

FIFTEENTH GUAM LEGISLATURE  
1980 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 586, " An Act to enact Title I of the Guam Codes Annotated and to repeal all laws inconsistent therewith", was on the 13th day of February 1980, duly and regularly passed.



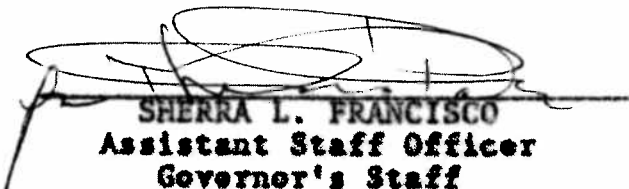
ANTONIO R. UNPINGCO  
Acting Speaker

ATTESTED:



ANTONIO M. PALOMO  
Acting Legislative Secretary

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This Act was received by the Governor this 22<sup>nd</sup> day of  
February, 1980, at 5:00 o'clock PM.  
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SHERRA L. FRANCISCO  
Assistant Staff Officer  
Governor's Staff

APPROVED:



PAUL M. GALVO  
Governor of Guam

DATED: 3/5/80 11:00 A.M.  
P.L. # 15-104

FIFTEENTH GUAM LEGISLATURE  
1980 (SECOND) Regular Session

Bill No. 586  
(As Substituted by the  
Committee on Criminal  
Justice)

Introduced by

P. F. Perez, Jr.  
T. V. C. Tanaka  
E. R. Duenas  
R. F. Taitano

AN ACT TO ENACT TITLE I OF THE GUAM  
CODES ANNOTATED AND TO REPEAL ALL LAWS  
INCONSISTENT THEREWITH.

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

2 Section 1. There is hereby enacted Title I of the Guam  
3 Codes Annotated, which is attached hereto and made a part hereof.  
4 Such enactment shall be according to the terms contained within  
5 the said Title I.

6 Section 2. The following laws are hereby repealed.

7 Government Code, Sections 1 through 99, inclusive;

8 Government Code, Sections 100 through 175,  
9 inclusive except Section 116;

10 Government Code, Sections 200 through 333, inclusive;

11 Government Code, Section 1100;

12 Government Code, Section 15001.1, as adopted in  
13 P.L. 3-110;

14 Government Code, Section 3000;

15 Government Code, Section 1100.1;

16 Government Code, Section 233.1;

17 Government Code, Sections 300 through 313, inclusive,  
18 as enacted by P.L. 14-131;

19 Government Code, Sections 42100 through 42111,  
20 inclusive;

1           Government Code, Sections 42025 through 42030,  
2 inclusive;

3           Code of Civil Procedure, Section 4;

4           Civil Code, Section 4;

5           Probate Code, Section 100;

6           Civil Procedure Code, Section 3;

7           Civil Code, Section 3;

8           Code of Civil Procedure, Section 8;

9           Civil Procedure Code, Section 9;

10          Civil Procedure Code, Section 12;

11          Civil Code, Section 10;

12          Civil Procedure Code, Section 14;

13          Civil Procedure Code, Section 15;

14          Civil Procedure Code, Section 17;

15          Civil Code, Section 17;

16          Civil Code, Section 18;

17          Civil Code, Section 19;

18          Civil Procedure Code, Section 13;

19          Civil Code, Section 11;

20          Public Law 5-25;

21          Public Law 9-58; and

22          Civil Code, Section 54.7

23          Section 3. (a) All other laws are hereby repealed to the  
24 extent of their inconsistency, if any, with this Title.

25          (b) References in any law, rule, regulation, executive  
26 order, or other public document referring to the sections  
27 repealed by Section 2, above, shall be deemed to refer to the  
28 comparable sections within Title I of the Guam Codes Annotated,  
29 if such comparable sections have been reenacted in said Title.

1           Section 4. The effective date of this Act shall be sixty  
2 (60) days after the date it becomes law.

3           Section 5. The Uniform Commercial Code, as enacted by  
4 Public Law 13-160 and as the same may have been amended at the  
5 date of adoption of this Act, is hereby recodified without  
6 change as Title 13 of the Guam Codes Annotated.

7           Section 6. The Uniform Consumer Credit Code, as found in  
8 Chapter I of Title II of the Civil Code of Guam, together with  
9 any amendments thereto which have been made and are effective  
10 upon the date of adoption of this Act, is hereby recodified as  
11 Title 14 of the Guam Codes Annotated. The Compiler of Laws is  
12 authorized to renumber the sections of the Uniform Consumer  
13 Credit Code to conform with the numbering scheme of the Guam  
14 Codes Annotated.

15           Section 7. The Criminal Procedure Code, as adopted by  
16 Public Law 13-186 and as amended by the Legislature up until the  
17 time of adoption of this Act, is hereby recodified as Title 8 of  
18 the Guam Codes Annotated, "Criminal Procedure".

19           Section 8. The Criminal and Correctional Code, as adopted  
20 by Public Law 13-185 and as amended by the Legislature up until  
21 the time of adoption of this Act, is hereby recodified as Title  
22 9 of the Guam Codes Annotated, "Crimes and Corrections".

GUAM CODES ANNOTATED

TITLE 1

GENERAL PROVISIONS

Chapter 1 - The Laws of Guam

\$100	Laws Applicable to Guam
\$101	Scope & Citation of Code
\$102	Effective Dates of Statutes
\$103	Relation Between this Code and Permanent Laws
\$104	Relation Between this Code and Temporary Laws
\$105	Temporary Laws - Duration; Effect
\$106	Interpretation of this Code

§100. Laws Applicable to Guam.

The Laws in force in the Territory of Guam constitute those portions of the Constitution, treaties and laws of the United States applicable to Guam; Acts of the Guam Legislature; Executive Orders of the Governor promulgated pursuant to the Organic Act and pursuant to Acts of the Legislature; decisions of the Supreme Court of the United States ruling upon those portions of the Constitution, treaties and laws of the United States applicable to Guam and upon cases and controversies applicable to Guam; decisions of the appellate courts given jurisdiction to hear cases from Guam in those matters applicable to Guam; and, as to the individual case, decisions of the Superior Court of Guam.

Legislative History:

New Section. Compare §1-1, Hawaii Revised Statutes (HRS) and §22, T.T. Code (1959).

Compiler's Comment:

This Section gives the hierarchy of laws in force in Guam. This Section reflects the existing situation and is not intended to change the present pattern. No existing law contains reference to this hierarchy, except that the Organic Act provides "the legislative power of Guam shall extend to all subjects of legislation of local application not inconsistent with the provisions of this Act and the laws of the United States applicable to Guam." (Organic Act, §11) In addition, the Organic Act, §6, ¶6 provides that "the Governor shall have the power to issue executive orders and regulations not in conflict with any other applicable law."

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§101. Scope and Citation of Code.

(a) The laws embraced in this Code, as each Title hereof is enacted as positive law, constitute the "Guam Codes Annotated". The laws as set out in this Code and in any then-current supplement as certified by the Compiler of Laws establish the permanent laws of Guam relating to and in force in this Territory, other than the general and permanent laws of the United States that relate to or apply to Guam, on the date specified in this Code or applicable Supplement by the Compiler of Laws. The same are legal evidence of those laws in all of the courts of the United States, its territories, possessions and Commonwealths, the District of Columbia and the several states and in the territory of Guam. This Code is divided into Titles, each Title containing the laws relating to one subject. Annotations and comments are not part of the law.

(b) This Code may be cited by the abbreviation "GCA." preceded by the number of the title and followed by the number of the section, chapter or part of the title referenced. For example, this section is cited as "1 GCA §102".

Legislative History:

Compare Govt. Code §1, CCP §1, Crim. & Corr. Code §§1.10 and 1.14, Crim. Proc. Code §1.07 and 1 U.S.C. §204.

Compiler's Comment:

This Section establishes the nature of the new Code and what it represents. When fully enacted, this Code and the "Current Laws" will represent all general and permanent laws of this Territory.

§102. Effective Date of Statutes.

(a) Every law enacted by the Guam Legislature shall go into effect at midnight of the day of its approval by the Governor, unless otherwise provided therein.

(b) If a bill passed by the Legislature becomes a law without the signature of the Governor by lying before him for ten (10) days (Sundays excepted) while the Legislature is in session, such a law shall go into effect at midnight on the last of such ten (10) days, unless otherwise provided therein.

(c) If a bill passed by the Legislature becomes law notwithstanding the objections of the Governor, such law shall go into effect at midnight of the day on which it was passed by the Legislature upon reconsideration by a vote of not less than two-thirds of all members of the Legislature, unless otherwise provided therein.

(d) The effective date of Resolutions of the Legislature which, by their terms, authorize any act or confirm any action taken, shall be at

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midnight of the day such Resolutions are passed by the Legislature, unless otherwise provided therein.

Legislative History:

Former §1100, Government Code.

Compiler's Comment:

This is an updated version of Govt. Code §1100.

Since Resolutions sometimes have the effect of authorizing action, it is thought best to provide a specific effective date for these enactments, also. The time is the same as for bills signed by the Governor, effective when finally passed by the Legislature (since no action by the Governor is required).

§103. Relationship Between this Code and other Permanent Laws.

The general and permanent laws of Guam shall be:

1. Public Laws, which may be found in the Office of the Governor, the Office of the Speaker of the Legislature, the Office of Compiler of Laws (commencing with the laws of the 13th Guam Legislature), and any other location declared an official depository by the laws of Guam. Copies contained in the above shall be legal evidence of the laws contained therein;

2. Commencing with the 13th Guam Legislature, the Session Laws as published by the Compiler of Laws, which publication contains the laws of the stated Legislature, the Resolutions passed by it and the Executive Orders of the Governor promulgated during its term. The Session Laws shall be legal evidence of the laws and Executive Orders contained therein.

3. The "Current Laws" published by the Compiler of Laws, containing the Laws of Guam and Executive Orders of the Governor promulgated during the term of the sitting Legislature. The current edition of the "Current Laws" shall be legal evidence of the laws and Executive Orders contained therein and shall continue to be used as a supplement to the Guam Codes Annotated between supplements thereto.

4. The publications of the Criminal & Correctional Code and the Criminal Procedure Code, together with supplements thereto, shall be legal evidence of the law of this Territory as of the day following the last day of the Session of the Legislature preceding the year in which the supplements are published.

If there is shown to be a difference, not permitted by this Code, in contents between the Public Laws described in paragraph 1, above, and any of the laws described in paragraphs 2 through 4, above, the Public Laws shall take precedence.

Legislative History:

New Section. Compare 1 U.S.C. §204.

Compiler's Comment:

This Section establishes the nature and location of the laws of Guam until such a time as the Guam Codes Annotated are fully enacted as positive law. At such time, this Section will be amended or repealed as appropriate. However, it is required until then. This Section will answer the question of what are, and where are the laws of Guam at this time.

§104. Relationship Between this Code and Temporary Laws.

(a) All laws shall be regarded as permanent laws except the following classes, which shall be regarded as temporary laws:

1. All appropriation laws;
2. All laws which, because of the nature of the subject matter, will cease to have any effect after time which can be determined; and
3. All laws which, by their terms, provide a specific termination date, or a termination date which can be fixed in advance.

(b) No temporary law shall repeal, modify, add to, or amend any portion of this Code or the general and permanent laws of Guam unless such intent is expressly stated within such law. If such intent is expressly stated, the applicable portion of this Code or of the general and permanent laws of Guam shall be automatically revived to its former state upon expiration of the Temporary Law.

(c) All temporary laws, unless specific intent is stated within them, shall be subject to the terms and interpretations of this Code or of the applicable general and permanent laws of Guam.

Legislative History:

New Section.

Compiler's Comment:

The purpose of this Section is to give guidance when faced with many "administrative provisions" and other uncodified laws which are passed by the Legislature. This Section does not deal with the traditional interpretation of general versus special laws, both of which are permanent in nature. See Sutherland, id. at §51.05, General and Special Acts. This Section does deal with the situation where administrative provisions appear to repeal for a temporary period, major portions of, say, the Personnel Law contained in the Government Code.

The Legislature is quite free to temporarily suspend any general law it wishes. However, it should do so specifically. Rarely have such issues come to court, especially in Guam, as the temporary period is usually over by the time a decision can be reached. See Guam Federation of Teachers, et al. v. Bordallo et al., D.C. Guam, App. Div. Civ. Appeal #125A. This case was decided in March of 1978 based upon acts in fiscal year 1976. All FY1976 "administrative provisions" had long expired by March of 1978.



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§105. Temporary Acts - Duration; Effect.

(a) All acts temporary in nature shall have termination dates as specified herein, unless such act is one described by §105(a)(3) of this Title.

(b) Temporary acts shall terminate on midnight of the first anniversary of their passage unless the activity authorized by such act has commenced within that period.

(c) If the activity authorized by the temporary law has commenced within the period specified in (b), above, but work thereon has been halted before completion for reasons within the control of the Government, such temporary act shall terminate after a period of one (1) year has elapsed from the date of last activity on the project.

(d) When a temporary act has terminated pursuant to this Section, or by its own terms, the Director of Administration shall, after consultation with the affected Departments and Agencies, adjust the books of the government to revert to the General Fund or the fund from which any appropriated funds for the project or activity were taken all monies remaining in the project or activity accounts after a determination of all outstanding claims upon such accounts. The Director of Administration shall report to the Governor and to the Legislature, and to the affected Departments and Agencies, on a quarterly basis, the reversion transactions which have been made.

Legislative History:

A new Section.

Compiler's Comment:

This type of Legislation has been suggested by Governor Calvo in some of his (January and February 1979) speeches. Heretofore, there has been no expiration date on appropriation or other temporary bills unless, by some chance, one had been included within the bill, itself, such as annual appropriations. As a result, excess monies remaining from finished projects could not be reverted to the General, or other, Fund without special legislation. Also, projects have had funds appropriated for them, sometimes for years, without action. By the time action is ready, inflation has so increased costs that further legislation appropriating more funds is required. A number of other states, including Oregon, have similar provisions, but these are not directly applicable to Guam due to differing organization of the state government.

Subsections (a) and (b) provide for a year's grace period since this is a reasonable time to organize a project. However, beyond that time, with inflation as it is, a review is most often required due to costs which have increased beyond the original appropriation. It seems better to require a complete review of a project and its priorities if nothing has happened for a whole year, then a mere appropriation of additional amounts. The

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General Fund is not tied up as much with this Section as it is at present.

Subsection (c) provides that the reversion of excess funds is a ministerial act and provides the standards to the Director of Administration to accomplish such an act. Allowance is made for a possible re-draft of the Government Claims Act to give access to funds in the affected accounts by claimants having a cause arising from that project. However, at present this provision relating to "a determination of all outstanding claims" will refer only to paying contractors and the like.

Subsection (d) provides a similar reversion to the General or other Fund where the Act, itself, expires.

While it may seem logical to place this Section in another title dealing with financial administration, it is placed here because the subject of duration of statutes is basic to all of the laws of Guam. In line with keeping the same subjects in the same portion of the Code, this provision is placed here, rather than in some other place.

### §106. Interpretation of this Code.

Any statute, law, or rule which is inconsistent with the provisions of this Title (or other Titles of the Guam Code Annotated as the same are enacted into law) on the same subject is repealed to the extent of such inconsistency.

This repeal or abrogation does not revive any former law heretofore repealed, nor does it affect any right already existing or accrued, or any action or proceeding already taken, except as in this Code provided.

#### Legislative History:

Former Government Code §20 updated to refer to this Code and to its enactment title by title.

