

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
414-32 (LS)	Brant McCreadie	AN ACT TO ADD A NEW CHAPTER 14 TO TITLE 2 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE GUAM LAW REVISION COMMISSION.	10/21/14 10:23 a.m.	10/21/14	Committee on Rules, Federal, Foreign, & Micronesian Affairs, Human & Natural Resources, and Election Reform			



COMMITTEE ON RULES

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October 21, 2014

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Chairperson of the Committee on Rules

Subject: Referral of Bill No. 414-32(LS)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 414-32(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 44-32(25)

Introduced by:

Brant McCreadie 

**AN ACT TO ADD A NEW CHAPTER 14 TO TITLE 2
OF THE GUAM CODE ANNOTATED RELATIVE TO
THE ESTABLISHMENT OF THE GUAM LAW
REVISION COMMISSION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Public Law 12-93 established the Guam Law Revision Commission, which was empaneled because “the people of Guam hereby find and declare that their laws are in serious need of comprehensive review and revision.” *I Liheslaturan Guåhan* further finds that Public Law 15-104 disbanded the Guam Law Revision Commission on January 1, 1982, with the newly formed Office of the Compiler of Laws assuming its responsibilities. Public Law 17-006 transferred the Compiler of Laws from the Legislature to the Office of the Attorney General, and Public Law 27-077 transferred the Office of Compiler of Laws to the Supreme Court of Guam, which also established the Guam Code Advisory Commission. Unfortunately, the Guam Code Advisory Commission has reduced responsibilities, and has not regularly met in several years.

Nevertheless, *I Liheslaturan Guåhan* finds that the Office of Compiler of Laws has done a commendable job in ensuring that the structure and organization of Guam’s laws remains as current and accessible as possible. However, Guam is in specific need of a commission whose sole purpose is to study and examine the

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1 language of Guam's laws and to recommend to the Legislature substantive changes
2 and revisions to ensure that the best interests of the people of Guam are being met.
3 The re-establishment of the Guam Law Revision Commission will ensure that a body
4 of government and other professionals will regularly meet to undertake this essential
5 task.

6 Therefore, it is the intent of *I Liheslaturan Guåhan* to add a new Chapter 14 to
7 Title 2, Guam Code Annotated to re-establish the Guam Law Revision Commission.

8 **Section 2.** Chapter 14, Title 2 Guam Code Annotated is hereby *added* to read:

9 **“Chapter 14.**

10 **Guam Law Revision Commission**

11 **§ 14100. Legislative Intent.**

12 **§ 14101. Establishment of the Guam Law Revision Commission.**

13 **§ 14102. Administration.**

14 **§ 14103. Membership.**

15 **§ 14104. Vacancy.**

16 **§ 14105. Conflict of Interest.**

17 **§ 14106. Powers of Commission.**

18 **§ 14107. Responsibilities of Commission.**

19 **§ 14108. Dissolution.**

20
21 **§ 14100. Legislative Intent.**

22 *I Liheslaturan Guåhan* finds that the establishment of the Office of the
23 Compiler of Laws has greatly improved the organization and access of Guam's
24 laws for legislators, government officials and the public at large. Organizational
25 improvements aside, however, *I Liheslaturan Guåhan* finds that many of
26 Guam's laws are in serious need of comprehensive and substantive review and

1 revision. As such, it is necessary to create the Guam Law Revision Commission
2 which shall implement a systematic approach to study, prepare, adopt and
3 submit to *I Liheslatuan Guåhan* for consideration any changes and additions to
4 the laws of Guam, and to examine other jurisdictions and consider proposed
5 changes in the law recommended by the American Law Institute, the Uniform
6 Law Commission, any bar association or other qualified bodies in accordance
7 with the spirit and provisions of this Chapter.

8 **§ 14101. Establishment of the Guam Law Revision Commission.**

9 There is hereby established a Guam Law Revision Commission, hereafter
10 referred to as the “Commission”. The Commission shall consist of seven (7)
11 members as provided by this Chapter. The appointments to the first
12 Commission shall be made and submitted to *I Liheslaturan Guåhan* no later
13 than January 31, 2015, with the first meeting of the Commission occurring no
14 later than thirty (30) days after the first appointments are submitted.
15 Appointments to each succeeding Commission shall be made and submitted by
16 the 31st day of January after the commencement of each new Legislative term.

