal and  
reenact the Territorial Law Library  
Fees paid by Guam Bar members.**

**August 29, 1997**

## I. Overview

The Committee on Judiciary, Public Safety and Consumer Protection conducted a public hearing, on August 5, 1997 at 2:00 PM at the Public Hearing Room of the Guam Legislature. Public notice of the hearing was published in the Pacific Daily News on July 19 and 27, 1997.

### **Members present:**

Chairperson, Senator Elizabeth Barrett-Anderson

Member, Senator Vicente C. Pangelinan

Member, Senator Frank B. Aguon, Jr.

### Providing Public Testimony on the Bill:

Judge Katherine A. Maraman, **oral/written** (Attachment "A")

David J. Highsmith, **oral**

Joaquin C. Arriola Jr., **oral/written** (Attachment "B")

John F. Tarantino, **oral**

Richard Dirkx, **oral**

Charles H. Troutman, **oral**

Andrew Artero-Boname, **oral**

Fred Nishihira, **oral**

Calvin E. Holloway, **written** (Attachment "C")

## II. SUMMARY OF TESTIMONY OF THOSE OFFERING ORAL TESTIMONY ON BILL 297.

**Katherine A. Maraman**, Superior Court Judge, testifying as a member of the Board of Trustees, Guam Territorial Law Library offered testimony in support of Bill 297. Judge Maraman stated that the Law Library is the best legal reference library in the western Pacific region, used by justices, judges, attorneys, students, peace officers and the general public. Judge Maraman stated that the library has reduced operational hours, services and purchases of materials in an effort to continue the library's operation. Additionally, the Board of Trustees offered two amendments to the Bill.

**David J. Highsmith**, Attorney with Highsmith & O'Mallan testified in support of Bill 297. Mr. Highsmith stated that the Law Library is essential for small law firms and the Public Defenders Office. Additionally, Highsmith supports the amendments offered by the Board of Trustees.

**Joaquin C. Arriola Jr.**, Attorney at Law and President, Guam Bar Association testified in support of Bill 297. Mr. Arriola stated that of the 37 surveys received 30 Bar members supported Bill 297. Mr. Arriola stated that the Guam Bar



Association should not be the primary source of funding considering the fact that the library is open to the public. Mr. Arriola testified in support of the Trustees amendments. Mr. Arriola closed his testimony by reminding the Committee that the Guam Bar Association is on a calendar year budget and therefore requested that any laws that affect the Bar's budget become effective beginning next year.

**John F. Tarantino**, Attorney at Law testified in support of Bill 297. Mr. Tarantino testified that the Law Library is essential to the public and that the public should have access to legal resources. Mr. Tarantino stated the library is a vital tool for those who practice law.

**Richard Dirx**, Attorney, Public Defenders Office testified in favor of Bill 297.

**Charles H. Troutman**, Compiler of Laws, Office of the Attorney General testified in support of Bill 297. Mr. Troutman stated that he has referred private citizens to the Law Library to find legal information. Mr. Troutman suggested to the Committee that they may want to consider funding the library through the Attorney General's Office.

**Andrew J. Artero-Boname**, Attorney, Supreme Court of Guam, testified that 7 GCA §9101 does supply the Supreme Court with the authority to manage the Bar, including Bar dues, thus he is offering a qualified opposition to the Bill. Mr. Boname stated that the Law Library is an essential component in the practice of law on Guam. Mr. Boname stated that the Supreme Court has rule making authority and that further legislation with regard to rule making authority is unnecessary.

**Fred Nishihira**, Staff Counsel testified in support of Bill 297. Mr. Nishihira stated that all branches of government use the library including the legislature. Mr. Nishihira stated that shorter operational hours reduce the efficiency of not only the private sector but the government as well.

### **III. SUMMARY AND RECOMMENDATION:**

The Committee on Judiciary, Public Safety and Consumer Protection finds support for the passage of Bill 297 as substituted.

The Committee submits overwhelming testimony in support of Bill 297. The Committee on Judiciary, Public Safety and Consumer Protection presents its findings with the recommendation **TO DO PASS** Bill 297 as Substituted.

TWENTY-FOURTH GUAM LEGISLATURE

1997 (FIRST) Regular Session

Bill No. 297 (COR)

As Substituted by the Committee  
on Judiciary Public Safety and  
Consumer Protection

Introduced by:

E. Barrett-Anderson

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AN ACT TO REPEAL AND REENACT 7 GCA §9212;  
TO AMEND 7 GCA §9214; AND TO REPEAL 8GCA  
§160.90, RELATIVE TO THE TERRITORIAL  
LIBRARY FEES PAID BY GUAM BAR MEMBERS.