#### Compiler's Comment:

According to Sutherland, §36.14, this type of Section is required in order to insure the exclusivity of the new Code with respect to the matters covered in it. (Sutherland, Statutes and Statutory Construction, 1972 ed.) Guam first adopted its codes (after the Organic Act gave civilian government to Guam) by positive law in 1952. Since that time most legislation has been by amendment to the Codes.

Within the past few years, the Legislature has adopted several new Codes in their entirety. These include the Uniform Consumer Credit Code, the Uniform Commercial Code, the Criminal and Correctional Code and the Criminal Procedure Code. These will be incorporated into the Guam Codes Annotated with no alteration except for the few changes in form required to conform the same to this Code.

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CHAPTER 4  
Political Authority; Jurisdiction

\$400	Political Authority
\$401	Jurisdiction
\$402	Boundaries; Territorial
\$403	Boundaries; Municipal
\$404	Title to Property
\$405	Immunity to Suit
\$406	Coat of Arms
\$407	Territorial Flag
\$408	Display of Guam Flag
\$409	Pledge of Allegiance to Guam Flag not required
\$410	Great Seal; Description
\$411	Custody and Use of Great Seal
\$412	Other Seals
\$413	Custody and Use of Other Seals
\$414	Commercial Use of Seals Regulated
\$415	Name of Government
\$416	Guam Hymn
\$417	Order of Chamorri
\$418	Governors' Portraits

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\$400. Political Authority.

Subject to the applicable laws of the United States of America, the political authority of the territory of Guam is vested in the people of Guam.

Legislative History: Former Govt. Code §100.

\$401. Jurisdiction. The authority and jurisdiction of the government of Guam extends to all places within its boundaries and, in certain circumstances specified in the Criminal and Correctional Code (Title 9 of this Code), to actions occurring outside of Guam's boundaries. The jurisdiction of the Territory of Guam over parties found, acts performed and offenses committed on property owned by the United States shall be concurrent with the jurisdiction of the United States, unless the jurisdiction of Guam has been specifically excluded by an Order of the President of the United States.

Legislative History: Former Govt. Code §101, as modified.

Compiler's Comment: Former §101, Government Code severely limited the jurisdiction of Guam over federal property, as was proper when it was enacted in 1950. However, with the enactment of 48 U.S.C. §1704, and its predecessor, §1701, Guam was given concurrent jurisdiction over federal property, subject only to an Executive Order of the President limiting that power in

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interests of national defence. Such an Order has not been issued. This Section reflects current federal law.

§402. Boundaries; Territorial.

(a) The boundaries of Guam run three geographical miles seaward from the low-water mark; provided, however, that where there are islands or reefs along or adjacent to the shores of Guam, the boundary line runs two hundred (200) geographical miles seaward from the outermost of such islands or reefs; provided, further, that in the case of all harbors and bays, the boundary line runs two hundred (200) geographical miles seaward from a line drawn in front of each harbor along the outermost works and installations thereof and two hundred (200) geographical miles seaward from a line drawn from headland to headland across the mouth of each bay.

(b) A "geographical mile" is defined as 6,080.20 feet.

Legislative History: Former Govt. Code §102, as modified.

Compiler's Comment: This Section has used a new term "geographical" mile in place of the old "nautical" mile to conform with case law, federal and international usage. The distances the two terms reflect are identical.

The legislature, in a floor amendment, extended this territorial limit to 200 miles. This may be contrary to the Organic Act, and both District Court of Guam and U.S. Supreme Court decisions. See U.S. v. Angcog, D.C. Guam 1961, 190 F.Supp. 696; U.S. v. Alaska, 95 S.Ct. 2240, 2245 (1975); U.S. v. Louisiana, 80 S.Ct. 961. See also 48 U.S.C. §1705.

§403. Boundaries; Municipal.

(a) Municipal Boundaries, as delineated on Land Management Drawing No. G1-56T18 filed in the Department of Land Management under Document No. 31523 are the official boundaries of the various municipalities of Guam. All property maps not drawn in conformance with these boundaries shall be redesignated by the Director of Land Management and all government agencies shall refer to the boundaries stated in this Section in their applicable records. The written description of the municipal boundaries is given below, but if there is any conflict between the written descriptions and the drawn boundaries on the map referred to herein, the drawn boundaries on the map shall prevail.

(b) Municipality of Agana.

Beginning at the mouth of the Fonte (Pigo) River running easterly along the shoreline of Agana Bay to the northeast corner of Lot No. 2010, thence southeasterly along eastern boundaries of Lots No. 2010 and 2032, to the southeast corner of Lot No. 2032, thence southwesterly

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and westerly along the northern boundaries of Lots No. 2054, 2051, 2049 and 2048, to the northwest corner of Lot No. 2048, thence southerly along the west boundaries of Lots No. 2048, 2047 and 1116 to a point on centerline of Route No. 8, thence southwesterly along the eastern boundary of Lot No. 1152, to the centerline of the Agana River, thence southeasterly along the centerline of the Agana River to the easternmost corner of Lot No. 89, thence southwesterly along the southeastern boundary of said Lot, thence northwesterly along the old Agana Spring Road to Route No. 4, to the southeast corner of Lot No. 3201, thence southwesterly along the southern boundary of said Lot to the centerline of old Senator Gibson Highway, thence northwesterly to the point of junction of said highway and Route No. 7, thence northwesterly to the northeast corner of the United States Naval Hospital (now known as the Naval Regional Medical Center) Boundary, thence westerly and northwesterly along the northern boundary of said Naval Hospital, thence southerly and southwesterly along the western boundary of said Naval Hospital to the Fonte (Pigo) River thence northwesterly along said river to the point of beginning.

(c) Municipality of Sinajana (Sinajana Village).

Beginning at the southwest corner of Lot No. 3201, running northeasterly along southern boundary of said Lot to the centerline of Route No. 4, thence southeasterly along said Route No. 4 to its junction with the old Agana Spring Road, thence southeasterly along old Agana Spring Road to the southernmost corner of Lot No. 89, then northeasterly along the southeast boundary of said lot to the southernmost corner of Lot No. 98, thence northeasterly along the southern boundaries of Lots No. 111, 113, 3229A, 3229B, 170 and through Lot No. 173, to the westernmost corner of Lot No. 174, thence southerly along west boundary of said Lot, thence southerly along eastern boundary of Lot No. 176, thence westerly along the southern boundary of said Lot to the point of its intersection with the P.O.L. Line, thence southwesterly along the centerline of P.O.L. Line to the point of its intersection with the western boundary of Lot No. 3075, thence northeasterly along said boundary to the southern boundary of Sinajana Village, thence westerly to the southwest corner of said village, thence due north along the western boundary of said village to its junction with the old Senator Gibson Highway, thence northwesterly along the centerline of said Highway to the point of beginning.

(d) Agana Heights (Paasan).

Beginning at the point of junction of Route 7 and Senator Gibson Highway running southeast along said Highway to the northwestern corner of Sinajana Village boundary, thence southwesterly and southerly along the western boundary of said village to its southwestern corner, thence easterly along the southern boundary of said village to its intersection with the western boundary of Lot No. 3075, thence southwesterly along the western boundary of said Lot to its intersection with the centerline of the P.O.L. Line, thence southwesterly along the centerline of P.O.L. Line to the point of its intersection with the northeast boundary of Lot No. 450, thence northwesterly along the northeastern

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boundary of said Lot to the northeast corner, thence northwesterly along the western boundary of Lot No. 50 to the Fonte River, thence northeasterly and northwesterly along the said river to the southwestern corner of the United States Naval Hospital (now known as Naval Regional Medical Center) boundary, thence northeasterly and easterly along the western and northern boundaries of said Naval Hospital to the northeastern corner, thence southeasterly to the point of beginning.

(e) Chalan Pago and Ordot.

Beginning at a point on the intersection of the northeastern boundary of Lot No. 450, Asan, and the P.O.L. Line, running easterly and northeasterly along the centerline of the P.O.L. Line to the southern boundary of Lot No. 176, thence easterly and northerly along the southern and eastern boundaries of Lot No. 176, easterly along southern boundaries of Lots No. 174, 178, 179, 157, 150, 158, 159, 2371, 2371-3 and 2371-4 to the southeast corner of Lot No. 2371-4, thence southerly to the northeast corner of Lot No. P19.22, thence southeasterly to the northeast corner of Lot No. P19.29A, thence southeasterly and southerly along the eastern boundaries of Lots No. P19.29A, P19.29B, 2418 and 2423, thence due South along land grid E54500 meters to its point of intersection with the coastline, thence southwesterly along the coastline to the mouth of the Pago River, thence westerly and northwesterly along the centerline of Pago and Lonfit Rivers to the southeast corner of Lot No. 450, thence northwesterly along the northeast boundary of said Lot to the point of beginning.

(f) Municipality of Yona.

Beginning at the mouth of the Pago River running southerly and southwesterly along the eastern coastline through Ylig Bay to the mouth of the Togcha River, thence westerly and northwesterly along the Togcha River to the southwestern corner of Lot No. 95, thence northerly along the west boundary of said Lot to the southeastern corner of Lot No. 154, thence northwesterly along the southern boundary of said Lot to the southwestern corner, thence southwesterly along the southern boundary of Lot No. 100 to its intersection with with the eastern boundary of the United States Naval Magazine, thence northerly along the eastern boundary of U.S. Naval Magazine to the northeastern corner of said Naval Magazine, thence northwesterly to the Mt. Tenjo Triangulation Station, thence northeasterly along the Mt. Tenjo Road and the eastern boundary of Lot No. A to the easternmost corner of said Lot, thence southeasterly along the southern boundary of Lot No. 450 and along the Lonfit and Pago Rivers to the point of beginning.

(g) Municipality of Talofoyo.

Beginning at the mouth of the Togcha River running southerly along the coastline to the mouth of the Talofoyo River, thence southwesterly along the Talofoyo and Ugum Rivers to the northern boundary of Estate No. 322 (Atate), thence northwesterly and southwesterly along the northern boundary of said Estate to Mt. Bolanos Triangulation Station, thence northwesterly to the Mt. Jumullong Manglo Triangulation Station, thence northeasterly through the Fena Valley watershed to a

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point on the east boundary of said watershed, thence northeasterly and easterly along the eastern boundary of said watershed and southern boundary of the United States Naval Magazine to its southeast corner, thence northerly along the eastern boundary of said Naval Magazine to the intersection with the southern boundary of Lot No. 100, thence northeasterly along the southern boundary of said Lot to the southwestern corner of Lot No. 154, thence southeasterly along the southern boundary of said lot to the southeastern corner, thence southerly along the western boundary of Lot No. 95, to its southwestern corner at the bank of the Togcha River, thence northeasterly and southeasterly along the Togcha River to the point of beginning.

(h) Municipality of Inarajan.

Beginning at the mouth of the Talofofu River running easterly, southerly and southwesterly along the southeastern coastline to the mouth of the Ajayan River, thence northwesterly along said River to the Mt. Sasalaguan Triangulation Station, thence northwesterly to Mt. Bolanos Triangulation Station, thence northeasterly and southeasterly along the northern boundary of Estate No. 322 (Atate) to the point of its intersection with the Ugum River, thence northeasterly along the Ugum and Talofofu Rivers to the point of beginning.

(i) Village of Merizo.

Beginning at the mouth of the Toguan River running easterly along said River to its head, thence easterly to the Mt. Schroeder Triangulation Station, thence southeasterly to the Mt. Sasalaguan Triangulation Station, thence southeasterly along the Ajayan River to its mouth, thence westerly, northwesterly and northerly along the southwestern coastline to the point of beginning.

(j) Municipality of Umatac.

Beginning at the Facpi Pt. Triangulation Station running southeasterly to the Mt. Jumullong Manglo Triangulation Station, thence southeasterly to the Mt. Bolanos Triangulation Station, thence southeasterly to the Mt. Sasalaguan Triangulation Station, thence northwesterly to the Mt. Schroeder Triangulation Station, thence westerly to the head of the Toguan River, thence westerly to the mouth of said River, thence northerly along the coastline to the point of beginning.

(k) Municipality of Agat.

Beginning at the mouth of the Namu River running southeasterly along said river to the northwest corner of Lot No. 240, thence southerly along the western boundary of the said Lot to the northeastern corner of Lot No. 216, thence westerly along the northern boundary of said Lot to its northwest corner, thence westerly along the northern boundary of Lot No. 213 to its northwestern corner, thence southeasterly along the western boundary of said Lot and through Lot No. 266 to the northwestern corner of Lot No. 250, thence southeasterly along the southwestern boundary of said lot to its southernmost corner, thence southeasterly through the United States Naval Magazine to corner No. FR5 of the Fena Valley watershed boundary, thence southerly

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along the eastern boundary to corner No. FR9 of said watershed boundary, thence southwesterly through said boundary to the Mt. Jumullong Manglo Triangulation Station, thence westerly to the Facpi Pt. Triangulation Station, thence northeasterly along the coastline to the point of beginning.

(l) Santa Rita Village.

Beginning at the western tip of the Glass Breakwater running southeasterly through Apra Harbor to the mouth of the Atantano River, thence southeasterly along the Atantano and Paulana Rivers to the head of the Paulana River, thence northeasterly to the Mt. Tenjo Triangulation Station, thence southeasterly to the northeastern corner of the United States Naval Magazine boundary, thence southerly along its eastern boundary to its southeastern corner, thence westerly along the southern boundary of said Naval Magazine to corner FR5 of the Fena Valley watershed boundary, thence northwesterly through the said Naval Magazine to the southernmost corner of Lot No. 250, then northwesterly along the western boundary of said Lot through Lot No. 266 and the western boundary of Lot No. 213, thence easterly along the northern boundaries of Lots No. 213 and 216 to the northeastern corner of Lot No. 216, thence northerly along the western boundary of Lot No. 240 to its northwestern corner, thence northwesterly along the Namu River to its mouth, thence northwesterly along the coastline to Orote Point, thence northeasterly to the point of beginning.

(m) Municipality of Piti.

Beginning at the mouth of the Matgue River running southeast along said River to its head, thence southeasterly to Mt. Chachao, thence southwesterly along the mountain ridge to and through Mt. Tenjo Triangulation Station to the head of the Paulana River, thence northwesterly along the Paulana River and Atantano River to the coastline, thence northwesterly through Apra Harbor to the tip of the Glass Breakwater, thence easterly along the outer shoreline of said breakwater and Cabras Island and the shoreline fronting Piti and Tepungan to the point of beginning.

(n) Municipality of Asan.

Beginning at the mouth of the Fonte River (Pigo) running southeasterly along said River to the base of Mt. Macajna, thence southerly along said base of mountain and along the eastern boundary of Lot No. 450 to the Lonfit River at the Place of Jangga, thence westerly along the Lonfit River to Mt. Chachao, thence northerly to the head of Matgue River, thence northerly along said River to its mouth, thence northwesterly along the coast line to the point of beginning.

(o) Municipality of Barrigada.

Beginning at corner No. 49 of the boundary of the United States Naval Air Station, Agana, running northeasterly along said boundary to corner No. 33B of said boundary, thence northwesterly to the southwest corner of Lot No. 5164, thence northeasterly along the southern boundaries of Lots No. 5164, 5163 and 5160 to a point at the centerline



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of Route 16, thence southeasterly along the centerline of Route 16 to the southwest corner of Lot No. 5253, then northeasterly along the southern boundaries of Lots No. 5253, 5252, and 5251, thence easterly along the southern boundary of Lot No. 5251, thence southeasterly along the west boundary of Lot No. 5230, thence easterly along the southern boundaries of Lots No. 5230, 5229, 5228, 5227 and 5226, thence southeast along the southwestern boundary of Lot No. 10066 (P14.12) to the northwest corner of Lot No. 4280 (P14.10), thence southwesterly along the western boundary of Lot No. 5380 (P14.10) to its southwest corner, thence southwesterly along the west boundary of Lot No. 5351 (P14.8) to the southwestern corner of said lot, thence southerly through the U.S. Naval Radio Station, Barrigada Boundary to corner No. RB20 of said boundary, thence southerly along the east boundary to a point of intersection of said boundary and the centerline of Route No. 15, thence southwesterly along the centerline of Route 15 to a point, thence due West to the point of junction of Layang Road and Route No. 10, thence westerly along centerline of Layang Road to the northeast corner of Lot No. 2347, thence westerly along northern boundaries of Lots No. 2347, 2332, 2348, 2327, 2326, 2380, 2378, 2377, 2375, 2375 and 2372, thence northeasterly, northerly and northwesterly along the old Canada Road to the point of junction of said road and Route 8, thence northwesterly along the U.S. Naval Air Station, Agana, to the point of beginning.

