

**1 GCA GENERAL PROVISIONS
CH. 10 HOLIDAYS, FESTIVITIES, TIME, ETC.**

**CHAPTER 10
HOLIDAYS, FESTIVITIES, TIME, ETC.**

SOURCE: Title 1, in its entirety, was added to the GCA by P.L. 15-104:1 (Mar. 5, 1980). The original enactment of Title 1 was a separate attachment to P.L. 15-104 and included Legislative History and Compiler Comments. The source of this Chapter is Government Code, Chapter 3.

NOTE: The Source notes have been updated to reflect subsequent changes to each provision, and the original Legislative History can be found in the attachment to P.L. 15-104. The original Compiler Comments, as found in the attachment to P.L. 15-104, have been retained in this Chapter.

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the years there have been a number of sections of Chapter 3 of the Government Code which have been duplicated, but not repealed and sections which have not been amended to coincide with amendments made elsewhere in the law.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.

- § 1000. Holidays.
- § 1001. Holidays Falling on Weekends. [Repealed.]
- § 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.
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- § 1032. Senior Citizens Month.
- § 1033. Guam-Micronesia Island Fair and Guam Ko'Ko' Road Race.
- § 1033.1. Guam National Guard Day.
- § 1034. Adoption of Guam Hymn.
- § 1035. Family Violence Prevention Week.
- § 1036. Breastfeeding Awareness Month.
- § 1037. War Survivor Remembrance Day.

§ 1000. Holidays.

- (a) The holidays of Guam are:
 - (1) New Year's Day;
 - (2) Martin Luther King, Jr. Day, the third Monday in January;
 - (3) Guam History and Chamorro Heritage Day, the first Monday in March;
 - (4) Memorial Day, the last Monday in May;
 - (5) Independence Day, July 4th;
 - (6) Liberation Day, July 21st;

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- (7) Labor Day, the first Monday in September;
- (8) All Souls' Day, November 2;
- (9) Veterans' Day, November 11;
- (10) Thanksgiving, the fourth Thursday in November;
- (11) Our Lady of Camarin Day, December 8; and
- (12) Christmas, December 25th.

(b) Whenever a holiday listed in Subsection (a) of this Section falls on a Saturday or Sunday, the government of Guam shall follow the Federal government's practice for that holiday.

(c) In addition to the holidays specified in Subsection (a) of this Section, *I Maga'lahañ Guåhan* may declare by Executive Order additional non-permanent holidays for special purposes. No holiday declared by Executive Order shall be continued beyond the year in which the Executive Order is issued.

SOURCE: GC § 200, amended by P.L. 14-117. Repealed and reenacted by P.L. 21-146:6 (Jan. 12, 1993) and P.L. 26-157:5 (Dec. 15, 2002). Subsection (c) added by P.L. 27-106:VI:32 (Sept. 30, 2004), the FY 2005 Annual Appropriations Act. Subsection (b) amended by P.L. 27-153:2 (Dec. 30, 2004). Subsection (a) amended by P.L. 29-066:1 (Apr. 25, 2008), and P.L. 32-145:1 (Apr. 28, 2014).

2014 NOTE: Subsection designations were added in subsection (a) to adhere to the Compiler's alpha-numeric scheme in accordance to the authority granted by 1 GCA § 1606.

§ 1001. Holidays Falling on Weekends.

[Repealed.]

SOURCE: GC § 201, amended by P.L. 15-105; further amended by P.L. 16-069 (Mar. 10, 1982). Repealed by P.L. 26-157:7 Dec. 15, 2002).

§ 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.

SOURCE: GC § 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.

SOURCE: GC § 203, omitting references to political subdivisions and municipalities, as 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.

SOURCE: GC § 204; CCP § 13; CC § 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.

SOURCE: GC § 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.

SOURCE: GC § 207.

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§ 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.

SOURCE: GC § 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.

SOURCE: GC §§ 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.

SOURCE: GC § 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 (150NE). 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).