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

2 **Section 1.** 7 GCA §9212 is repealed and reenacted to read:

3 "§9212 (a). Each active member of the Bar of the Territory, as  
4 part of his or her dues for membership in the Guam Bar under the  
5 Guam Integrated Act, shall pay Fifty Dollars (\$50.00) per year to the  
6 Territorial Law Library Fund. Said contribution shall be collected with  
7 the annual dues for the Bar of Guam and transmitted by it to the  
8 Territorial Law Library Fund.

9 (b) The fees described in Section (a) of this section shall be subject to  
10 revision by the rules of the Supreme Court authorized in §9101 and  
11 §9102 of this Chapter. "

12 **Section 2.** 7 GCA §9214 is amended to read:

1           “§ 9214. Use of Libraries.     The Territorial Law Library shall  
2 be free ~~to the Judiciary, to members of the Guam Bar~~ and to all  
3 residents for the examination of books and other publications at the  
4 library ~~or its branches.~~”

5     **Section 3.** 8 GCA §160.90 is repealed.

6     **Section 4. Effective date.** Section 1 of this Act shall be effective  
7 January 1, 1998.

8

## GUAM TERRITORIAL LAW LIBRARY

141 SAN RAMON ROAD  
AGAÑA, GUAM 96910

TEL: (671) 477-7623  
(671) 472-8062  
FAX: (671) 472-1246

August 5, 1997

The Honorable Elizabeth Barrett-Anderson  
Chairperson  
Committee on Judiciary, Public Safety and  
Consumer Protection  
Twenty-Fourth Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Madame Chair:

The Board of Trustees of the Territorial Law Library has asked me appear to request this Committee to support legislation to restore stability to the operations of the Library. Briefly, the Territorial Law Library is the best legal reference library in the western Pacific region. The library contains a collection of U.S. cases, treatises and Guam materials. It is used by the justices, judges, attorneys on behalf of their clients, students, peace officers and the general public. It provides services to the Department of Corrections and inmates. The library offers services to all patrons.

When the library was created by the Fourteenth Guam Legislature its funding consisted of a portion of the bar dues, criminal fines, filing and probate fees and fees for services. Over the years the funding received from criminal fines has been reduced through enactment of the Criminal Victims Compensation and Safe Street Acts and a provision prohibiting conversion of community service to fines. For the past eighteen months the library has been able to maintain its operation largely through the use of its cash reserves. However, drastically reduced revenues resulted in the curtailing of the library's operations earlier this year.

The library has reduced operating expenses by laying off the librarian and two staff, reducing purchases of materials and cutting back hours. The library has increased fees for services. Yet, its continued operation is still in jeopardy. The Board is scheduled to meet in two weeks to assess and make further cuts in operations in order to keep the library open the remainder of 1997.

The bill before the Committee today was requested by the Law Library at the beginning of the term when the Board discovered that most of its funding had been removed through an inadvertent error in a law passed in the Twenty-Third Guam Legislature. You and Vice Speaker Tony Blaz were instrumental in the enactment of a technical corrective provision which restored payment of fines collected from "DUI" offenders to the library for its operations. The Board of Trustees is pleased that most attorneys have expressed their willingness to financially support the

The Honorable Elizabeth Barrett-Anderson  
August 5, 1997

library through increased bar dues.

The Board of Trustees has asked the Committee on Finance and Taxation to appropriate funds for the maintenance of the judicial collection in the branch at the Judicial Complex. A copy of the letter to the Committee is attached for your reference.

The Board of Trustees requests two additional amendments to this bill:

First, the Board asks that defendants be allowed to convert community service to fines. This provision of law was changed by the Twenty-First Guam Legislature. Defendants now have the right to convert fines to community service. This proposed amendment merely restores a balance to sentencing. The suggested amendment is:

“8 G.C.A. §160.90 is repealed.”