(p) Municipality of Mangilao.

Beginning at the northwest corner of Lot No. 5351 (P14.8) running easterly along the northern boundaries of Lots No. 5351 (P14.8), 5353 (P15.48), 5357 (P15.35) and 5355 to the southeast corner of Lot No. P15.26, thence due east to Point "X" (on map), thence to corner No. 10, Lot No. 5354-2, thence southeasterly to corner No. 10, Lot No. 5354-3, thence southwesterly along the coastline to land grid E545000 meters, thence northerly along said grid and east boundaries of Lots No. 2423, 2418, P19.29B and P19.29A, thence northwesterly to the northeastern corner of Lot No. P19.22, thence northerly to the southernmost corner of Lot No. 2371-4, thence northwesterly along the southwest boundary of Lot No. 2371-4 to the northwest corner of said Lot, thence easterly along northern boundary of Lot No. 2372 to the northeast corner of said Lot, thence southeasterly along the northern boundaries of Lots No. 2372, 2374, 2375, 2377, 2378, 2380, 2326 and 2327 to the northeast corner of Lot No. 2327, thence northeasterly along the northwest boundaries of Lots No. 2348, 2332, 2347 and easterly along the northern boundary of Lot No. 2347 to the centerline of the New Layang Road, thence easterly along the centerline of said road to the point of its junction with Route 10, thence due East to a point on the centerline of Route 15, thence northeasterly along centerline of Route 15 to the point of intersection of said Route 15 and the east boundary of the U.S. Naval Radio Station, Barrigada, thence northerly along said boundary to corner No. RB20, thence northerly to the southwest corner of Lot No. 5351 (P14.8), thence northeasterly along the west boundary of said Lot to the point of beginning.

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(q) Village of Tamuning.

Beginning at the southwestern corner of U.S. Naval Radio Station, Finegayan, boundary running along the southwestern boundary to the northernmost corner of Harmon Village boundary, thence southeasterly to a point on the junction of Route 1 and Route 16, thence southeasterly along centerline of Route 16 to the southeastern corner of Lot No. 5160, thence southwesterly along the southern boundaries of Lots No. 5160, 5162 and 5164 to the southernmost corner of Lot No. 5164, thence southeasterly to corner No. 33B of the boundary of the U.S. Naval Air Station, Agana, thence southwesterly along the northern boundary of said Naval Air Station, and westerly along the coast through ~~Oca~~ Oca Point, Satpon Point, Ypao and Tumon Beaches, southern boundaries of Lots No. 2030 and 2031, thence northwesterly along western boundaries of Lots No. 2031 and 2011-1 to the coastline, thence northeasterly along the coastline Bija Point and Amantes Point to the point of beginning.

(r) Municipality of Dededo.

Beginning at a point on the northwest corner of Lot No. 9990-1 running southeasterly along the west boundary of said Lot to the southwest corner, thence southeasterly to the point of intersection of the centerline of Route 9 and the eastern boundary of Lot No. 10076, thence southeasterly along the eastern boundary to the southeastern corner of said Lot, thence southeasterly to the northeast corner of Lot No. 10083, thence due South along the eastern boundary to the southeast corner of said Lot, thence southeast to the westernmost corner of Lot No. 7123, thence southeasterly to the northwest corner of Lot No. 7115, thence southwesterly along western boundary of said Lot to the southwestern corner, thence southwesterly to the northwest corner of Lot No. 7022, thence southeasterly along the western boundaries of Lots No. 7022 and 7021, to the point of junction of said boundaries with the centerline of Route 1, thence southwesterly along the centerline of Route 1 to a point on the southeast corner of Lot P10.6, thence due South through the former Marbo Base Command Area to Point "X" (on Map), thence due West to the southeastern corner of Lot No. P15.26, thence westerly along the southern boundaries of Lots No. P15.26, P15.30, 10054 (P15.34), 10053 (P14.9) and 5380 (P14.10), thence northeasterly along western boundary of Lot No. 5380 (P14.10) to the northwest corner of said Lot, thence northwesterly along southwestern boundary of Lot No. 10066 (P14.12), thence westerly along southern boundaries of Lots No. 5226, 5227, 5228, 5229 and 5230, then northwesterly along western boundary of Lot No. 5230, thence westerly along southern boundaries of Lots No. 5251, 5252 and 5253 to a point on centerline of Route 16, thence northerly along centerline of Route 16 to the point of junction of said Route and Route 1, thence northwesterly to the northernmost corner of the boundary of Harmon Village, thence northwesterly along the boundary of the U.S. Naval Radio Station, Finegayan, boundary to the coastline, thence northeasterly along the coastline to the point of beginning.

(s) Municipality of Yigo.

Beginning at a point on the northwest corner of Lot No. 9990-1 running east, southeast and southwest along the shoreline through Pajan and Morgagan Points, Tarague Beach, Pati, Mati, Anao, Catalina, Pagat and Campanaya Points to the easternmost corner of Lot No. 5354-3, Sasajyan, thence northwesterly along the northeastern boundary of said Lot to corner No. 10 of Lot No. 5354-2, thence due North through the former Marbo Base Command Area to a point on centerline of Route 1, thence northeasterly along centerline of Route 1 to point of its junction with the western boundary of Lot No. 7021, thence northwesterly along western boundaries of Lots No. 7021 and 7022, thence northeasterly to the westernmost corner of Lot No. 7115, thence northeast along the western boundary of Lot No. 7115 to the northwest corner of said Lot, thence northwesterly to the westernmost corner of Lot No. 7123, thence northwesterly to southeastern corner of Lot No. 10083, thence due North along the eastern boundary of said Lot to the northeast corner, thence northwesterly to southernmost corner of Lot No. 10076, thence northwesterly along the eastern boundary of said Lot to its intersection with the centerline of Route 9, thence northwesterly to the southwestern corner of Lot No. 990-1, thence northwesterly along the western boundary of said Lot to the point of beginning.

(t) Mongmong, Toto, Maite.

Beginning at a point on centerline of Route 8 running northerly along the west boundaries of Lots No. 1116, 2047 and 2048 to the northwest corner of of Lot No. 2043, thence easterly and northeasterly along the northern boundaries of Lots No. 2048, 2049, 2051, 2054 and U.S. Naval Air Station, Agana, boundary to corner No. 52 of said boundary, thence southeasterly through said boundary to the point of junction of Canada Road and Route 8, thence southeasterly and southerly along Canada Road to the southwest corner of Lot No. 2358, thence northwesterly along southern boundaries of Lots No. 2371, 159, 158, 150, 157, 179, 174, through Lot No. 173, thence northwesterly along the southern boundaries of Lots No. 170, 3229B, 3229A, 113, 111 and 98 to the southernmost corner of Lot No. 98, thence northwesterly along centerline of Agana River to the southeast corner of Lot No. 1152, thence northeast along the eastern boundary of said Lot to the point of beginning.

Legislative History: A combination of former §§102.1 and 102.2 of the Government Code and §15001.1 (as first designated in P.L. 3-110) of the Government Code. §15001.1 was incorporated by reference in §102.2. §15001.1 has since been duplicated, but the duplication did not repeal the for section.

Compiler's Comment: Since the boundaries listed in the first §15001.1 were made generally applicable to the whole of the government and private concerns, and since the adoption of election districts which refer to these municipal and village boundaries, the actual written descriptions of village and municipal boundaries have been placed in this first Title in the manner of the HRS.

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The reference to the "mouth" of a river is retained, since that reference is currently used by the Department of Land Management. For a further definition of river boundaries, see §830 of the Civil Code. No change has been made to existing law, except to refer to the designated map as the final authority if there is any discrepancy between this description and the map. The Department of Land Management is in the process of remapping the entire island. Even though the descriptions herein may not be wholly accurate, they have been used on documents for many years and the Department of Land Management does not wish a change in the descriptions until such time as they, and the Legislature, have finalized the island mapping system and have agreed upon new municipal boundaries. The Commission expresses no opinion as to the desirability of any particular boundary.

### §404. Title to Property.

All property within the boundaries of Guam which does not belong to any person vests to the government of Guam. Whenever title fails for want of heirs, or next of kin, the property vests in the Government of Guam.

Legislative History: Former Govt. Code §103, as modified.

Compiler's Comment: The only changes made here are to replace the term "reverts to" to "vests in" and to replace "belongs to" with "vests in the government. . .". The reason is that the former term implies that title once vested in the government of Guam. While this may be the case technically, land registration cases have generally held that private ownership actually extends to before the U.S. possession of Guam. Therefore, the term "reverts to" is not, in fact, accurate. See definition of "reverts" in Black's Law Dictionary. The term "vests in" is more correct legally than "belongs to", although this was the former law.

### §405. Immunity from Suit.

The authority and power to waive the immunity to suit of the government of Guam, or any of its authorities, departments, agencies, or instrumentalities is vested solely in the Guam Legislature.

Legislative History: Former Govt. Code §104, as modified.

Compiler's Comment: While the basic statement is unchanged, reference has been made to other entities of the government which have been created by the Legislature since the adoption of the original Section. This Section has no actual effect of waiver or lack of waiver of immunity to suit, but merely reflects the Organic Act reference to the power of the Legislature as the

sole body authorized to waive the sovereign immunity which is given by the Organic Act. Specific sections of the Codes deal with the actual waiver, such as §6500 et seq. with reference to the general government. The Legislature has created each "autonomous agency" by a separate act and has treated the question of the immunity of each such agency from suit in a separate manner.

§406. Coat of Arms.

The official Coat of Arms of Guam shall consist of an upright, two-pointed oval scene which portrays an ancient flying proa (canoe) approaching the beach near the mouth of the Agana River, with a lone coconut palm tree in the foreground. The colors of the Coat of Arms shall be as follows: yellow, which represents the sand; brown, the tree trunk and canoe; green, the palm fronds; white, the canoe sail; grey, the distant flat-topped mountains; light blue, the sky; dark blue, the water; red, the letters GUAM emblazoned across the Coat of Arms; red, the border around the outer edge and surrounding the oval.

Legislative History: (§406, §407, §408, §409)

Follows former Govt. Code §§105, 106, 107 and 108 unchanged, except that a paragraph has been added to §408 to clear up questions that have arisen when the flags of foreign consulates are flown in close proximity to, but not in the same grouping as, the U.S. or Guam flags. Also, provision for flying the territorial flag at night has been added. A suggestion was made to prohibit the flying of the flag in inclement weather. Due to the rapidly changing weather, defining "inclement" would pose considerable difficulty, and so this suggestion was not adopted.

§407. Territorial Flag.

The official territorial flag of Guam consists, on both sides, of a rectangular field of marine blue seventy-eight inches long and forty inches wide, trimmed on all sides with a border of deep red two inches in width and having in its center the Guam Coat of Arms, such Coat of Arms to be twenty-four inches high and sixteen inches wide. The territorial flag may be reproduced for unofficial purposes in smaller or larger sizes, but in such cases, the dimensions shall be in proportion to those stated herein.

The official territorial flag of Guam for holiday uses shall be the same design as stated herein, but shall be 50% larger with identical proportions as the flag described above. The holiday flag shall be displayed on official buildings and flag staffs belonging to the government of Guam on all territorial and national Holidays.

§408. Display of Guam Flag.

The territorial flag of Guam shall be displayed in the open during daylight hours, or, if properly lighted, during the hours of darkness, and during such hours shall be displayed only on buildings, flag staffs or halyards.

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The territorial flag of Guam shall be hoisted briskly and lowered ceremoniously.

When the Guam Flag is flown together with the flag of the United States on a single staff or halyard, it shall be flown below the flag of the United States.

When the Guam Flag is flown or displayed together with the flag of the United States other than on a single staff or halyard, it shall be flown or displayed either below or to the left of the flag of the United States.

When the Guam Flag is flown alone at such time as by official order the flag of the United States is being flown at half mast, the Guam Flag shall also be flown at half mast.

Representatives of foreign governments are authorized to display their respective national flags from their offices, notwithstanding the position of a nearby display of the Guam Flag, or the United States Flag.

### §409. Pledge of Allegiance to Guam Flag not Required.

No pledge of allegiance shall be required to be given by anyone to the Guam Flag.

### §410. Great Seal: Description.

(a) The Great Seal of the Territory of Guam shall consist of the Coat of Arms of Guam surrounded by the following words, letters and punctuation, encircling the outer border of the Coat of Arms in such a manner as to be read when the Coat of Arms is in a proper position: "Great Seal of the Territory of Guam, United States of America". The Great Seal shall be approximately two and five-sixteenths ( $2 \frac{5}{16}$ ) inches long.

(b) In all instances where such seal is reproduced in color, the colors of the Coat of Arms shall be as described in §1406 and the surrounding lettering shall be in black.

Legislative History: Former Govt. Code §§109 and 111, unchanged.

Compiler's Comment: The language of former Govt. Code §§109 and 111 have been combined into one section having two subsections. It seems unnecessary to have two sections on the same subject separated by one on a similar but not the same subject matter.

### §411. Custody and Use of Great Seal.

The Lieutenant Governor of Guam shall have custody of the Great Seal of the Territory of Guam and shall affix the Seal to all executive orders, proclamations and all other executive documents requiring the seal of the Territory.

Legislative History: Former Govt. Code §110 amended to reflect the change from Secretary of Guam to Lieutenant Governor. Also, this Section is conformed to similar language in this Title referring to all documents "requiring" a seal. All executive documents do not require a seal and the seal has not, in the past, been used on all executive office documents.

§412. Other Seals.

(a) There shall be a Seal for each Court of Record and the Traffic Court of the government of Guam, which seals shall be the same as the Great Seal of the Territory of Guam with the words "Great Seal of the" omitted and in their place the name of the court shall be substituted.

(b) Any agency of the government which is authorized by law to have and use its own seal, and any other department, section or agency which the Governor, in his discretion, has authorized to use a seal, shall use a seal which is in the form of the Great Seal of the Territory of Guam but omitting the words "Great Seal of the" and substituting therefor the name of the agency, department, or section authorized to use a seal.

(c) Any agency or department or branch of the government may design its own emblem representing that department, agency, or branch of the government, but the same shall not be considered its official seal.

Legislative History: Former Govt. Code §§112 and 114, with amendment.

Compiler's Comment: This Section merges old §112 and §114 of the Govt. Code. Again, it appears to be better organization to consolidate two sections having the same subject. A new subsection (c) has been added to conform to present usage wherein the courts, the autonomous agencies and even several departments have adopted "seals" other than the ones required by law. While these "emblems" give recognition to the separate interests of the various agencies using them, there is no good reason to change the present law requiring one seal having only the words changed for the officially recognized seal of the government of Guam. After all, the various agencies, branches and autonomous entities are still a part of the government of Guam. Such a requirement enhances recognition of the Territory as a whole. Each autonomous agency is created separately with a separate relationship to the government. The place of each agency in the government must be addressed separately. At such time, this Section, §405 and other applicable laws would to be amended to reflect this specific legislation. It is the intent that this Section and §405 reflect the present, though confused, situation. This is not the

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place to answer such fundamental questions. Note that the "autonomous agencies" in the Sections creating them, are specifically made a part of the government of Guam.

