



Supreme Court of Guam

SUITE 300 GUAM JUDICIAL CENTER
120 WEST O'BRIEN DRIVE, HAGÅTÑA, GUAM 96910-5174

www.guamsupremecourt.com

Telephone: (671) 475-3413; Facsimile: (671) 475-3164



F. PHILIP CARBULLIDO
Chief Justice

JEANNE G. QUINATA
Clerk of Court

ROBERT J. TORRES
Associate Justice

November 16, 2006

RECEIVED
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BY: *JF*

Hon. Robert Klitzkie, Senator
ina'Bente Ocho Na Liheslaturan Guåhan
Chairman of the Committee on the Judiciary
Chairman of the Committee on Calendaring
197 Hernan Cortes Avenue
Hagåtña, Guam 96910

Re: Proposed Amendment to 1 GCA § 1603

Dear Senator Klitzkie:

This letter is to request that the existing statute pertaining to the Office of the Compiler of Laws be amended to allow that office to create a searchable database accessible through its website. Over the past few of years the Legislature has consistently shown its support for the Judiciary's vision of efficiency, transparency and accountability, including support of our efforts to create a Unified Judiciary, to "home port" the Compiler of Laws' office within the Judiciary, to bring about the Judicial Efficiency Act, and in providing adequate funding so that we might continue striving to achieve our goals. I believe the amendment requested herein will be one more piece of the puzzle in our efforts to serve our island community to the greatest degree possible and will be an opportunity for the Legislature to again illustrate its support for the continued improvement of the Judicial Branch.

As illustrated in the table provided below, every state in the country, as well as Puerto Rico and the U.S. Virgin Islands, has at least one free searchable database available to the public. However, as presently written, Guam law does not allow this. The requested amendment to the statute would assist the Compiler greatly in his efforts to provide free and public access to the broad array of information his office manages on a regular basis. For your convenience I have enclosed statutory language which would accomplish this.

The Compiler's Office receives almost daily requests from its website users for the location of specific laws, rules and court decisions. The requested amendment will allow the Compiler to install a search engine on its website to allow users to find laws, rules and court decisions on their own. The search engine will be an invaluable tool for the public to locate information. This type of information is readily available in state-sponsored websites in each of the fifty states and U.S. territories, except Guam.

As mentioned above, the table below identifies primarily state-sponsored websites from each of the fifty states as well as U.S. territories which are free and searchable:

State	Links to on-line search engines
Alabama	http://alisdb.legislature.state.al.us/acas/ACASLogin.asp http://www.touchngo.com/lglcntr/akstats/statutes.htm http://www.legis.state.ak.us/default.htm
Alaska	http://www.bpcnet.com/codes/ http://www.bpcnet.com/codes/palmer/index.htm http://www.amlegal.com/casa_grande_az/ http://www.tempe.gov/citycode/ http://www.amlegal.com/nxt/gateway.dll?f=templates\$fn=altmain-nf.htm\$vid=alp%3Ayuma_az\$3.0
Arizona	http://ordlink.com/codes/flagstaff/index.htm http://www.amlegal.com/nxt/gateway.dll?f=templates\$fn=altmain-nf.htm\$vid=alp%3Apayson_az\$3.0 http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp
Arkansas	http://www.arkleg.state.ar.us/NXT/gateway.dll?f=templates&fn=default.htm&vid=blr:code http://www.leginfo.ca.gov/calaw.html
California	http://california.lp.findlaw.com/ca01_codes/index.html http://www.ordlink.com/codes/aspen/ http://www.ci.boulder.co.us/cao/ http://library6.municode.com/gateway.dll/CO/colorado/341?f=templates&fn=default.htm&npu_sername=10257&nppassword=MCC&npac_credentialspresent=true&vid=default
Colorado	http://www.ordlink.com/codes/longmont/ http://www.ci.westminster.co.us/code/default.htm