Second, the Board asks that the civil filing fees be increased effective January 1, 1998 with the funds being earmarked to the library. The suggested amendment is:

“(a) Subsection (a) of 7 G.C.A. §9211 is amended to read:

**§9211. Fee Payable for Libraries: When to be Paid:  
Commencement of Actions.**

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

1. For filing complaint in Superior Court [\$10.50]  
\$20.00
2. For filing petition for appearance of judgment debtor in Superior Court [\$4.00] \$8.00
3. For filing confession of judgment [\$8.00] \$20.00
4. For filing appeals from small claims or child support trial *de novo* [\$10.50] \$20.00

The Honorable Elizabeth Barrett-Anderson  
August 5, 1997

5. For filing small claims in Superior Court [\$3.00]  
\$10.00.

(b) Subsection (a) shall take effect on January 1, 1998."

The Board of Trustees thanks the Committee for the prompt hearing of this measure and will provide any additional information regarding the Territorial Law Library that members request.

Respectfully submitted,

  
KATHERINE A. MARAMAN  
Member, Board of Trustees

GUAM TERRITORIAL LAW LIBRARY

141 SAN RAMON ROAD  
AGAÑA, GUAM 96910

TEL: (671) 477-7623  
(671) 472-8062  
FAX: (671) 472-1246

July 15, 1997

The Honorable Tony Blaz  
Vice Speaker and  
Chairman, Committee on Finance &  
Taxation  
Twenty-Fourth Guam Legislature  
Agana, Guam 96910

Dear Mr. Vice Speaker:

The Board of Trustees of the Guam Territorial Library requests that your committee approve two items of appropriation with respect to the Judicial Center Branch Library and a companion amendment to the law governing the Territorial Law Library.

If you require it, the Board will be able to provide you detailed financial statements with respect to the library's current situation. However, I will briefly describe the rapid decline in the library's revenues. When the library was created it received criminal (non-traffic) fines, a portion of the civil filing fees, a portion of bar dues and miscellaneous fees. When the Safe Streets Act was passed \$96,000 per year was re-directed to the Department of Corrections to pay for the "week-end" detention of those convicted of DUI. Last year, all criminal fines except the DUI fines were re-directed to the Victims Compensation Fund. This year the library's fine income from the Superior Court is approximately one-third of last year's income.

As a result of the drastic decrease in revenues the Board of Trustees has taken several measures. The librarian and two other employees were laid off. Fees for services have been increased. Subscriptions to some publications have been cancelled. Purchase of books and updates for the branch library at the Judicial Center and maintenance of the books was ended.

In order to keep the reference materials used by justices, judges and law clerks current, the Supreme Court and the Superior Court have each requested \$25,000 for a total of \$50,000

**BOARD OF TRUSTEES**

**PRESIDENT**  
Thomas  
Sterling

**VICE PRESIDENT**  
Justice Janet  
Healy Weeks

**SECRETARY**  
Deborah  
Rivera

**TREASURER**  
B. Ann  
Keith

**MEMBERS**  
Marcelene C. Santos  
Judge Katherine Maraman  
Christine Scott-Smith  
Timothy A Stewart

The Honorable Tony Blaz  
July 15, 1997  
Page Two

for the Judicial Center branch library. Prior to his departure, the law librarian estimated that to be the annual cost for the judicial center branch library. The Board of Trustees respectfully requests the appropriations be made to the respective courts. It is anticipated that the library will then enter into an agreement to continue to maintain these books for the judicial center.

Almost twenty years ago when the law library was created, it was anticipated that the criminal fines would be enough for its operations and to maintain the judicial center branch library. However, the erosion of funding requires appropriations and a technical amendment prohibiting the judiciary from paying the library for its branch. The board requests that the following amendment be included in the budget bill:

7 G.C.A. §9214 is amended to read:

**“§9214. Use of Libraries.** The Territorial Law Library shall be free [to the Judiciary,] to members of the Guam Bar and to all residents for the examination of books and other publications at the library [or its branches].”.

If you or any member of your committee requires any additional information regarding the Board of Trustees requests, please contact me or the President of the Board, Tom Sterling.

Respectfully submitted,



KATHERINE A. MARAMAN  
Member, Board of Trustees





**GUAM BAR ASSOCIATION**

259 Martyr Street, Suite 201  
Agaña, Guam 96910

**VIA HAND DELIVERY**

August 5, 1997

ELIZABETH BARRETT-ANDERSON  
Senator and Chairperson, Committee on Judiciary  
24th Guam Legislature  
173 Aspinall Avenue, Suite 108A  
Agana, Guam 96910

Re: BILL NO. 297 - GUAM BAR/TLL FEES

Dear Senator:

Thank you for providing the Guam Bar Association with a timely opportunity to comment on your proposed legislation to increase the amount of Guam Bar dues allocated to the Territorial Law Library.