§413. Custody and Use of Other Seals.

The custodian of the seal or seals of the courts shall be the Clerk of the Court. The custodian of the other seals authorized under §412 shall be the head of the department, agency, section, or branch of the government whose seal it is, or his designee. The custodian shall affix such seal to all documents requiring it.

Legislative History: Former Govt. Code §113 and §115 consolidated.

Compiler's Comment: Again, two sections on the same subject matter are brought together. Also, the requirement that the Governor approve when a Department Head designates a subordinate to be custodian of that Department's seal has been deleted as inconsistent with current executive branch organization and structure of authority.

§414. Commercial Use of Seals Regulated.

It is unlawful for any person, without authority of law, to use any representation of the Great Seal or Coat of Arms of the Territory, or any government seal authorized by law, in any advertisement, letterhead, or for any commercial purpose or in any manner likely to give the impression of official territorial approval, without first having obtained a permit for that use from the Lieutenant Governor or his designee, or from the authorized custodian of the other seal desired to be used. Any person in violation of this Section is guilty of a misdemeanor.

Legislative History: Former Penal Code §310(b) enacted by P.L. 12-79 but inadvertently omitted from the new Criminal and Correctional Code. This Section was adopted from a similar provision in the California Penal Code.

§415. Name of Government.

The name of this government of this territory is the "government of Guam" and all documents prepared in the name of this government shall bear such name.

Legislative History: (§415, §416, §417, §418)

§415 is a consolidation of former Govt. Code §117 and §119 with no change in effect.

§416 repeats former Govt. Code §121.

§417 repeats former Govt. Code §122, and clarifies the method of choosing the members of the Order.



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§418 repeats former Govt. Code §175, enacted by P.L. 14-88, effective Dec. 26, 1977, and clarifies the questions of whose responsibility it is to pay for the portrait or photograph. The present Section follows the intent of P.L. 14-88.

Former Govt. Code §§118 and 120 deal with the transition from Naval Government control to the authority of the government of Guam and, as such, are obsolete.

Other Sections of former Ch. 2 of Title I, Govt. Code will be placed in more appropriate parts of the new Codes and will not be repealed until those titles are prepared. (See repealer sections to law enacting this Title.)

§416. Guam Hymn.

The composition consisting of the words and music known as the "Guam Hymn" composed by Dr. Ramon M. Sablan, is designated the territorial hymn of the Territory of Guam and shall be played, immediately after the playing of the National Anthem of the United States of America, at the commencement of all official ceremonies conducted by the government of Guam.

§417. Order of Chamorri.

There is established the "Ancient Order of Chamorri" to consist of those men and women not native to the Territory of Guam who shall have contributed substantially to the betterment of the people of Guam, or who shall have demonstrated real and sympathetic interest in the people of Guam, its history, cultures, traditions and problems. Membership in the Order shall entitle each recipient to all the courtesies of the government of Guam, and a suitably inscribed Certificate of Membership in both English and Chamorro to be signed by the Governor and attested to by the Speaker of the Guam Legislature. Members of the Order shall be chosen by the Governor and Speaker of the Legislature jointly.

§418. Governors' Portraits.

Each Governor shall have his portrait painted, or photograph taken, at government expense during his term of office for display in a government of Guam facility. The portrait is the property of the people of Guam.

## CHAPTER 7.

### Construction of this Code

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Compiler's Comment: This Chapter is a consolidation of all of the general sections on construction found in the several Codes of Guam, except those sections which relate to a specific Code, or Title, only. The purpose of such consolidation is to provide a consistent interpretation of the entire Guam Code Annotated, and to apply the sections of this Chapter to the entire Code.

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\$700	Use of Common Law Rules of Construction
\$701	Inclusiveness of this Code
\$702	Laws Not Retroactive
\$703	Provisions Similar to Existing Law
\$704	Actions Affected by this Code
\$705	(Omitted)
\$706	Official Languages
\$707	English Version Controls
\$708	Limitations
\$709	Time within which to do an Act
\$710	Seal: what is
\$711	Joint Authority of Public Officers
\$712	Authority of Deputies and Agents
\$713	"Government" defined
\$714	Amendments and Additions
\$715	Words and Terms Defined: significance of words
\$716	Authorization of Expenditures: effect
\$717	Notice; how given
\$718	Notice; actual and constructive
\$719	Constructive Notice; presumed
\$720	Headings Have No Effect
\$721	Severability
\$722	Tenure of Office Preserved
\$723	Scope of this Chapter

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\$700. Use of Common Law Rules of Construction.

Unless a different intent appears in law, or in applicable court decisions, or in this Code, the common law rules of construction shall apply to the interpretation of this Code and to all other laws of Guam; provided, that, common law rules that statutes in derogation of the common law, and penal statutes shall be strictly construed shall not apply.

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### Legislative History:

New Section. Compare Code of Civil Procedure §4, Civil Code §4, Crim. & Corr. Code §1.20 and Crim. Proc. Code §1.07; former Penal Code §§4, 5.

### Compiler's Comment:

It is recognized that the laws of Guam cannot contain all of the rules of construction that will be used in their interpretation. Neither have the courts ruled upon all questions of interpretation. Thus, some additional provision must be found and, based upon prior practice in Guam, can be found in the common law rules of interpretation. However, consistent with §101 of this Title, this Section does not adopt substantive common law, and rejects the rule, as have the Codes of Guam, that laws in derogation of the common law should be strictly construed. Such treatises as Sutherland, Statutes and Statutory Construction, 1972 ed. (or current edition), with supplements, are intended to be a guide to interpreting the laws of Guam under this Section.

### §701. Inclusiveness of this Code.

This Code establishes the law of the Territory respecting the subjects to which it relates, and its provisions and all proceedings under it are to be liberally construed with the view to effect its objects and to promote justice.

### Legislative History:

Former Civil Code §4, Code of Civil Procedure §4, Probate Code §100, Government Code §5, ¶2.

### Compiler's Comment:

This Section has been modified from the above sections to meet present conditions of this Code. This Section brings together the second sentence of §4 found in both the Civil and Civil Procedure Codes. In applying it to the whole of the Guam Code Annotated, the intent is to create one body of law to which one can refer on the topics which are covered therein. As shown by §102 and §104 of this Title, there are many different sources of Guam laws at the present time. Upon completion of this project, there should be only three sources; this Code, the Session Laws and the "Current Laws."

### §702. Laws Not Retroactive.

No part of this Code is retroactive, unless expressly so declared.

### Legislative History:

Found in former §3 of the Civil Procedure Code, §3 of the Civil Code, and an exception found in §2 of P.L. 13-186 enacting the Criminal and Correctional Code. Compare §4, Government Code.

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§703. Provisions Similar to Existing Law.

The provisions of this Code, as far as they are substantially the same as existing law, shall be construed as continuations thereof and not as new enactments.

Legislative History:

Former Government Code §2. Similar provisions in Civil Procedure Code, §4.

§704. Actions Affected by this Code.

No action or proceedings commenced before this Code, or any individual Title thereof, takes effect, and no right accrued is affected by its provisions, but proceedings therein must conform to the requirements of this Code, or any particular Title thereof, as far as possible.

Legislative History:

Former Code of Civil Procedure §8. Also, §2 of P.L. 13-186 enacting the Criminal and Correctional Code; and Government Code §4, Probate Code §3.

§705. (Omitted)

§706. Official Languages.

English and Chamorro are the official languages of Guam, provided, however, that the Chamorro language shall not be required for official recording of public acts and transactions.

Legislative History:

Former Government Code §3000.

Compiler's Comment:

Former Govt. Code §3000, as originally enacted in 1952, was a prohibition against the use of Chamorro by government employees, hence its placement in Title 4 of the Govt. Code. However, with its amendment by P.L. 12-132 in 1974, the scope of the Section was enlarged to provide a scope which is island-wide. Therefore, this Section is being placed in this Title as a provision of general coverage, together with new §707, which complements it.

§707. English Version Controls.

Wherever there is found to exist a material difference between the English version and Chamorro version of any law or public document, the English version shall be held to be binding.

Legislative History:

New Section. From §1-13, Hawaii Revised Statutes.

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Compiler's Comment:

While this question has not arisen to date, the adoption of amended Section 3000 of the Government Code (§706 of this Title) makes it seem wise to add a section dealing with the conflicts that will inevitably arise. One change from the Hawaiian law has been made. Where Hawaii involves only a "radical or irreconcilable" conflict, the Commission recommends that the English version prevail in case of only "material" difference. The term "material" has been adequately defined by the courts and seems a better standard to commence with. Hawaii, of course, has its own long history of dual languages to rely upon. Guam has none, at least legally.

§708. Limitations.

When a limitation or period of time prescribed in any existing law for acquiring a right or barring a remedy, or for any other purpose, has begun to run before the applicable Title of this Code goes into effect, and the same or any limitation is prescribed by this Code, the time which has already run shall be deemed a part of the time prescribed as such limitation by the applicable Title of this Code.

Legislative History:

Former Civil Procedure Code §9; updated to refer to the enactment of this Code by Titles.

§709. Time within which to do an Act.

The time within which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a Saturday or holiday, and then it also is excluded.

Legislative History:

Former Code of Civil Procedure §12; Civil Code §10; Govt. Code §205.

§710. Seal: what is.

When the seal of a court, public officer, department, agency or section of the Government, or notary public, or of any person, is required by law to be affixed to any paper, the word "seal" refers to an impression of such seal on the paper alone, either as a physical impression or an impression in ink.

Legislative History:

Former Civil Procedure Code §14, updated.

Compiler's Comment:

The former §14, CCP, referred to a "seal" as including what we normally regard as a Seal, a direct impression on paper, in addition to the older impressions in wax or on a wafer. The wax

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or wafer seal has long ceased to be in common usage, and the latest usage practiced in a number of states, including California, is a rubber stamp impression of the seal on the paper in question. Thus, this new section no longer refers to wax or wafers, but does permit ink impressions from a stamp.

§711. Joint Authority of Public Officers.

Words giving a joint authority to three or more public officers or other persons are construed as giving such authority to a majority of them, unless it is otherwise expressed in the act granting the authority.

Legislative History:

Former Civil Procedure Code §15.

§712. Authority of Deputies and Agents.

Whenever a power is granted to, or a duty is imposed upon, a public officer the power may be exercised or the duty may be performed by the deputy of the officer, or by a person authorized, pursuant to law, by the officer unless this Code provides otherwise.

Legislative History:

Former Government Code §7. From Govt. Code of California, §7. The original act clearly refers, in California, to those who are in a position of "second-in-command" to the department or agency head.

§713. "Government" Defined.

"Government" means the government of Guam and all of its branches.

Legislative History:

Former Government Code §18. This Section reflects the present status of "autonomous agencies." If any change is made, it will be made in the portions of the law specifically dealing with these agencies.

§714. Amendments and Additions.

Whenever any reference is made to this Code or to any other law of Guam, the reference applies to all amendments and additions now or hereafter made.

Legislative History:

Former Government Code §9.

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### §715. Words and Terms Defined: significance of words.

Words used in this Code in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation, firm, association, organization, partnership, business trust or company unless this Code otherwise provides; writing includes printing, typewriting and physical copy from electronic media; oath includes affirmation and declaration; and every mode of oral statement, under oath or affirmation, is embraced in the term "depose"; signature or subscription includes mark, when the person cannot write, his name being written near it by a person who writes his own name as a witness, provided that when a signature is by mark it must, in order that the same may be acknowledged or may serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witnesses thereto.

The following words have in this Code the meaning attached to them in this Section, unless otherwise specifically provided or apparent from the context:

1. The word "property" includes both real and personal property;
2. The words "real property" are coextensive with lands, tenements and hereditaments;
3. The words "personal property" include money, goods, chattels, things in action, and evidence of debt;
4. The word "month" means a calendar month unless otherwise expressed;
5. The word "will" includes codicil;
6. The word "writ" signifies an order or precept in writing, issued in name of the government, or of a court or judicial officer, and the word "process" a writ or summons issued in the course of judicial, or quasi-judicial proceedings;
7. The word "affinity" when applied to the marriage relation, signifies the connection existing in consequence of marriage, between each of the married persons and the blood relative of the other;
8. The phrase "dissolution of marriage" includes divorce;
9. "Shall" is mandatory and "may" is permissive.
10. "Section" means a section of this Code unless some other statute is specifically mentioned. "Subsection" means a subsection of the section in which the term is used unless some other section is specifically mentioned.

### Legislative History:

Former Code of Civil Procedure §17; Civil Code §17 and Government Code §§8, 10, 11, 12, 13, 14, 15, 16 and 18; updated to refer to various forms of electronic printing and computer output. Note that "subdivision" (Govt. Code §10) is not used here, as this term is used differently in the Guam Code Annotated than in the Government Code.

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§716. Authorization of Expenditures; effect.

A law which "authorizes" the expenditure of funds, but which does not appropriate those funds authorizes the department, agency or person to whom the authorization is directed to take all necessary steps to accomplish the terms of the law except the obligation or expenditure of the funds which have been authorized, but not appropriated.

Legislative History:

A new Section.

Compiler's Comment:

Up to the present, there has been much doubt as to the effect, if any, of a bill authorizing an program and authorizing, but not appropriating funds to carry out that program. In many instances such bills have been ignored completely. In other instances hardship has been caused to the agency receiving the authorization because an obligation was made and lesser funds were appropriated than were obligated under the authorization. This section is designed to correct both extremes, guiding both the Legislature and the affected parties in their actions under a "fund authorization",

Thus, if funds were authorized to finance a program granting some benefit to a group who met certain statutory criteria the designated agency could commence screening to determine those who meet the criteria, up to the ceiling established by the authorization. Then the agency would present to the legislature those who had qualified so that the Legislature can appropriate the exact amount required. See Train v. City of New York, 95 S.Ct. 839, 420 U.S. 35 (1974).

The Attorney General has suggested that the Legislature be required to appropriate funds when creating new burdens on existing budgets. While this would be a good idea, this type of requirement cannot be placed in law because, in reality there would be so many amendments to the requirement that the code section would become obsolete shortly after its passage.

§717. Notice; how given.

Wherever any Territorial law or rule provides for the giving of notice or service of legal process by registered mail, or for service of notice or legal process and proof of mailing or proof of delivery, the sending of such notice or service of such legal process may be made by means of certified mail, return receipt requested and deliver to addressee only. Should the U.S. Postal Service, in the future, provide a similar service under a different designation, such designated service shall be sufficient notice under this Section if such service provides for written proof of mailing, written proof of delivery and restricted delivery to the addressee only.



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Legislative History:

Compare California Probate Code §5 and HRS §1-28.

Compiler's Comment:

In addition to references contained in both the Hawaii and California statutes to "certified mail", reference is made to future contingencies within the postal service. Since statutes similar to this one were required to be enacted when the Postal Service created "certified mail" as a less expensive option providing the essential (for purposes of this Section) services of Registered Mail, it is desirable to permit the same essential service under this Section regardless of what it is called by the Postal Service. Thus, this law concerns itself with the quality of service provided, not the name of the service.

§718. Notice: actual and constructive.

Notice is:

Actual - which consists of express information of a fact; or  
Constructive - which is imputed by law.

Legislative History:

Former Civil Code §18.

§719. Constructive Notice: presumed.

Every person who has actual notice of circumstances sufficient to put a prudent man upon inquiry as to a particular fact, has constructive notice of that fact itself in all cases in which, by prosecuting such inquiry, he might have learned such fact.