Connecticut	http://www.ct.gov/ http://www.state.de.us/research/AdminCode/
Delaware	http://198.187.128.12/delaware/lpext.dll?f=templates&fn=tools-contents.htm&cp=Infobase&2.0
D.C.	http://dccode.westgroup.com/home/dccodes/default.wl http://election.dos.state.fl.us/fac/index.shtml
Florida	http://www.leg.state.fl.us/statutes/index.cfm?Mode=ViewStatutes&Submenu=1 http://ordlink.com/codes/roswell/index.htm
Georgia	http://www.lawskills.com/code/ga/ http://ordlink.com/codes/maui/
Hawaii	http://www.capitol.hawaii.gov/site1/docs/docs.asp?press1=docs
Idaho	http://www3.state.id.us/idstat/TOC/idstTOC.html http://www.amlegal.com/nxt/gateway.dll?f=templates\$fn=altmain-nf.htm\$vid=alp%3Ao%27fallon il\$3.0
Illinois	http://www.bpcnet.com/codes/bpark.htm http://www.ilga.gov/ http://www.amlegal.com/nxt/gateway.dll?f=templates\$fn=altmain-nf.htm\$vid=alp%3Aaurora in\$3.0
Indiana	http://ordlink.com/codes/lafayette/index.htm http://www.ai.org/legislative/ic/code/ http://www.amlegal.com/nxt/gateway.dll?f=templates\$fn=altmain-nf.htm\$vid=alp%3Amountvernon ia\$3.0
Iowa	http://www2.legis.state.ia.us/IACODE/
Kansas	http://www.kslegislature.org/legsrv-statutes/index.do

	http://www.amlegal.com/hopkinsville_ky/
Kentucky	http://www.amlegal.com/nxt/gateway.dll?f=templates\$fn=altmain-nf.htm\$vid=alp%3Abowlinggreen_ky\$3.0 http://www.lrc.state.ky.us/statrev/frontpg.htm
Louisiana	http://www.legis.state.la.us/lss/tsrsearch.htm
Maine	http://janus.state.me.us/legis/statutes/search.asp
Maryland	http://198.187.128.12/maryland/lpext.dll?f=templates&fn=fs-main.htm&2.0 http://government.westlaw.com/linkedslice/search/default.asp?RS=GVT1.0&VR=2.0&SP=MDC-1000 – http://www.lawlib.state.md.us/sources%20of%20maryland%20laws.htm
Massachusetts	http://www.mass.gov/legis/laws/mgl/index.htm
Michigan	http://www.legislature.mi.gov/(sef2lg55alhczb45iwbndu4)/mileg.aspx?page=home
Minnesota	http://www.leg.state.mn.us/leg/statutes.asp http://www.revisor.leg.state.mn.us/revisor/pages/forms/getstatute.php http://www.state.mn.us/portal/mn/jsp/search.do?action=searchtopic&ct=1969796436&agency=NorthStar
Mississippi	http://198.187.128.12/mississippi/lpext.dll?f=templates&fn=fs-main.htm&2.0
Missouri	http://www.moga.mo.gov/statutesearch/
Montana	http://opi.mt.gov/MCASearch/Index.html
Nebraska	http://uniweb.legislature.ne.gov/legaldocs/search.php
Nevada	http://leg.state.nv.us/law1.cfm#StatuteSearch
New Hampshire	http://www.gencourt.state.nh.us/rsa/html/indexes/default.html
New Jersey	http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=116576044&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC_Frame_Pg42
New Mexico	http://www.conwaygreene.com/NewMexico.htm
New York	http://public.leginfo.state.ny.us/frmload.cgi?MENU-11519222 http://public.leginfo.state.ny.us/menugetf.cgi
North Carolina	http://www.ncga.state.nc.us/gascripts/Statutes/Statutes.asp
North Dakota	http://www.legis.nd.gov/information/statutes/cent-code.html
Ohio	http://onlinedocs.andersonpublishing.com/oh/lpExt.dll?f=templates&fn=main-h.htm&cp=PORC
Oklahoma	http://www.lsb.state.ok.us/