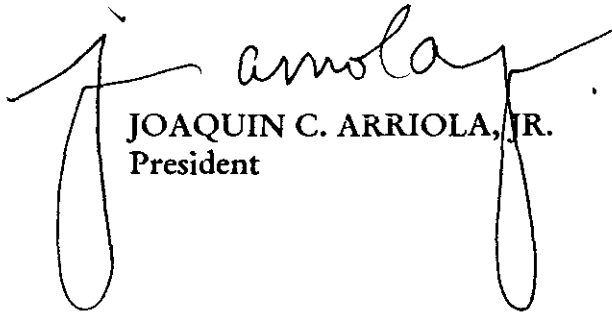
The Guam Bar Committee on Library Services conducted a survey of the active membership on Bill 297, and 30 of 37 respondents support the bill. This corresponds with the majority of respondents who favored 20% of each active member's dues be allocated to the Law Library, although there were a number who favored an even higher percentage. Also, the majority of respondents favored an increase in the allotment under any circumstances. It is noteworthy, however, that many respondents also expressed concern that the Supreme Court should assume responsibility for payment of the ethics trial counsel, which currently absorbs the vast majority of the Guam Bar budget, prior to an increase in TLL allotments. Finally, the majority of respondents felt that the implementation of this allotment process should be done either through Supreme Court rule or Bar Association Resolution or By-Law, and not by statute. Accordingly, pursuant to the survey, Bill 297 enjoys formidable support from members of the Guam Bar.

I would caution, however, that the implementation date of September 1, 1997 conflicts with the Bar's fiscal calendar, which is from January 1 through January 1. The Bar has already paid its allotment to the law library for calendar/fiscal year 1997, and continues to fully fund its trial counsel. I would suggest the bill take effect January 1, 1998, and thereafter be implemented by Supreme Court rule commencing January 1, 1999.

While Guam's lawyers are the primary patrons of the law library, we are certainly not the only ones who benefit from it. Our entire citizenry and justice system depends on a well-funded, fully operational law library. While it is appropriate that a portion of bar dues be allocated to fund the library, we cannot be tapped as a primary funding source for what is otherwise a government entity and responsibility. We encourage the legislature to immediately identify and tap other sources of funding, in particular those suggested by the Territorial Law Library, in conjunction with Bill 297.

Thank you for your efforts in addressing the problems facing the Territorial Law Library. We hope the legislature acts promptly on Bill 297.

Very truly yours,

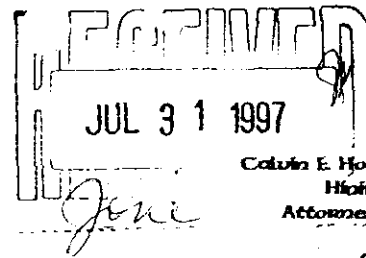


**JOAQUIN C. ARRIOLA, JR.**  
President

**BOARD OF GOVERNORS**

<b>PRESIDENT</b>	<b>VICE-PRESIDENT</b>	<b>SECRETARY</b>	<b>TREASURER</b>	<b>MEMBERS-AT-LARGE</b>
Joaquin C. Arriola, Jr.	David Link	Sinforoso Tolentino	Eric Butterfield	Harold Parker Amy Brothers

DEPARTMENT OF LAW



Carl T.C. Gutierrez  
Mogalóbi  
Governor

Madeleine Z. Bordallo  
Tiente Gubetradora  
Lt. Governor

Upsilonn Hiniát Abugao  
Tiritorian Guahan  
Office of the Attorney General  
Territory of Guam

Calvin E. Holloway, Sr.  
Hiniát Abugao  
Attorney General

Gas F. Diaz  
Atkadi, Sigundo Hiniát Abugao  
Chief Deputy Attorney General

July 30, 1997

ATTACHMENT "C"

The Honorable Senator Elizabeth Barrett-Anderson  
Chairperson  
Committee on Judiciary, Public Safety and Consumer Protection  
Twenty-Fourth Guam Legislature  
Ada Plaza Center - Suite 108 A  
173 Aspinall Avenue  
Agana Guam, 96910

Re: Written Testimony on Bill 297

Dear Senator Barrett-Anderson :

Buenas yan Saluda!

Thank you for the opportunity to provide written testimony on Bill 297, which will increase the fees of members of the Guam Bar Association to be paid to the Territorial Law Library Fund. Our department has had to address the impact on us of the library's financial crisis, and we are very supportive of this effort to have the Bar's contribution increased.