Legislative History:

Former Civil Code §19.

§720. Headings have no Effect.

Title, division, part, chapter, article and section headings and tables of contents do not in any manner affect the scope, meaning, or intent of the provisions of this Code.

Legislative History:

Former Government Code §6. See also Crim & Corr. Code §1.36 and Crim. Proc. Code §5.13.

§721. Severability.

If any of the provisions of this Code, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any other provision or application of this Code which can be given effect without the invalid provision or application, and to this end the provisions of this Code are severable.

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Legislative History:

Identical to Crim. Proc. Code §1.05, Crim & Corr. Code §1.12 and similar to former Govt. Code. §19.

Compiler's Comment:

While this Section has appeared only in the codes cited above, court decisions have assumed its existence with respect to all codes and laws of Guam unless there were special circumstances indicating that the provisions in question were not severable. See People v. Camacho, Guam Supreme Court Crim. Case #4F-75 (1975). In this, the only decision of the Guam Supreme Court, the Court found that because the appointment power of the Special Prosecutor was invalid, the exercise of the powers by him was invalid and that the first was inseparable from the whole scheme of the statute. Thus, the whole Act and indictments brought under the Act were held invalid.

§722. Tenure of Office Preserved.

All persons who, at the time any Title of this Code takes effect, hold office under any of the acts repealed by this Code, which offices are continued by this Code, continue to hold them according to their former tenure.

Legislative History: Former Government Code §3.

§723. Scope of this Chapter. This Chapter shall apply to this Code, as the titles thereof become law, and to the Government Code, Civil Code, Code of Civil Procedure and Probate Code, so long as the latter Codes remain outside of the Guam Code Annotated. The definitions found in this Chapter shall apply to the Criminal and Correctional Code, to the Criminal Procedure Code, which are Titles 8 and 9 of this Code, and to the Uniform Commercial Code, which is Title 13 of this Code, only if the definitions of this Chapter are consistent with the definitions contained in Titles 8, 9, and 13 of this Code.

Legislative History: New Section.

Compiler's Comment: This Section is required to insure that this Chapter is seen to cover all the Codes of Guam existing at the time this Title is enacted, not only the GCA. The sections replaced by this Chapter are repealed from the Codes affected so that there are not two definitions, or sometimes three, enacted at one time on one subject. Several of the definitions contained herein are combinations of definitions from three codes and differ, in form, from all three. Therefore, to have these definitions, and the Code definitions enacted at the one time would cause much confusion.

Title 1 GCA, Ch. 10

CHAPTER 10.

Holidays, Festivities, Time, etc.

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Compiler's Comment: This Chapter follows existing law very closely. What has been done is to reconcile the various amendments, additions and deletions which have been made to Chapter 3 of Title 1 of the Government Code of Guam. Over the years there have been a number of sections of Chapter 3 of the Government Code which have been duplicated, but not repealed and sections which have not been amended to coincide with amendments made elsewhere in the law. These have been corrected in this Chapter of the Guam Codes Annotated.

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\$1000	Holidays
\$1001	Holidays Falling on Weekends
\$1002	Transactions of Public Business on Saturday
\$1003	Special or Limited Holidays; transaction of business on.
\$1004	Certain Acts Need Not be Done on Holidays
\$1005	Calendar
\$1006	Leap Years
\$1007	Year and its Parts
\$1008	Month, Week, Day defined
\$1009	Money of Account
\$1010	Standard Time
\$1011	Liberation Day
\$1012	Guam Island Fair
\$1013	Guam Island Fair Committee
\$1014	Guam Youth Week
\$1015	Teachers' Appreciation Day
\$1016	Farmers' Appreciation Day
\$1917	Gubernatorial Inauguration Day
\$1018	Legislative Inauguration
\$1019	Gold Star Mothers' Day
\$1020	Earth Week
\$1021	Atbot de Fuego (Flame Tree) and Arbor Day Week
\$1022	Guam Flower
\$1023	Guam Bird
\$1024	Guam Tree
\$1025	Guam Discovery Day
\$1026	Marianas Fishing Derby
\$1027	White Cane Day

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§1000. Holidays.

The holidays of this Territory are:

1. Every Sunday.
2. Christmas Day, December 25.
3. New Year's Day, January 1.
4. Presidents' Day, third Monday in February.
5. Good Friday.
6. Memorial Day, last Monday in May.
7. Independence Day, July 4.
8. Liberation Day, July 21.
9. Labor Day, first Monday in September.
10. Guam Discovery Day, first Monday in March.
11. Columbus Day, second Monday in October.
12. Veterans' Day, November 11.
13. Thanksgiving Day, fourth Thursday in November.
14. Every day on which an election is held throughout Guam, except for elections to the Youth Congress.
15. Lady of Camarin Day, December 8.
16. Every day appointed by the President of the United States or the Governor of Guam for a public fast, thanksgiving day or holiday.

Legislative History:

This Section reflects an updating of §200 of the Government Code to take into account P.L. 14-117, which returns Veterans' Day to November 11th, a change of name from Washington's Birthday to "Presidents' Day" to reflect the new national name for the combined holidays of Lincoln's and Washington's Birthdays, and the removal of two references to Labor Day.

§1001. Holidays Falling on Weekends.

If any of the holidays enumerated in §1000 (2) through (13) inclusive and (15) of this Chapter, falls upon a Sunday then the following Monday is a holiday, and if any of such holidays falls on a Saturday then the preceding Friday is a holiday.

Legislative History:

Former Government Code §201 simplified. Exclusion of election-day holidays added by P.L. 11-42.

Compiler's Comment:

Instead of adding a clause excluding Saturday elections from coverage of this Section, this Code merely omits reference to the enumerated election-day holiday (14) in providing for weekday holidays when the actual day falls on a weekend. The intent is identical.

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§1002. Transaction of Public Business on Saturday.

Every Saturday is a holiday as regards the transaction of business in the public offices of the government where laws or other regulations provide that public offices be closed on holidays. This Section shall not be construed to prevent or invalidate the issuance, filing, service, execution, or recording of any legal process or written instrument during such period.

Legislative History:

Former Government Code §202.

§1003. Special or Limited Holidays; transaction of business on.

A Special or Limited Holiday is a holiday applying only to a special class or classes of business, or a special class or classes of persons, and not appointed to be generally observed throughout the Territory by all classes of business and all classes of persons.

On any Special or Limited Holiday appointed by the President of the United States or the Governor of Guam, all courts and offices of the government shall be open and function in their normal and usual manner. All other public functions shall be performed as on days which are not holidays, and all contracts shall be performed and business transacted as usual, except only as to or by the particular class of business or persons expressly limited or restricted by the provisions of the proclamation appointing or declaring such special or limited holiday.

Legislative History:

Former Government Code §203 with reference to political subdivisions and municipalities is omitted, as this was a copy of a former California statute. At this time, Guam has no political subdivisions or municipalities which are separate political entities.

§1004. Certain Acts Need Not Be Done on Holidays.

Whenever any act of a secular nature, other than a work of necessity or mercy, is appointed by law or contract upon a particular day which falls on a holiday, such act may be performed upon the next business day with the same effect as if it had been performed upon the day appointed.

Legislative History:

Former Government Code §204; Code of Civil Procedure §13; Civil Code §11.

§1005. Calendar.

Time is computed according to the Gregorian or new style, and January 1st in every year is reckoned as the first day of the year.

Legislative History:  
Former Government Code §206.

§1006. Leap Years.

The years 1900, 2100, 2200, 2300, or any other future hundredth year, of which the year 2000 is the first, except only every fourth hundredth year, are not leap years, but common years of 365 days. The years 2000, 2400, 2800 and every other fourth hundredth year after 2000 and every fourth year, except as provided in this Section, which, by usage in this Territory is considered a leap year, is a leap year consisting of 366 days.

Legislative History:  
Former Government Code §207.

§1007. Year and its Parts.

"Year" means a period of 365 days; "half year" means a period of 182 days; and "quarter year" means 91 days. The added day of a leap year, and the day immediately preceding, if they occur in any such period, shall be reckoned together as one day.

Legislative History:  
Former Government Code §208.

§1008. Month, Week and Day defined.

"Month" means a calendar month unless otherwise expressed. A "week" consists of seven consecutive days. A "day" is the period of time between any midnight and the midnight following. "Midnight" of any given day is 12:00 post meridian (p.m.), the end of the day.

Legislative History:  
A combination of former Government Code §§ 209, 210, 211 and 1100.1.

Compiler's Comment:

Sections 209-211 were a part of the original Government Code. In 1959 the Legislature saw fit to add the definition of "midnight" of a given day in reference to the Governor's action on legislation. There is no good reason why such a definition should not be made uniform throughout the whole Code, and is therefore placed in this Chapter. Thus, midnight on Monday would occur at that moment ending Monday and commencing Tuesday.

§1009. Money of Account.

The money of account of this Territory is the United States dollar and cent. Public accounts and all proceedings in courts shall be kept

and had in conformity with this Section. This Section does not vitiate or affect any account, charge, or entry originally made, or any note, bond, or other instrument expressed in any other money of account; but such account, charge, or entry shall be reduced to dollars, or parts of dollars in any suit upon it.

Legislative History:

A combination of former Government Code §213 and §214.

§1010. Standard Time.

The standard time throughout Guam for the whole year shall be that of the one hundred fiftieth meridian of longitude east from Greenwich (150°E). Such time shall be known as Guam Standard Time. The Territory of Guam is hereby exempted from the provisions of Section 3(a) of the Uniform Time Act of 1966 (Public Law 89-387).

Legislative History:

Enacted by P.L. 5-25; 03/23/59. Amended, though amendment was uncodified, by P.L. 9-58; 05/01/67. Present Section gives effect to P.L. 9-58, though in simpler language.

Compiler's Comment:

The United States Congress enacted the Uniform Time Act of 1966 and included Guam within the definition of a State. By so doing, the Act required that Guam either follow the provisions of §3(a) of the Act which required all of the United States to go on Daylight Savings Time at the same time and go off Daylight Savings Time at the same time each year or exempt itself from such provisions and remain on Standard Time the whole year. Guam, by P.L. 9-58 (uncodified, but noted in the 1970 Govt. Code, Vol. 1, §223) placed Guam on permanent Standard Time. Thus, the Governor has no further authority to promulgate Daylight Savings Time by Executive Order.

While the Uniform Time Act of 1966 did establish that Guam was to be treated as a State for purposes of going on and off Daylight Savings Time, it did not set as Standard Time Zone for Guam. This is because the time zones established ended with the zone centered around 150°W Latitude. Guam, of course, sits at about 144°E Latitude. Therefore, the Legislature may take three courses of action. It may keep existing law and have Guam remain on Guam Standard Time throughout the year. It may repeal the last sentence of this sentence of this Section, whereupon Guam will automatically, under Federal law, go on and off Daylight Time along with the rest of the U.S. (except for those states, such as Hawaii, which have exempted themselves - as Guam has - from the Federal provisions). Thirdly, the Legislature can keep the year-round Standard Time and alter the meridian around which Guam's time is determined so that, say, Guam Standard Time would be advanced by one hour or one-half hour year round. In any event, Guam must abide by the Federal Law in following, or not following Daylight Savings Time.

§1011. Liberation Day.

(a) Liberation Day is a legal holiday declared in commemoration of the anniversary of the liberation of Guam from the Japanese Occupation on July 21, 1944 and the inauguration of civil government in Guam on July 21, 1950.

(b) The Governor is authorized and requested to issue annually a proclamation calling upon the people of Guam to observe Liberation Day by displaying the flag at their homes or other suitable places, with appropriate ceremonies and festivities expressive of the public sentiment befitting the occasion.

Legislative History:

Former Government Code §220 and §221 with omission of a redundancy establishing the holiday twice. The actual establishment of the Liberation Day Holiday is accomplished by §1000 of this Chapter.

§1012. Guam Island Fair.

(a) The Governor is authorized and requested to issue a proclamation calling upon the people of Guam to observe annually a Guam Island Fair which shall run concurrently with and incorporate the July 4th (Independence Day) and the July 21st (Liberation Day) holidays.

(b) During the period that the Governor proclaims the Guam Island Fair, all forms of gambling or contrivances which generally fall under the category of games of chance and which are located at the designated fairgrounds are exempted from any prohibitions of Chapter 64 of the Criminal and Correctional Code, provided, that, licenses issued pursuant thereto shall be valid only for the duration of the Guam Island Fair and provided, further, that no types of casino gambling or heavy gambling permitted. "Heavy gambling" means gambling in amounts in excess of those limits set by the organizing committee and approved by the Governor.

Legislative History:

Enacted as P.L. 13-151; grammar corrected and references to laws updated.

Compiler's Comment:

This Section was enacted in response to widespread interest in continuing forms of light gambling used at the time of the Guam Island Fair to raise money for the various public and charitable institutions which use the Fair to raise money. Also, it was recognized that the July 4th and Liberation Day fairs had expanded towards each other so that it was appropriate to have only one fair encompassing the two dates.

However, §2 of P.L. 13-151 was omitted from the new Criminal and Correctional Code due to the fact that the Criminal & Correctional Code was in the Legislature, with all corrections



made to it, when this law was passed. Rather than amending that Code with this exception, it is thought better to incorporate the exception to the gambling provisions of the Criminal Code (made by P.L. 13-151) into this Section dealing with the same subject, rather than separating the two. Obviously, this Section must be read together with Chapter 64 of the Criminal and Correctional Code in order to get a fair meaning of both. See Opinion of the Attorney General 78-22.

§1013. Guam Island Fair Committee.

The Governor is authorized and requested to annually appoint a Guam Island Fair Committee to plan and make appropriate arrangements for the celebration of this Fair. The Committee shall be composed of members of patriotic, religious, or other civic organizations. In lieu of such Committee, the Governor may designate one or more such civic organizations as sponsors to plan and arrange for the Fair.

All net proceeds shall be donated to a worthy public cause or causes as the committee or the sponsoring organization(s), as the case may be, determine.

The government may furnish a suitable site, if needed, but neither it nor any agencies, instrumentalities, nor employees may otherwise participate in the planning and preparation for the Island Fair during working hours or use government supplies or equipment; provided, that employees or participating departments or agencies may be given a limited time to prepare departmental or agency floats for the designated parades. Unless appropriated by the Legislature, or approved by the governing board of applicable autonomous agencies, no government funds or materials shall be used in the preparation of these floats.

Legislative History:

Former Government Code §222, updated to refer to Island Fair; with additional amendments.

Compiler's Comment:

In addition to updating this Section to make reference to §1012 of this Chapter, the Commission has clarified and detailed the prohibition on Government participation in the planning and organization of the Fair. The former single sentence prohibition has been widely and regularly circumvented, with some employees of the government spending much of their time on preparation for the fair. This is not intended. However, since floats are of great public interest and have become an integral part of the parades held during the Island Fair, and are not revenue-producing for the charitable committee operating the Fair, there seems no harm in permitting employees some time off, as now widely occurs, to prepare these floats, so long as government material and tools are not used.

§1014. Guam Youth Week. (a) The week in April ending on the last Saturday in April shall be known as Guam Youth Week and is hereby made a special week in Guam in commemoration of the accomplishments of Guam's young people and in observation of Guam's hopes and aspirations for the youth of Guam. The Governor is authorized and requested to issue annually a proclamation calling upon the people of Guam to observe Guam Youth Week with appropriate ceremonies and festivities expressive of the public sentiment befitting the occasion. Guam Youth Day shall be the last Saturday of April, which shall also be the last day of Youth Week.