17 **§ 14102. Administration.**

18 For administrative purposes, clerical support and necessary funding, the
19 Commission shall be housed at *I Liheslaturan Guåhan*, under the Legislative
20 Committee of the majority member of *I Liheslaturan Guåhan* appointed by the
21 Speaker to serve on the Commission. The Commission shall select a
22 chairperson from among its members. Commission members shall receive no
23 stipends but shall be reimbursed for actual expenses incurred in the
24 performance of their duties, subject to submission of documentation and
25 approval by the chairperson of the Committee that houses the Commission. The
26 Commission shall meet from time to time, as determined by the chairperson, to

1 execute its duties, granted that the Commission must hold at minimum one (1)
2 meeting each quarter of the calendar year.

3 **§ 14103. Membership.**

4 The Commission shall consist of the following members:

5 (1) Two (2) members from the Legislature appointed by the
6 Speaker, one of whom shall be a member of the Minority;

7 (2) One (1) member appointed by *I Maga'Lahen Guåhan*;

8 (3) One (1) member from the Judicial Branch, appointed by the
9 Chief Justice;

10 (4) One (1) member from the Office of the Attorney General
11 appointed by the Attorney General;

12 (5) One (1) member from the Guam Bar Association, appointed by
13 the President of said Association; and

14 (6) One (1) member from a registered non-profit organization on
15 Guam, appointed by the Speaker.

16 **§ 14104. Vacancy.**

17 If any vacancy occurs in the membership of the Commission prior to the
18 completion of its duties or dissolution, the relevant appointing authority in
19 accordance with § 14103 of this Chapter shall appoint a replacement member.

20 **§ 14105. Conflict of Interest.**

21 In no event shall any member of the Commission advocate the passage or
22 defeat of any legislation or the approval or veto of any legislation by the
23 Governor in his or her official capacity as a member of the Commission.

24 **§ 14106. Powers of the Commission.**

25 In the execution of its responsibilities under this Chapter, the
26 Commission may:

- 1 (a) Accept grants, contributions and appropriations;
- 2 (b) Contract for any professional services if such work or services
- 3 cannot be satisfactorily performed by its members;
- 4 (c) Adopt any internal rules and procedures for its efficient
- 5 operation and execution of its responsibilities;
- 6 (d) Conduct hearings and solicit the assistance of any government
- 7 agency or department, including autonomous entities, who shall make
- 8 available to the Commission on a timely basis such data and technical
- 9 support as is necessary for it to perform its duties as provided in this
- 10 Chapter; and
- 11 (e) Request and utilize the services of any bar association,
- 12 legislative committee, professional association or other organization in
- 13 any manner suitable for the fulfillment of the purposes of this Chapter.

14 **§ 14107. Responsibilities of Commission.**

15 The Commission shall:

- 16 (a) Within ninety (90) days after its first meeting and thereafter semi-
- 17 annually submit to the Legislature a report which outlines those objectives and
- 18 projected areas of inquiry which the Commission will consider;
- 19 (b) Conduct a continuing, comprehensive and expeditious examination of
- 20 Guam's common and statutory law and judicial decisions in order to identify
- 21 and resolve defects, inconsistencies and outdated areas therein;
- 22 (c) Receive and consider suggestions from judges, justices, public
- 23 officials, lawyers and the general public as to defects and outdated areas in the
- 24 law;
- 25 (d) Prepare, adopt and submit to the Speaker, as completed, reports and
- 26 recommendations concerning specific revisions to the law. Such reports shall,

1 whenever feasible, contain draft legislation for implementation by the
2 Legislature;

3 (e) Recommend the express repeal of all statutes repealed by implication
4 or held unconstitutional by the Supreme Court of the United States;

5 (f) Study and report on any topic which the Legislature, by resolution,
6 shall refer to the Commission for action.

7 **§ 14108. Dissolution.**

8 Each Commission shall dissolve upon the conclusion of each Legislative
9 term, and shall reconvene in each new Legislative term as provided by this
10 Chapter.”

11 **Section 3. Effective Date.** This Act shall be effective immediately upon
12 enactment.

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