Indeed, we would hope the library Board would reconsider their position that they would rather not seek an appropriation. However, if assistance such as that provided for in your bill will solve the crisis that is an ideal solution. In the Department of Law, we have found funds to carry us through the end of the fiscal year to cover the \$100 key deposit per user and \$10 per use for keys after hours. Since that policy was announced, the library returned to their former hours, which was a huge help to us as it meant there would be less need for after-hours research except in emergencies.

The entire Bar benefits from the Territorial Law Library, and the slight increase in Bar dues called for in Bill 297 is not an onerous amount for such a cause.

Please call on me if I can be of further assistance in this matter.

Dangkulo Na Agradesimiento - Thank you very much!

Senseramente-Sincerely,

CALVIN E. HOLLOWAY, SR.  
Attorney General

EBALIB:macp



Commonwealth Now!

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

Tuesday, August 5, 1997

Public Hearing on Bill No. 297

	NAME(Please print)	ORGANIZATION	My Testimony: Oral/Written	I am For Bill 297	I am Against Bill 297
1	J.C. ARRIOLA JR	Guam Bar	oral	✓	
2	Charles Jacobson	Compiler	oral	✓	
3	David J. Highsmith	private bar	oral	✓	
4	John Tarrantino	Private	ORAL	✓	
5	John A. Mariano	TLL	both	✓	
6	Richard Dinkx	Public Defender	oral	✓	
7	Andy Andro-Barana	Supreme Court	oral	.	(✓) qualified no
8	Fred Nishihara		/	/	
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FISCAL NOTE  
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

Bill No. 297 (COR) Date Received: 07/16/87  
Amandatory Bill: No Date Reviewed: 07/30/97

Department/Agency Affected: Supreme Court of Guam  
Department/Agency Head: Chief Justice Peter C. Siguenza  
Total FY Appropriation to Date: \$2,168,431

Bill Title (preamble): AN ACT TO REPEAL AND REENACT 7 GCA §9212, RELATIVE TO TERRITORIAL LAW LIBRARY FEES PAID BY GUAM BAR MEMBERS.

Change in Law: Repeals and reenacts 7 GCA §9212.

Bill's Impact on Present Program Funding:

Increase \_\_\_\_\_ Decrease \_\_\_\_\_ Reallocation \_\_\_\_\_ No Change X

Bill is for:  
Operations: \_\_\_\_\_ Capital Improvement: \_\_\_\_\_ Other: X

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)

Program Category	General Fund	OTHER	TOTAL
Judiciary	\$0	\$0	\$0

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)

FUND	1st	2nd	3rd	4th	5th	Total
GENERAL FUND	\$0	\$0	\$0	\$0	\$0	\$0
OTHER - GTLLF **	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0	\$0	\$0	\$0

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? No appropriation included.

IF NO, ADDITIONAL AMOUNT REQUIRED: Not applicable.

AGENCY/PERSON/DATE CONTACTED: Guam Territorial Law Library / Margaret Tamate, Adm. Assistant/ 7-31-97

ESTIMATED POTENTIAL MULTI-YEAR REVENUES (Per Bill)

FUND	1st	2nd	3rd	4th	5th	Total
GENERAL FUND	\$0	\$0	\$0	\$0	\$0	\$0
OTHER - GTLLF **	\$14,050	\$14,050	\$14,050	\$14,050	\$14,050	\$70,250
TOTAL	\$14,050	\$14,050	\$14,050	\$14,050	\$14,050	\$70,250

\*\* Guam Territorial Law Library Fund

ANALYST: William P. Taitingfong DATE: 8/1/97

DIRECTOR: Joseph E. Rivera, Acting DATE: 8/5/97

FOOTNOTE: 1/ See attached comments.

**Comments to Bill No. 297 (COR)**

The intent of Bill 297(COR) is to increase the Territorial Law Library Fees paid by members of the Guam Bar Association from Twenty Dollars (\$20) a year to Fifty Dollars (\$50) a year. The additional increase of \$30 is to assist in the operating expenses of the Guam Territorial Law Library which has operated on a loss in 1995 and 1996.

According to the Guam Territorial Law Library, the Guam Bar Association have paid a total of \$5,620.00 in membership dues for 1997 covering 281 active members. As such, the potential multi-year revenue is estimated to be \$14,050.00 and is dependent on the addition of new members for future years. This is calculated at the proposed fee of \$50.00 x 281 active members = \$14,050.00.