(b) A Guam Youth Week Committee, under the general supervision of the Department of Youth Affairs, or any other suitable agency designated by the Governor, consisting of the president, secretary and treasurer of the student council, or its equivalent, of the public and private high schools of Guam, shall organize the activities of Youth Week. The Chairmanship of the Youth Week Committee shall be on a rotational basis so that a different high school has one of its representatives as the Chairman each year.

(c) All proceeds collected from activities during Youth Week may be expended for the operations of Youth Week, and all unexpended funds and non-expendable items remaining after the conclusion of Youth Week shall be used by the Department of Youth Affairs for ensuing Youth Weeks or for the benefit of the youth of Guam during the year.

(d) The Certifying Officer of the Department of Youth Affairs, or other agency designated by the Governor, shall be the Certifying Officer for the Youth Week Committee. The department or agency shall oversee the disbursement of funds, establishment of records, administration of revenues, provide manpower as needed, insure the compliance of the reporting dates and provide other logistical support as needed.

Legislative History:

Former Government Code §224, as amended by P.L. 14-14 and P.L. 15-14 and similar annual appropriations for Youth Week. The Committee referred to in former Govt. Code §224 has not existed for some time.

Compiler's Comment:

This Section incorporates the administrative provisions of P.L. 14-14, and has designated the new Department of Youth Affairs as the logical oversight body, but permits the Governor to designate any other appropriate oversight body as he deems fit.

This new Section makes future "administrative provisions" unnecessary. This Section contains all such provisions as are necessary for the annual conduct of Youth week, which, like the Island Fair, has expanded over the years from one day to a week's worth of activities.

§1015. Teacher Appreciation Day.

The first Saturday in May of each year shall be known as Teacher Appreciation Day, and is made a special holiday in Guam in commemoration of the services rendered by the teachers of Guam to the children of Guam. The Governor is authorized and requested to issue a proclamation annually calling upon the people of Guam to observe Teacher Appreciation Day. The Governor shall appoint a Teacher Appreciation Day Committee to plan and make appropriate arrangements for the celebration of this day.

Legislative History:

Former Government Code §225, as added by P.L. 8-130 (1966).

§1016. Farmers Appreciation Days.

The last Saturday in March in each year and the Sunday immediately following shall be known as Farmers Appreciation Days, and are hereby declared a special holiday in Guam in commemoration of the accomplishments of the farmers of Guam. The Governor shall issue a proclamation calling upon the people of Guam to observe such event and shall appoint a committee to plan and make appropriate arrangements for the observing of this holiday.

Legislative History:

Former Government Code §226, as added by P.L. 8-170 (1966).

§1017. Gubernatorial Inauguration Day.

The first Monday in January of every fourth year, beginning with January 1971, is a holiday designated the "Gubernatorial Inauguration Day", on which day the Governor and Lieutenant Governor elected in the general election preceeding such day shall be sworn into office. The inauguration ceremony shall be arranged by the Governor-elect's Transition Committee, which shall coordinate its planning with the incumbent governor.

Legislative History:

Former Government Code §204.1 with reference to Transition Committee added to conform with former Govt. Code §5010, the latter of which was added by P.L. 10-111, and amended by P.L. 12-188. This Section was created by P.L. 10-107 (1970).

Compiler's Comment:

Former Government Code 204.1 was added before the creation of the Transition Committee was created. This Transition Committee is an official government entity. Recent practice has given more and more control over the inauguration to this Committee, rather than to the incumbent Governor. Therefore, this Section has been amended to reflect both recent practice and the creation of the Transition Committee.

§1018. Legislative Inauguration.

In those years when the opening of a new legislature falls on the same day as does the inauguration of a governor, the inauguration ceremonies of the Legislature shall be coordinated with the Governor-elect's Transition Committee so that there is no conflict between the two ceremonies and so that the two may be one ceremony if this is the desire of the Committee and the Legislature. In those years that the opening of the Legislature does not coincide with the inauguration of a governor, the ceremonies shall be the sole responsibility of the Legislature.

Legislative History:

New Section required by P.L. 13-73.

Compiler's Comment:

Following confusion which occurred because, in 1974 the new Governor's term overlapped the term of the old legislature by one week, former Govt. Code §1015 was amended so that the Legislature convenes on the same day the new Governor is inaugurated. Because of this, two important ceremonies will be conducted on the same day. It is felt that the relationship between the two should be spelled out in law to provide guidance to all the parties concerned. Of course, these problems will occur only during years in which a Governor is inaugurated. In other years, the Legislature is free to plan according to its wishes alone.

§1019. Gold Star Mothers' Day.

The second Sunday in August of each year shall be known as "Gold Star Mothers' Day", and is made a special holiday to be observed throughout the Territory to commemorate the mothers of those men and women who gave their lives to their country while serving with the Armed Forces of the United States in time of war. The Governor is authorized and requested to issue a proclamation each year calling upon the people of Guam to appropriately observe this day, and he shall appoint a Gold Star Mothers' Day Committee to plan and arrange such annual celebration.

Legislative History:

Former Government Code §227, amended to use the language "authorized and requested", which is uniform throughout this Chapter and agrees with some, but not all, former sections calling for proclamations commemorating special days, or weeks.

§1020. Earth Week.

(a) The third week of April of each year is hereby designated as "Earth Week", a week to review and assess environmental progress and to determine what further steps must be taken, to continue an island-wide effort of education on environmental problems, and to renew the commitment of each citizen to restoring and protecting the quality of Guam's environment.

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(b) The Governor is hereby authorized and requested to issue annually a proclamation calling upon all interests, including education, agriculture, business, labor, government, civic and private organizations and individuals to observe "Earth Week" by joining together for a continuing commitment, and in a cooperative effort, to preserve the integrity and livability of Guam's environment.

(c) The Governor is authorized and requested to appoint an "Earth Week" Committee to plan and make appropriate arrangements for the observation of Earth Week. Said Committee shall be composed of members of civic organizations which concern themselves with preserving the integrity and livability of Guam's environment.

Legislative History:

A combination of former Government Code §§228 through 228.2.

§1021. Atbot de Fuego (Flame Tree) and Arbor Day Week.

The first week of June in each year shall be known as "Atbot de Fuego (Flame Tree)" and "Arbor Day" Week in commemoration of the natural beauty of the flame trees of Guam. The Governor is authorized and requested to issue a proclamation calling upon the people of Guam to observe such event, and he shall arrange for appropriate ceremonies for the observance of such week.

Legislative History:

Former Government Code §229.

§1022. Guam Flower.

There shall be and is hereby adopted an official Territorial flower which shall be the local flower known as "Puti Tai Nobio".

Legislative History:

Former Government Code §123, added by P.L. 9-222 (1968).

§1023. Guam Bird.

The local bird known as the "Totot" (Ptilinopus) is the official Territorial bird.

Legislative History:

Former Government Code §125, added by P.L. 10-52 (1969).

§1024. Guam Tree.

The local tree known as the "Ifit" (Intsia Bijuga) is the official Territorial tree of Guam.

Legislative History:

Former Government Code §124, added by P.L. 10-26 (1969).  
See P.L. 13-83 which protects endangered and threatened species  
of both plants and animals.

§1025. Guam Discovery Day.

(a) The first Monday of March in each year shall be known as "Guam Discovery Day" and is hereby made a legal holiday in the Territory of Guam in commemoration of the discovery of Guam by Europeans. The Governor is authorized and requested to issue annually a proclamation calling upon the people of Guam to observe Guam Discovery Day by displaying their flag at their homes or other suitable places.

(b) Those days commencing on the first Monday of March and ending eight days later in each year are hereby designated "Chamorro Week", a week to examine and reflect upon Guam's beautiful but fast disappearing culture and to review and assess the trials and tribulations behind the creation and development of Guam's civil government and political system, and to renew commitment of the people of Guam to the ideals of a free political system. The first day of "Chamorro Week" shall be set aside for commemoration activities of Guam Discovery Day. The Governor is authorized and requested to issue annually a proclamation calling upon the people of Guam to observe "Chamorro Week" with appropriate cultural and civic activities expressive of the public sentiment befitting the occasion.

(c) The Governor is further authorized and requested to appoint annually a committee to plan and make appropriate arrangements for the observation of "Chamorro Week". Said committee shall be composed of members of patriotic, educational, religious and other civic organizations joining together to plan appropriate cultural and civic activities that will demonstrate continuing interest in the study and preservation of the Chamorro culture and continuing commitment of the people of Guam to the ideals of a free political system. In lieu of such committee, the Governor may designate one or more such civic organizations as sponsors to plan and make arrangements. Any net proceeds shall be donated to a worthy public cause or causes as the committee and sponsoring civic organization, as the case may be, shall determine. The Government of Guam may furnish a suitable site, if needed, but shall not otherwise participate.

Legislative History:

Former Government Code §229 combined with former Govt. Code §230 and §231.

Compiler's Comment:

Two duplicate sections relative to Discovery Day exist. Former Govt. Code §229 merely established the Day. Former Govt. Code §230 enacted by the same Public Law 12-71, created both the Guam Discovery Day and Chamorro Week. There is

no need for two such sections to exist simultaneously and, therefore, the two have been merged into this one Section. Further, the Law Revision Commission has added the words "by Europeans" after "... Discovery of Guam..." as a fair description of whose discovery is celebrated. Obviously, Discovery Day is not celebrating the discovery of Guam by the original inhabitants, who were present to greet Magellan upon his arrival at (discovery of) Umatac Bay.

§1026. Marianas Fishing Derby.

(a) There shall be a Marianas Fishing Derby held annually, which event shall be promoted as a tourist attraction for visitors to Guam and as an outdoor recreational activity for the people of Guam. The Governor shall appoint a Marianas Fishing Derby Committee composed of fishermen and other interested individuals, which Committee shall choose annually a period for such derby and shall plan, organize and promote it. The Governor, following selection of the dates by the Committee, shall issue a proclamation calling upon the sports fishermen of Guam of the Pacific to take part in this event.

(b) The "Marianas Fishing Derby Fund" is created to be expended for the purposes of promoting and operating the derby. The fund shall be expended upon authorization by the Marianas Fishing Derby Committee. The Marianas Fishing Derby Committee is authorized to accept donations and grants which shall be deposited in the Fund.

Legislative History:

Former Government Code §233 and 233.1.

Compiler's Comment:

As has been done with other portions of this Title, the Commission recommends that sections of the former Government Code dealing with parts of the same subject matter be consolidated into one section. This way, there is less likelihood of confusion when reading the various sections. The Marianas Fishing Derby was created by P.L. 13-203 (12/13/76) and the Marianas Fishing Derby Fund was added by P.L. 14-58 (08/29/77).

§1027. White Cane Days.

Each year, the Governor is authorized and requested to publicly proclaim the second Saturday and Sunday of April as White Cane Safety Days. He shall issue a proclamation in which:

(a) Comments are made upon the significance of White Cane Safety Days;

(b) Residents of Guam are called upon to observe the provisions of Sections 54.2 through 54.8 of the Civil Code relative to the rights of visually handicapped persons and to take precautions necessary for the safety of disabled persons;

(c) Residents of Guam be reminded of the policies with respect to disabled persons declared in Sections 54.2 through 54.8 of the Civil Code and in which he urges the residents to cooperate in giving effect to them.

(d) Emphasis shall be made on the need of the residents to be aware of the presence of disabled persons in the community and to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places, places of public accomodation, amusement and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.

(e) It is the policy of the Territory to encourage and enable blind persons, visually handicapped persons, and other physically disabled persons to participate fully in the social and economic life of Guam and to engage in remunerative employment.

Legislative History. From Section 54.7 of the Civil Code, enacted by P.L. 11-96.

Compiler's Comment. This section was formerly contained in Section 54.7 of the Civil Code in a new group of sections dealing with the rights of blind persons. This Section should be in this Title along with the rest of the special days and events, rather than in the Civil Code.



CHAPTER 13

"Guma Onra" - Guam Hall of Fame

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Compiler's Comment: This Chapter is almost a verbatim continuation of former Title 1, Chapter 4 of the Government Code, §300 through §313. Note that §300 of the former Government Code appears twice, the first appearance being a regulation of vending machines. This first appearance has not been repealed by this Chapter, and will be placed elsewhere in the Guam Codes Annotated.

The only difference between this Chapter and the former Chapter 4 of the Government Code, Title 1, is made in §1302 of this Chapter. The change lessens the required frequency of Commission meetings to once a year. It seems that the Commission is able to call additional meetings as the need arises. Due to the purpose of the Commission, it is doubtful that, once it becomes operational, frequent meetings will be required.

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§1300	Legislative Findings
§1301	Guma Onra Commission
§1302	Commission Meetings
§1303	Acts of the Commission
§1304	Compensation of the Commission
§1305	Commission Rules and Regulations
§1306	Categories of Persons Eligible for Nomination
§1307	Nominations
§1308	Screening and Inducting Nominees
§1309	Commission Staffing
§1310	Special Provisions
§1311	Select Committee
§1312	Inscription "Guma Onra"
§1313	Appropriations Authorized

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§1300. Legislative Findings.

In the emergence of the Territory of Guam as a viable community, there were exemplary achievements, acts and deeds done by men and women, young and old, indigenous and non-indigenous which contributed to making Guam what it is today. These achievements, acts and deeds, in many cases, are now part of the Territory's history, tradition or heritage worthy of public recognition and deserve to be memorialized in a fitting manner for the present and future generations. Therefore, a means should be devised through which appropriate honor and recognition can be officially conferred and preserved for posterity.

Title 1, GCA, Ch. 13

It is the wishes of the people of Guam that there shall be established a Hall of Fame to be known as the "Guma Onra" which shall serve as an official repository for public recognition, honor and awards accorded such persons whose exemplary, distinguished or meritorious acts, deeds or achievements have, in some way, contributed, enriched or enhanced the history, culture, heritage or the social, political or economic development of Guam.

It is the intent of the Legislature that the criteria for induction into the Guma Onra be of the highest standards. A person may be inducted into the "Guma Onra" only after he or she has met certain criteria.

§1301. Guma Onra Commission.

There is hereby established a Guma Onra Commission which shall consist of eleven members all citizens of the United States and residents of the Territory of Guam. Each member to be eligible for appointment shall also (1) have resided on Guam for at least five years; (2) have demonstrated knowledge of the culture and history of Guam, past and present; and (3) must be of good character. The Commission members shall be appointed by the Governor with the advice and consent of the Legislature, each member to serve for a term of three years. The Chairman shall be elected by a majority vote of the members of the Commission. A Vice Chairman and Secretary shall be elected in like manner.

§1302. Commission Meetings.

The meetings of the Commission shall be held at least once a year. Other meetings may be called by the Chairman or upon the affirmative vote of six members. All meetings shall be subject to the Open Government Law.

§1303. Acts of the Commission.

The affirmative vote of six members of the Commission shall be necessary for the validity of any of its acts.

§1304. Compensation of the Commission.

The members of the Commission shall be compensated Twenty-Five Dollars for each meeting they attend not to exceed two meetings per month. The members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as certified by the Chairman, but in no event to exceed the established per diem rates of the government.

§1305. Commission Rules and Regulations.

The Commission shall promulgate reasonable rules and regulations consistent with the laws of the United States and this Territory to govern its own operations and for the purposes of carrying out its duties, powers and responsibilities herein conferred and for the promulgation of criteria consistent with the guidelines of this Chapter.

§1306. Categories of Persons Eligible for Nomination.