SOURCE: GC § 223, added by P.L. 5-025 (Mar. 23, 1959). P.L. 9-058 (May 1, 1967) amended § 223, but this amendment was not codified. Codified to this section by P.L.

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15-104:1 (Mar. 5, 1980), with Legislative History stating that the 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.

SOURCE: GC § 220 and § 221; the Liberation Day Holiday was established by § 1000 of this Chapter.

§ 1012. Guam Island Fair.

Annually, the Governor shall issue a proclamation calling upon the people of Guam to observe a Guam Island Fair which shall run concurrently

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with and incorporate the July 4th (Independence Day) and the July 21st (Liberation Day) holidays.

SOURCE: Added by P.L. 13-151; amended by P.L. 15-039 and P.L. 15-123. Repealed and reenacted by P.L. 16-120.

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 Mayors' Council of Guam is authorized and requested to annually appoint and maintain oversight of the Guam Island Fair Committee to plan and make appropriate arrangements for the celebration of this Fair.

The Committee shall be composed of one (1) representative from the Department of Administration (DOA), and one (1) representative from the Office of Public Accountability (OPA), and the First Lady of Guam. The Committee shall also include members of patriotic, religious, or other civic organizations. In lieu of such Committee, the Mayors' Council of Guam may designate one (1) or more such civic organizations as sponsors to plan and arrange for the Fair, provided, that one (1) representative from the Department of Administration (DOA), one (1) representative from the Office of Public Accountability (OPA), and the First Lady of Guam are members of that Committee.

The net proceeds from the Guam Island Fair shall be divided in the following manner:

- (a) The Mayors' Council of Guam shall be entitled to retain fifty percent (50%) of the net proceeds and may convey any interest or portion thereof to any charitable organization; and

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(b) Fifty percent (50%) of the net proceeds shall be held in trust by the Council and monies in this trust shall be donated to a charity or worthy public cause as the First Lady shall solely determine.

The government of Guam may furnish a suitable site, if needed, but neither it nor any agencies, instrumentalities, nor employees may use government supplies or equipment in the planning and preparation for the Island Fair. Unless appropriated by *I Liheslatura* (the Legislature), or approved by the governing board of applicable autonomous agencies, no government funds or materials shall be used in the preparation of floats.

Any casino gambling activity must be approved by *I Maga'lahi* (the Governor) in writing.

SOURCE: GC § 222. Amended by P.L. 31-025:2 (Apr. 18, 2011).

2014 NOTE: Subsection designations (a) and (b) were added to adhere to the Compiler's alpha-numeric scheme in accordance with the authority granted by 1 GCA § 1606.

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 governmental material and tools are not used.

§ 1013.1. Liberation Day Carnival.

(a) Whenever the Guam Island Fair is to be held in a location other than the Hagåtña Paseo grounds, then any Civic Organization, as provided herein, may sponsor a Liberation Day Carnival for the same duration as the Guam Island Fair. In this instance, the Mayors' Council shall appoint a Liberation Day Carnival committee to plan and make appropriate arrangements for the celebration of this Carnival. The Committee shall be composed of members of patriotic, religious, or other civic organizations.

(b) In the event the Guam Island Fair is not held at the Hagåtña Paseo grounds, then the sponsoring organization may utilize the Hagåtña Paseo grounds to sponsor its own Liberation Day Carnival as provided herein. The responsible governmental agency or agencies shall issue a permit to the

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sponsoring organization to conduct the Liberation Day Carnival at the Hagåtña Paseo grounds. The provisions of law contained in §§ 64.62 and 64.70 of Title 9 of the Guam Code Annotated shall be applicable to the Liberation Day Carnival held at the Hagåtña Paseo grounds as provided herein.

(c) The net proceeds from the Liberation Day Carnival shall be divided in the following manner:

(1) The Mayors' Council of Guam shall be entitled to retain fifty percent (50%) of the net proceeds and may convey any interest or portion thereof to any charitable organization; and

(2) Fifty percent (50%) of the net proceeds shall be held in trust by the Council and monies in this trust shall be donated to a charity or worthy public cause as the First Lady shall solely determine.