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Oregon	http://search.oregon.gov/query.html?qm=1&charset=iso-8859-1&col=allore&qc=allore&ct=1250467021
Pennsylvania	http://www.palrb.us/stlarge/index.asp
Rhode Island	http://www.rilin.state.ri.us/scripts/search/search.asp?SearchWhere=/Statutes/
South Carolina	http://www.scstatehouse.net/cgi-bin/query.exe?first=FIRST&querytext=&category=Code
South Dakota	http://legis.state.sd.us/statutes/index.aspx
Tennessee	http://198.187.128.12/tennessee/lpext.dll?f=templates&fn=fs-main.htm&2.0 -
Texas	http://www.capitol.state.tx.us/cgi-bin/cqcgi?CQ_STATCON_PROCESS_LOGIN=YES&CQ_USER_NAME=202.47.154.66&CQ_PASSWORD=statcon_pwd&CQ_LOGIN=YES
Utah	http://www.le.utah.gov/Documents/code_const.htm
Vermont	http://vermont.gov/egovernment/laws&statutes.html -
Virginia	http://leg1.state.va.us/000/src.htm
Washington	http://apps.leg.wa.gov/rcw/
Washington D.C.	http://government.westlaw.com/linkedslice/default.asp?SP=DCC-1000
West Virginia	http://www.legis.state.wv.us/WVCODE/masterfrm3Banner.cfm
Wisconsin	http://www.legis.state.wi.us/rsb/stats.html
Wyoming	http://legisweb.state.wy.us/statutes/statutes.aspx
CNMI	http://www.cnmilaw.org/welcome.php
Puerto Rico	http://www.lawsources.com/also/usa.cgi?xpr
U.S. Virgin Islands	http://198.187.128.12/virginislands/lpext.dll?f=templates&fn=fs-main.htm&2.0

Clearly there is great public interest served by increasing and facilitating public access to laws created for the public's benefit and protection. Even though the laws can currently be found on-line, the reality is that the average citizen likely has a hard time finding specific things they might need without consulting an attorney or enlisting the assistance of a commercial service to assist them – either of which would likely be prohibitively expensive for many citizens.

I am available to discuss the enclosed legislation at your convenience. The Compiler of Laws, Mr. Serge Quenga, is also familiar with the issues herein. Please do not hesitate to contact him as well.

Sincerely,



F. Philip Carbullido
Chief Justice of Guam

Enclosure

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 Session

Bill No. _____

Introduced by:

**AN ACT TO AMEND SECTION 1603 OF CHAPTER 16 TITLE 1
GUAM CODE ANNOTATED TO ALLOW THE COMPILER OF
LAWS TO PROVIDE A SEARCHABLE DATABASE VIA THE
INTERNET.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. In Public Law 27-77, *I Liheslaturan Guåhan* transferred the Compiler of Laws from the Department of Law to the Supreme Court of Guam. Pursuant to the mandate of P.L. 27-77, the Compiler of Law has made available the Guam Code Annotated and other publications of the office via the internet free of charge to the people of Guam.

The Compiler's office has received numerous requests from the bar, private individuals and government employees to install a search engine on the website. However, P.L. 27-77 prohibits the Compiler from publishing any text-based searchable or researchable data. Without a search engine, the public is denied meaningful access to the laws of Guam via the internet. Moreover, the laws of Guam and the publications of the Compiler belong to the people of Guam.

Traditional private publishers of the public laws and court decisions typically annotate, summarize, and enhance the raw information and thus transform it into their own publications, which are then sold to the public. *I Liheslaturan Guåhan* recognizes and encourages this. However, *I Liheslaturan Guåhan* must also respect and protect the right of the people of Guam to have meaningful access to **their** laws in this age of the internet.

I Liheslaturan Guåhan finds that increasing the public's access to the statutes, session laws, rules and regulations and court opinions, which are created for the benefit of the public, is of great importance to maintaining an open and accountable

1 government and for increasing the efficient administration of justice and does not
2 unfairly compete with private enterprise. This is apparent by reviewing the websites
3 of courts and legislatures from throughout the United States, which universally
4 contain some sort of search engine for the efficient location of a particular statute,
5 rule or court decision. Thus, *I Liheslaturan Guåhan* herein approves of the following
6 amendment which will allow a search engine on the Compiler of Laws website.

7 **Section 2.** Section 1603 of Title 1 Guam Code Annotated is amended to read
8 as follows:

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

21 **(b) Distribution Defined.** The term ‘distribute or distribution’ shall mean to
22 ~~sale~~ sell, lease, assign or otherwise transfer published materials, or offer to ~~sale~~ sell,
23 lease, assign or otherwise transfer published materials. ~~The term ‘distribution’ shall~~
24 ~~not include the authority to sale, lease, assign, transfer or offer to sale, lease, assign or~~
25 ~~transfer, or otherwise create or enable any text-based searchable or researchable~~
26 ~~database of published materials.~~