The Commission shall accept nominations of persons for induction into the Guma Onra who have excelled or made extraordinary and meritorious contributions to Guam in their fields of endeavor from any of the following categories:

- (a) Medicine and Health;
- (b) Youth, meaning persons under 25 years of age;
- (c) Senior Citizens, meaning persons 55 years of age and older;
- (d) Business, Commerce, Tourism and Economic Development;
- (e) Arts and Sciences;
- (f) Athletics and Sports;
- (g) Law and Government;
- (h) Education and Training;
- (i) Community, Civic and Religious Affairs;
- (j) Military;
- (k) Chamorro Language and Cultural Affairs;
- (l) Farmers and Fishermen;
- (m) Other worthy causes and/or persons as determined by the Commission.

§1307. Nominations.

Nominations for any of the categories of endeavor stated in §1306 shall be governed by the following rules:

(a) Every person nominated shall have made extraordinary and meritorious contributions or achievements towards the development of the Territory.

(b) Every person nominated shall have made contributions or achievements which clearly single him out over all others in the same field of endeavor.

(c) The extraordinary and meritorious contributions or achievement made by the person nominated shall be judged on the basis of their importance, effectiveness and impact on the well-being of the Territory.

(d) The nomination shall be made by petition by no less than 250 persons who are registered voters of Guam, such nomination may be initiated by an organized civic or fraternal group on Guam, or by a group of residents who band together for the purpose of making a nomination.

(e) The nomination shall be accompanied by a typewritten resume including a biography and a detailed description of the accomplishment(s) for which the person is being nominated.

§1308. Screening and Inducting of Nominees.

(a) Screening. The Commission shall screen the nominating petition and its accompanying data and select not more than three finalists from each category for consideration. It shall require the three finalists from each of the selected categories to appear, as necessary, before the Commission to answer questions relative to selection. The Commission shall not ask questions that would be violative of the potential inductee's right to privacy, but the Commission may make pertinent inquiries relative to the awards for which such person is being considered for induction.

(b) Induction. The Commission shall induct winners into the Guma Onra in a ceremony on the last Monday in April of each year or at such time and place as it deems appropriate.

(c) Vote Required for Induction. The affirmative vote of nine members of the Commission shall be necessary for the induction of any nominee into the Guma Onra.

§1309. Commission Staffing.

Subject to budget limitations, the Commission is authorized to employ such staff as necessary to carry out the purpose of this Chapter. Said employees shall be hired as classified employees consistent with the rules and regulations adopted by the Commission, provided, however, that the Director shall be appointed by the Commission subject to the approval of the Governor and the confirmation of the Legislature and, provided, further, that the Director may be removed by the affirmative vote of six members of the Commission.

§1310. Special Provisions.

In addition to recognizing persons meeting the criteria given in §1306 of this Chapter, the Commission may recognize those persons whose achievements, acts and deeds have contributed to the development of the Territory as a whole and shall befittingly bestow upon such persons public honor in the Guma Onra for posterity. Such persons may include:

- (a) Former Governors and Lieutenant Governors of Guam;
- (b) Former members of the Guam Congress and the Guam Legislature;
- (c) Members of the Territory's law enforcement agencies killed in the line of duty;

- (d) Sons and daughters of Guam who died as a direct result of an armed conflict or war;
- (e) Former Washington Representatives;
- (f) Former judges of the Territory's judicial system; and,
- (g) Former municipal commissioners and assistant commissioners.

§1311. Select Committee.

The Commission may empower a Select Committee on Nominations to nominate eligible persons for induction into the Guma Onra to supplement nominations submitted by petition under §1307 of this Chapter.

§1312. Inscription: "Guma Onra".

The name of each inductee shall be inscribed on a bronze or similarly appropriate plaque to be publicly displayed in the Guma Onra. Each person inducted shall receive a medal commemorative of the occasion.

§1313. Appropriations Authorized.

There is authorized to be appropriated such sums as are necessary for the implementation of this Chapter.

CHAPTER 16

Statute Revision and Publication

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Subchapter A. Compiler of Laws

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Compiler's Comment:

The placement of this Chapter is different from that of existing laws, which are found in the 42000 series of the Government Code. Placing the following subchapters in this Title is based upon their placement in the Hawaii Revised Statutes. The rationale is that statute revision and publication is a general function applicable to all statutes and laws of Guam, and the Commission, while being under the Legislature, services not only the whole Government, but the whole community. Since the functions of statute revision and publication are general, they are placed in the General Provisions of the Guam Code Annotated.

Nevertheless, the substance of the law is taken from existing statutes. The Guam Law Revision Commission, itself, is modeled after that of California. The Compiler of Laws statute is modeled after that of Hawaii. The two functions and offices were merged by Public Law 14-132 prior to the re-activation of the Commission. Therefore, this Title reflects existing legislative intent with some recommendations for improvement based upon the experience of the Commission in both its revision and compilation functions since its re-activation in September of 1978.

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\$1600	Findings and Policy
\$1601	Creation of Office of Compiler of Laws
\$1602	Qualifications of Compiler of Laws
\$1603	Compiler of Laws' Responsibilities
\$1604	Powers of the Compiler of Laws
\$1605	Extent of Revision of Revise Code and Supplements
\$1606	Copyright
\$1607	Charges for Publications; Free Distribution
\$1608	Compiler of Laws Funding
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\$1610	Custody of the Fund
\$1611	Fiscal Year Established and Annual Budget Required
\$1612	Compiler as Repository for Certain Documents
\$1613	Merger with Guam Law Revision Commission

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§1600. Findings and Policy.

The Legislature determines that a regular program of publication, indexing, updating and annotating the laws of Guam is imperative for the regular operation of both the Government and private interests having dealings with Guam, both on Guam and off-island and, therefore, adopts this subchapter to provide for an office within the Legislature to assure that the laws enacted on Guam are timely published and distributed.

Legislative History:

Former Government Code §42100; updated to refer to present conditions. First enacted by Public Law 14-93.

§1601. Creation of Office of Compiler of Laws

There is hereby created within the Legislative Branch of the Government a permanent position known as the "Compiler of Laws." The Compiler of Laws shall be chosen by the Legislature for a term of six years and until his successor is appointed and qualified. He may be reelected to further terms of office. He may be removed by the Legislature, but only for neglect of his duties, malfeasance in office or disability.

Legislative History:

Former Government Code §42101; enacted by Public Law 14-93.

Compiler's Comment:

This Section is adopted with only one change from §42101 of the Government Code, enacted by Public Law 14-93 on December 31, 1977. The one change is a change from a "classified position", a term added to the law during floor debate on this Act, to "permanent position." The reason for this change is that there is no true classified system of employment within the Legislature. The term "classified service" in existing law refers only to the executive branch. There has been an attempt to classify employees in the Territorial Auditor's Office, but this has failed due to this lack of any system within the Legislature. Therefore, the term "permanent positions" is used to recognize the intent of the Legislature that the Compiler of Laws does not cease his employment every two years as do aides and attaches of the Legislature. If, during this revision, or any other time, the Legislature creates a classification system within its branch, then this section will be amended accordingly.

§1602. Qualifications of Compiler of Laws

The Compiler of Laws shall be an attorney admitted to practice in Guam and a resident of Guam. His compensation shall be set by the Legislature. The Compiler of Laws shall be, until January 1, 1982 or until such earlier time established by the Legislature, the Executive Secretary of the Law Revision Commission.

Legislative History:

Former Government Code §42101(b). Enacted by Public Law 14-93; this Section amended to reflect new §42109 and §42110 of the Government Code, added by Public Law 14-132, effective June 30, 1978.

Compiler's Comment:

At the time Public Law 14-93 was enacted the Guam Law Revision Commission had not met in some time and was not then a functioning entity. Between December and June of 1978, the Law Revision Commission revived and, since the initial functions of the Compiler of Laws and the Guam Law Revision Commission were so very close, it was determined by the Commission and the Legislature that the functions of the two bodies should be merged under the Commission until the basic mandate of the Law Revision Commission had been completed. At the time of the merger, this completion date was set at January 1, 1982, unless an earlier date was set by the Legislature.

§1603. Compiler of Laws Responsibilities.

It shall be the responsibility of the Compiler of Laws to:

- (1) Cause to be published at least 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 "Session Laws";
- (2) Cause to be published the session laws of the Thirteenth Guam Legislature, the Fourteenth Guam Legislature and, thereafter, the Session Laws of prior legislatures; provided, sufficient demand exist for such prior session laws;
- (3) Cause to be published a complete revision of the Codes of Guam, as enacted on a date to be determined by the Compiler of Laws, including available annotations thereto, such as Attorney General's Opinions, Executive Orders and Court cases. The initial revision shall be done by the Guam Law Revision Commission;
- (4) Cause supplements to the Codes to be published and distributed at least annually or more often if practical, to the Legislature, courts of Guam, the Executive Branch, to the general public and attorneys of Guam and any other interested individuals;
- (5) Undertake the publication, as soon as practical, of the continuing administrative rules and regulations, Opinions of the Attorney General, Executive Orders of the Governor, and reports of cases decided in the courts of Guam;
- (6) Perform such other duties as the Legislature, and the Guam Law Revision Commission shall prescribe.



Legislative History:

Former Government Code §42102; enacted by Public Law 14-93.

Compiler's Comment:

This section is as originally enacted, but amended to reflect additional responsibilities which the Law Revision Commission and Compiler of Laws will be undertaking, and reflecting the merger between the Compiler's Office and the Guam Law Revision Commission.

§1604. Powers of the Compiler of Laws.

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

- (1) Accept the grants, contributions and appropriations, and payments for the publications of the office;
- (2) Employ and fix the compensation in accordance with law, of such professional, clerical and other assistance as may be necessary;
- (3) Adopt any internal regulations or procedures necessary for the efficient operation of his office and execution of his responsibilities;
- (4) Request and utilize the services of any bar association, legislative committee, legislative office, professional or other organization in any manner suitable for the fulfillment of the purposes of this Chapter;
- (5) Have access to any legislative, executive or judicial reports, opinion to orders, or other documents necessary to carry out the purposes of this Chapter; and
- (6) Conduct meetings, formal or informal, with attorneys, bar associations and others interested in the results and products of the office.

Legislative History:

Former Government Code §42103 as enacted by Public Law 14-93, reflecting intent of amendments made by new §42109 and §42110, enacted by Public Law 14-132.

Compiler's Comment:

This Section reflects the continuing duties and powers of the Compiler of Laws, now as exercised by the Guam Law Revision Commission. Undoubtedly, as the Guam Law Revision Commission completes its task, the Compiler of Laws will evolve into a different form of organization. However, what this organization will be has not yet been determined and it is inappropriate to reflect any tentative plans in this section.

§1605. Extent of Revision of Codes and Supplements.

In preparing the supplements, and in updating the Guam Codes annotated, the Compiler of Laws may:

- (1) Number and renumber chapters, sections and parts of sections;
- (2) Rearrange sections so that they fit harmoniously within the Guam Code Annotated;
- (3) Change reference numbers to agree with renumbered chapters, parts or sections;
- (4) Substitute the proper section or chapter numbers for the terms "the preceding section", "this act", and like terms;
- (5) Strike out figures where they are merely a repetition of written words;
- (6) Change capitalization for the purpose of uniformity; and
- (7) Correct manifest clerical or typographical errors.

Legislative History:

Section 2-6, Hawaii Revised Statute; amended to reflect references in this Code.

Compiler's Comment:

After examining the laws, as passed by the Legislature during the Thirteenth and Fourteenth Legislatures, it is apparent that the numbering of sections, chapters, titles, and the like, must be done only after the acts are passed. Otherwise, when more than one bill has been introduced amending a given section of the law, and these bills are enacted in a different order from their introduction, much confusion arises over what actually occurred to the section in question. Was it repealed, reenacted, amended, or what? This can be settled only if the Compiler of Laws may make changes to the Laws in a non-substantive manner, after passage. The whole purpose of a code is to make it one body of law.

It is the intention of the Law Revision Commission to present the initial revision of the laws to the Legislature for adoption as positive law. Thus, no revisions will be necessary for the initial codes. This is why reference is made only to supplements of and updates to the Guam Codes Annotated. Similarly, the session laws will be printed precisely as enacted by the Legislature and no changes will be made by the Compiler of Laws except for very obvious typographical errors.

The remaining portion of §2-6, Hawaii Revised Statutes, is found in §6107 of this Title.

§6106. Copyright.

The Government of Guam shall have the right to copyright or, by decision of the Legislature by resolution, permit any appropriate private contractor to copyright any or all of the work product developed pursuant to this Chapter; provided, that the Compiler of Laws shall retain the power and right to distribute within the 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.

Legislative History:

Former Government Code §42104, enacted by Public Law 14-93.

Compiler's Comment:

The Compiler of Laws is intended to be the single source within the Government of Guam for publications of his office. However, it is entirely conceivable that some or all of the products of his office would be prepared to a greater or lesser degree by outside contractors. Such an occurrence is common in many states of the United States. This Section gives the Compiler flexibility to arrange for the publication of the codes in the manner best suited to Guam, but protects the right of the Compiler to distribute copies within the government without paying a copyright fee therefore.

Present practice within the industry indicates that no problem will arise since, under any circumstances, the copyright owner would be the government of Guam. It was necessary to include this copyright provision so that the codes may be protected from unauthorized copying, and the resulting loss of revenue to the Government, as has occurred to a limited degree with the 1970 edition of the Codes of Guam. These codes were copied in the Republic of China and sold independently of the Legislature. This was perfectly legal as the 1970 codes were not copyrighted. Another purpose for obtaining a copyright would be to protect the accuracy of the volumes. This latter is a common reason for obtaining copyright protection for works where accuracy is important, while remuneration to the copyright holder is not. The purpose of a copyright would not be to protect the text of the laws, as they are, obviously, in the public domain, but to protect the accuracy of the Compiler's work and his work product. This practice is followed, in many instances, by the U.S. Government. In any event, if it is determined that there should be no copyright obtained, the section would not require it.

§1607. Charges for Publications; Free Distribution.

The Law Revision Commission, or Compiler of Laws, shall set the price to be charged for the product of the office. Except for free distribution provided in subsection (b) of this section, the price charge

shall reflect, at least, the printing production cost incurred by the office. The cost of the publication shall not exceed the total amount expended by the office allocable to the publication concerned. It is the intent of the Legislature that the widest distribution of the publication of the Office be obtained, and, to that end, intends that the cost for the publication be kept sufficiently low so as not to discourage potential users thereof. Notwithstanding the above, the "Current Laws" (except any binders therefor) shall be distributed free of charge on Guam and only postage and handling shall be charged.

(b) The Compiler of Laws may furnish publications ~~of his Office~~ to public officials for official use free of charge.

Legislative History:

New section. Compare former Government Code §42105, enacted by P.L. 14-93.

Compiler's Comment:

Former Government §42105, after undergoing amendments on the floor during the debate on P.L. 14-93, emerged granting the Legislature power to set prices for the publications of the Compiler's office. This had been the practice prior to enactment of the Office of Compiler of Laws. However, this has not worked out in practice. With an increasing number and frequency of publications from the Office, and with persons purchasing the same as soon as they are off the press, it is impractical to request a resolution from the Legislature or Rules Committee (as has been the case in the past) for each publication. Therefore, this new Section sets the standards by which the prices of the publications are to be determined. One of the factors instrumental in the adoption of the Office of Compiler of Laws as a government office was a recognition of the fact that the relatively small demand for Guam's laws and other legal documents precluded effective commercial publication. It was recognized that, for a commercial law book company to publish these materials, they must charge such a high price as to make acquisition of the publications impossible. As a matter of fact, the major law book publishers declined to publish these materials at any price. Therefore, the Legislature from the beginning intended to subsidize these products recognizing that publication of the laws is as necessary a function of government as is their initial passage. Similarly, it is an important function of government to prepare a published record of administrative rules and regulations, as now required by the Administrative Adjudication Act, to give public notice of Executive Orders having the effect of law and of court decisions interpreting the laws. Hence, there is a recognition that, while some reasonable amount must be charged for these publications, the government cannot expect to break even on the overall cost of running the office or contribute anything to the Treasury. This would be different if there were a greater demand, as there is in the larger states such as in California.