The Mayors' Council of Guam shall be subjected to an audit by the Public Auditor in calculating the net proceeds.

(d) Whenever the Guam Island Fair is to be held at the Hagåtña Paseo grounds, then such Fair will be consolidated with the Liberation Day Carnival as provided herein, and the sections pertaining to the Guam Island Fair shall apply.

SOURCE: Added by P.L. 17-010 (June 14, 1983). Subsection (a) amended by P.L. 17-014:4 (June 27, 1983). Subsection (c) repealed and reenacted by P.L. 28-068:II:I:9 (Sept. 30, 2005) (FY2006 Annual Appropriations Act); amended by P.L. 31-025:3 (Apr. 18, 2011).

NOTE: References to the Agana changed to Hagåtña pursuant to P.L. 24-152:3 (Apr. 8, 1998).

2014 NOTE: Although not codified, the location of the Liberation Day festivities has been addressed in the following public laws:

P.L. 20-229:3 (Jan. 30, 1991) ("Notwithstanding any other provision of law, the Liberation Day festivities (except for the Liberation Day Parade) shall be held at Ypao Beach Park in the years 1991 and 1992.")

P.L. 21-136:15 (Sept. 29, 1992) ("Notwithstanding any other provision of law, the Liberation Day Festivities (except for the Liberation Day Parade) shall be held at Ypao Beach Park.")

In light of these public laws, it is not clear whether there is legislative intent for subsections (a), (b), and (d) to be repealed by implication.

§ 1013.2. Applicability.

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Title 1 Guam Code Annotated § 1013.1, as provided above, shall apply only when the Guam Island Fair is held in a location other than the Hagåtña Paseo grounds.

SOURCE: Added by P.L. 17-010 (June 14, 1983).

2014 NOTE: Although not codified, the location of the Liberation Day festivities has been addressed in the following public laws:

P.L. 20-229:3 (Jan. 30, 1991) (“Notwithstanding any other provision of law, the Liberation Day festivities (except for the Liberation Day Parade) shall be held at Ypao Beach Park in the years 1991 and 1992.”)

P.L. 21-136:15 (Sept. 29, 1992) (“Notwithstanding any other provision of law, the Liberation Day Festivities (except for the Liberation Day Parade) shall be held at Ypao Beach Park.”)

In light of these public laws, it is not clear whether there is legislative intent that this section be repealed by implication.

§ 1013.3. Effective Date.

The provisions of § 1013.1 of Title 1, Guam Code Annotated, shall be effective upon enactment.

SOURCE: Added by P.L. 17-010 (June 14, 1983).

§ 1013.4. Punishment for Obstruction.

A person commits a petty misdemeanor if, with intent to prevent the issuance of any license or permit as authorized in § 1013.1(b), he does any act tending to obstruct or interfere with the issuance of any license or permit for the operation of the Liberation Day Carnival as set out in § 1013.1 of Title 1 of the Guam Code Annotated. In addition, any person guilty of obstruction as indicated above shall be civilly liable for any losses suffered by any applicant for the arbitrary denial of a license or permit as indicated above, plus cost and reasonable attorneys fees in any civil action to require the proper government officials to issue a permit or license as prescribed. The civil penalty shall be not less than One Thousand Dollars (\$1,000.00) nor more than twice the amount of losses sustained by the applicant for a license or permit as a result of such obstruction.

SOURCE: Added by P.L. 17-014:5 (June 27, 1983).

§ 1013.5. Definition of Obstruction.

The term obstruction as used in § 1013.4 of Title 1, GCA, shall mean the refusal of any government official or employee to issue a license or

permit when the applicant qualifies for the permit or license as prescribed by law.

SOURCE: Added by P.L. 17-014:5 (June 27, 1983).

§ 1013.6. Financial Reporting and Accountability.