§1608. Compiler of Laws Funding.

The Compiler of Laws shall be funded through the Legislative Agencies Fund and all appropriations to the Compiler of Laws, or Law Revision Commission, and all income to the Compiler of Laws of Commission shall be placed in such Fund. All monies charged to the Compiler of Laws, or the Law Revision Commission, shall be taken from such Fund.

Legislative History:

From §42106, Government Code, enacted by P.L. 14-93; as modified. Changed to reflect P.L. 15-82, creating the Legislative Agencies Fund.

Compiler's Comment:

Considerable confusion has been created over the wording of former §42106 of the Government Code. The situation was clarified on a Legislative-wide basis with the creation of the Legislative Agencies Fund, which established one fund, with three accounts, to service all of the "independent" agencies of the Legislature.

§1609. Authority Over the Fund.

The Compiler of Laws, or Guam Law Revision Commission, shall designate a certifying officer from the staff of the Compiler's Office, or the Guam Law Revision Commission, and the signatures of this person, the Disbursing Officer of the Legislature and the Compiler of Laws or Executive Secretary of the Guam Law Revision Commission shall be sufficient to authorize obligations, encumbrances or expenditures from the fund. The Disbursing Officer for the Commission shall be the Disbursing Officer for the Legislature. Notwithstanding this Section, the Guam Law Revision Commission shall have the power to determine the nature and extent of the expenditures of the Commission and its staff.

Legislative History:

A new section. Modified to reflect P.L. 15-82, GC §1993.

Compiler's Comment:

This Section, and the Section following, are designed to specify with clarity the relationship between the Law Revision Commission, or Compiler of Laws, and the Legislature so far as the funds of the Commission are concerned. This Section, and portions of the section above, were taken from portions of §62010 and §62007 (b), Government Code, (the Guam Airport Authority Act, P.L. 13-57).

§1610. Custody of the Fund.

Custody of the Compiler of Laws Fund, or Law Revision Commission Fund shall be with the officers prescribed by Title II, Chapter 11,

Government Code (Legislative Agencies Fund).

Legislative History:

A new section.

Compiler's Comment:

This Section reflects the current status of the law on the Commission's Funding.

§1611. Fiscal Year Established and Annual Budget Required.

In order to insure the continued operation of the Office of Compiler of Laws, and the Guam Law Revision Commission, the Commission or Compiler, shall submit an annual budget for the same fiscal year as that utilized by the Legislature.

Legislative History:

Former Government Code §42107, enacted by P.L. 14-93. Modified to reflect 1980 passage of this Title.

Compiler's Comment:

This is a modification of §42107 as found in P.L. 14-93. Modification is required by reason of the passage of time and a change in circumstances from those in existence when the original section was enacted. Due to the delay between the time of the original appropriations and the activation of the Commission, time elapsed so that the next fiscal year for which the Commission could submit a budget request is calendar year 1979.

Before the merger of the Compiler and the Commission, the Commission was given lump-sum appropriations. These expired and the Legislature did not re-appropriate funds to continue the work of the Commission. This former system fails to give the continuity essential to the work now done by the merged Commission and Compiler of Laws.

§1612. Compiler of Laws as Repository for Certain Documents.

In addition to the foregoing duties of the Compiler of Laws, he shall maintain a repository of all laws of Guam and all opinions, Executive Orders and court decisions used in his annotations to the Codes of Guam; provided, that if the materials are housed elsewhere within the Legislature, the Compiler of Laws need not duplicate such efforts. Such repository may be maintained on microfilm, microfiche, or other mechanical or electronic media.

Legislative History:

Former §42108 of the Government Code (P.L. 14-93).

§1613. Merger with Guam Law Revision Commission.

(a) The Office of Compiler of Laws, established by this Chapter, shall be merged with and become a part of the Guam Law Revision Commission created under Subchapter B, so long as the Guam Law Revision Commission shall continue to exist. All functions of the Compiler of Laws shall be exercised by the Law Revision Commission and its staff.

(b) Upon the termination of the Guam Law Revision Commission, as provided in §1657 of Subchapter B, the Executive Secretary of the Guam Law Revision Commission shall continue as Compiler of Laws until his successor as Compiler of Laws is appointed and qualified. All equipment, inventory of books and publications, papers and other material owned by or in the custody of the Guam Law Revision Commission at such termination shall be turned over to the custody of the Compiler of Laws, as shall all outstanding appropriations. The Compiler of Laws shall continue to be the office responsible for any outstanding obligations of the Guam Law Revision Commission existing at the time of such termination. Such employees as are necessary for the work of the Compiler of Laws who are then employed by the Guam Law Revision Commission shall continue as employees of the Compiler of Laws.

Legislative History:

A new section. Intent based upon §42110 of the Government Code as enacted by P.L. 14-132.

Compiler's Comment:

Before the office of Compiler of Laws or the reactivated Guam Law Revision Commission was set up in September of 1978, the Legislature determined that, due to the similarity of initial aims and goals, the Compiler of Laws and the Law Revision Commission should be one body. However, it was also determined that the Compiler of Laws should be the continuing entity after the immediate job of recodification under the auspices of the Commission was completed. It was estimated that the recodification and revision projects would take approximately three years. As a result, P.L. 14-132 enacted, as riders, provisions that the Office of Compiler of Laws should not come into existence until the termination of the Guam Law Revision Commission. Until that time, the Law Revision Commission would assume the powers and duties of the Compiler of Laws. Such wording has proven troublesome. It neither provides for an adequate merger nor does it provide for an adequate continuation of the Office of Compiler of Laws at the termination of the Law Revision Commission, although it assumes such continuation.

Therefore, this Section, coupled with Section 1657 of Subchapter B, spells out the extent of the merger--which is complete--and also spells out the continuation of the Office of Compiler of Laws as a separate entity. The original merger provisions could leave a large gap in actual performance between the end of the Commission and the appointment of the

new Compiler, just as there was a gap of approximately four years between the last published Code Supplement and the commencement of the new, merged Law Revision Commission. It is this gap, and the many hundreds of unpublished documents that this period of time generated, which has caused much delay and much excess work on the part of the Commission. Such a delay should not be made possible in so short a time as 1982. Thus, this Section provides that the Executive Secretary of the Commission, who has been performing the job of Compiler of Laws, should continue in that position until the Legislature has appointed either that person or another to the six (6) year term of Compiler of Laws as a separate entity. Similarly, the transfer of all appropriations, materials, equipment and such personnel as are needed is provided for. The Compiler of Laws probably would not need as many personnel as are now working with the Commission, or personnel of the same job descriptions, due to the differing nature of the work to be performed after the termination of the Commission.

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Subchapter B. Guam Law Revision Commission

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§1650	Findings and Declaration of Policy
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§1650. Findings and Declaration of Policy.

The people of Guam hereby find that their laws are in serious need of comprehensive review and revision; that their laws are unmanageable and inefficiently organized; that the substance and procedure of their laws have often been abandoned as archaic by model jurisdiction; that to resolve these deficiencies, it is necessary:

(a) to systematically review the laws of Guam with a view toward their reorganization and updating;

(b) to examine other jurisdictions and consider proposed changes in the law recommended by the American Law Institute, the National Conference on Commissioners of Uniform State Laws, any bar associations or other learned bodies;

(c) to effect sweeping organizational and substantive revision of the laws based upon such study and examination;

(d) to create the Guam Law Revision Commission which shall study, prepare, adopt, and submit to the Legislature for implementation, changes and additions to Guam's law, in accordance with the spirit and provisions of this Chapter.

Legislative History:

Government Code §42025, added by P.L. 12-93.

§1651. Law Revision Commission Creation, Membership and Compensation.

(a) The Guam Law Revision Commission is hereby created and shall consist of the following members:

- (1) 3 members from the Legislative Branch appointed by the Speaker; one of whom shall be the Chairman of the Committee on Criminal Justice, who shall be the Chairman of the Commission;
- (2) 2 members appointed by the Governor;
- (3) 1 member of the Judicial Branch appointed by the Judicial Counsel;
- (4) 1 member from the Guam Bar Association to be elected by the members of the Association; and
- (5) the Executive Secretary of the Commission, who shall be an ex-officio member.

(b) Members shall hold office for a term of two years, except the ex-officio member who shall hold office for the term of his employment, and may be reappointed for additional terms of two years each. However, the appointment of any senator shall be automatically terminated upon the convening of the next regular session of the Legislature after election if that senator is not reelected.

(c) Any vacancy in the Commission membership shall be promptly filled in the same manner and proportion as the initial appointments.

(d) Commission members shall serve without compensation except that each member shall be paid \$50.00 for each day's attendance at a meeting of the Commission. Each member shall also be allowed actual expenses incurred in the discharge of his duties. Ex-officio members shall receive no compensation under this Section.

Legislative History:

Subsections (a), (c) and (d) from Government Code §42026, with one amendment. Subsection (b) from amendment made by P.L. 14-153.

Compiler's Comment:

This Section is basically the same as originally enacted by P.L. 12-93. Subsection (b) is as amended by P.L. 14-153, which amendment was made to allow for more than two (2) terms as a member of the Commission.

An additional amendment is recommended to include the Executive Secretary of the Commission as an ex-officio member of the Commission. This provision follows that contained in the Territorial Law Library Act and is a good management concept. This type of provision lessens the gap which can arise, but which does not necessarily arise, between members of the Commission and the staff of the Commission. The remainder of this Section has been amended to reflect this change and to insure that the Executive Secretary of the Commission does not get any additional compensation, or per diem, for attending meetings which he must

attend because of his position as Executive Secretary and for which he is already compensated.

§1652. Executive Secretary.

The Commission shall hire an Executive Secretary having the qualifications required of the Compiler of Laws. The Executive Secretary shall exercise, under the general direction of the Commission, the functions of Compiler of Laws, shall supervise the office, staff and other details of the operation of the Commission, shall undertake, or cause to be undertaken, those research projects as directed by the Commission pursuant to this subchapter and shall have such other powers and duties as assigned him by the Commission.

Legislative History:

From §42027 of the Government Code, added by P.L. 12-93.

Compiler's Comment:

This Section has been amended to delete references to hiring an Executive Secretary within sixty (60) days after the enactment of the Chapter, as this was fulfilled in 1974. Further, the powers of the Executive Secretary have been detailed to conform with the merger and to provide a better idea of the Executive Secretary's duties as against those of the Commission. Essentially, the Commission's duties go to overall supervision, the establishing of priorities and directions, the assigning of specific projects and the approval of and adoption of recommendations to be forwarded to the Legislature. The specific powers and responsibilities are set forth in the following sections.

§1653. Commission's Responsibilities.

The Commission shall:

- (a) semi-annually submit to the Legislature a report which outlines those objectives and projected areas of inquiry which the Commission will consider during the next six (6) months;
- (b) conduct a continuing, comprehensive and expeditious examination of Guam's common and statutory law and judicial decisions in order to identify and resolve the effects, anachronisms and archaisms therein;
- (c) receive and consider suggestions from judges, justices, public officials, lawyers and the general public as to defects and anachronisms in the law;
- (d) prepare, adopt and submit to the Speaker, as completed, reports and recommendations concerning specific revisions in the law; such reports will, wherever feasible, contain draft legislation for implementation by the Legislature;

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(e) recommend the express repeal of all statutes repealed by implication or held unconstitutional by the Supreme Court of the United States or the Ninth Circuit Court of Appeals in cases arising in Guam;

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

Legislative History:

Former §42030 of the Government Code, enacted by P.L. 12-93.

§1654. Commission Powers.

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

- (a) accept grants, contributions and appropriations;
- (b) contract for any professional services, if such work or services cannot be satisfactorily performed by its employees;
- (c) adopt any internal regulations or procedures necessary for its efficient operation and execution of its responsibilities;
- (d) conduct hearings and solicit the assistance of any government agency or department which shall give the Commission full information and support in any matter within its jurisdiction;
- (e) request and utilize the services of any bar association, legislative committee, professional association or other organizations in any manner suitable for the fulfillment of the purposes of this Chapter;
- (f) employ and fix the compensation, in accordance with law, of such professional, clerical and other assistants as may be necessary.

Legislative History:

Former §42029 Government Code, enacted by P.L. 12-93.

§1655. Conflict of Interest.

(a) In no event shall any employee or member of the Commission advocate the passage or defeat of any legislation or the approval or veto of any legislation by the Governor, in his official capacity as such employee or member, unless the advocacy of the passage or defeat of any legislation comes within the scope of the Commission's responsibilities, or the legislation results from a recommendation which has been duly adopted by the Commission.

(b) No Commission member or employee shall advocate before the Commission any position on a recommendation before the Commission if that member or employee has a specific interest in, or has been em-

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ployed to represent a specific interest in, the subject matter of the proposal or recommendation before the Commission.

Legislative History:

Subsection (a) from Government Code §42028, enacted by P.L. 12-93, as amended. Subsection (b) is new.

Compiler's Comment:

Subsection (a) has been amended from the former section to cover two situations wherein it is reasonable that the Commission make its views known on legislation. The first instance is where a piece of legislation requires comment because it is technically deficient, somehow would conflict with a proposal being developed by the Commission, or where the bill would create anachronisms the Commission is intended to remove. The second exception is where the Commission has voted upon a proposal, such as this Title. In such instances, it is expected that Commission members will testify regarding the proposal which they have adopted and, at hearings called by the Legislature for the purpose, testify regarding these proposals and recommendations.

Subsection (b) is adapted from a proposed bill introduced on general governmental ethics. This subsection is designed to avoid having members or employees of the Commission advocating positions before the Commission which positions are developed from some specific interest or private representation. Obviously, this does not include advocating positions which would affect the member only generally. Such latter instances would include the participation of the Attorney General in proposals to amend or change the Criminal and Correctional Code. Of course, a commission member having a specific private interest could make his interest known and give his advice to the Commission as can any other citizen.

§1656. Appropriation Authorization.

There is authorized to be expended such amounts as are necessary for the accomplishments of the purposes of the Commission and Compiler of Laws.

Legislative History:

From P.L. 12-93, which public law established the Guam Law Revision Commission. Public Law 12-93 was enacted January 16, 1974.

Compiler's Comment:

The original authorization was for a total of \$500,000. Initially, \$100,000 was expended for the first two years of the operation of the Commission, until 1976. An additional \$100,000 has been appropriated commencing with August of 1978. With the merging of functions of the Commission and the Compiler of Laws, it is certain that the overall appropriation until January 1, 1982

will exceed \$500,000. Also, it is now the intent of the Legislature to have the Compiler of Laws exist as a permanent position. Therefore, this Section has been amended to reflect the new circumstances.

§1657. Termination of Law Revision Commission.

The Law Revision Commission shall terminate and cease to exist on January 1, 1982, unless the Legislature, by law, terminates the Commission sooner. Upon termination of the Commission, the Compiler of Laws shall assume a separate identify and proceed in accordance with Subchapter A of this Chapter.

Legislative History:

A new section, based upon §§42109 and 42110 of the Government Code as adopted by P.L. 14-132.

Compiler's Comment:

In June of 1978, the Legislature determined that this Law Revision Commission should come to a definite end on January 1, 1982. It was determined that the basic functions of this Commission would be finished by that time, and may be completed earlier. The functions of the Compiler of Laws would be all that required a continuing existence. Therefore, this Section and Section 1613 of Subchapter A reflect the intent of P.L. 14-132 in this regard, but these two sections clarify the nature of the merger and the means of termination.