The Guam Island Fair Committee shall ensure:

(a) that there is an open bidding process for all projects, goods, services, or activities that involve Fifteen Thousand Dollars (\$15,000) or more, pursuant to Guam procurement law;

(b) that there are at least three (3) price quotes for all projects, goods, services, or activities involving Fourteen Thousand Nine Hundred Ninety-nine Dollars (\$14,999) or less;

(c) that all bids and price quotes be available for examination anytime it is requested to be examined by the Office of Public Accountability (OPA) representative;

(d) that a single, exclusive operating account be established and maintained at an accredited financial institution, to be used for deposit of any and all funds received, and upon which any and all issued checks shall be drawn;

(e) that no payment is made, nor check issued, before the open bid process has first been completed and fully complied with;

(f) that all payments to vendors shall be in the form of a check that must be co-signed by the Guam Island Fair Executive Committee Chairman;

(g) that the DOA representative shall ensure that all checks are deposited in a timely and appropriate manner. The representative shall keep a ledger of all revenues and expenses; and

(h) that the Council submits a final report by September 15th following the closure of Liberation Day festivities, and provides a copy to *I Maga'lahren Guåhan* (the Governor of Guam) and the Office of Public Accountability.

SOURCE: Added by P.L. 31-025:4 (Apr. 18, 2011).

§ 1013.7. Broadcast Privilege.

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The Guam Island Fair Committee shall ensure the official Broadcast Media Partner for the live coverage of the Liberation Day Parade shall be PBS Guam (KGTF-TV12).

SOURCE: Added by P.L. 31-025:5 (Apr. 18, 2011).

§ 1014. Guam Youth Month.

(a) The month of April of each year shall be known as “Guam Youth Month.” The Governor of Guam annually shall issue a proclamation calling upon the people of Guam to observe Guam Youth Week within Guam Youth Month with appropriate ceremonies and festivities expressive of the public sentiment befitting the occasion for the week-long observance.

(b) The Guam Youth Week shall be under the direct supervision of the Department of Youth Affairs in cooperation with school officials, private and public.

(c) Funds for the operation of the Guam Youth Week activities shall be provided for by the annual appropriation to the Department of Youth Affairs. The Department of Youth Affairs shall report to the Legislature on expenditure of all funds for Guam Youth Month activities. The report shall contain detailed information on each expenditure including the date of expenditure, the amount and the purpose. The report shall be submitted no later than July 31 annually.

(d) The Guam Youth Week events and activities shall be planned by the Central Planning Committee subject to final approval by the Director of the Department of Youth Affairs.

(e) The Central Planning Committee shall be composed of student representatives from all private and public, junior and senior high schools on Guam, the Guam Community College, the University of Guam and any recognized youth entity.

(f) The student body officers of the senior high school chairing the Central Planning Committee shall serve as the Executive Committee, such that the President of said student body government shall be the Chairman of the Central Planning Committee, the Vice-President of said student body government shall be the Vice-Chairman of the Central Planning Committee and the Secretary of said student body government shall be the Secretary of the Central Planning Committee.

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(g) A different senior high school shall head the Central Planning Committee each year on a rotating basis.

(h) Clerical, technical and logistics support for Youth Week activities shall be provided for by the Department of Youth Affairs.

(i) The Department of Youth Affairs shall appoint an employee as a Youth Month Coordinator as an additional duty to advise and assist with the planning and preparation of Youth Week events and activities as designated by the Central Planning Committee.

SOURCE: GC § 224, as amended by P.L. 14-014 and P.L. 15-014; repealed and reenacted by P.L. 15-064.

COMPILER'S COMMENT: This Section incorporates the administrative provisions of P.L. 14-014, 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.

NOTE: Prior print publications of this section included the following note from the Compiler of Laws:

COMMENT: The Section as enacted by P.L. 15-64 is included in this Title as the last clear enactment by the Legislature on this subject. Technically, the Legislature repealed P.L. 15-64 with the adoption of Title 1, Guam Code Annotated. However, because this section was not specifically considered by the Legislature, and represents the law as it existed prior to P.L. 15-104 (this Title), this Compiler believes that the Legislature fully intended to continue the provisions of P.L. 15-64. There is no visible intent that the Legislature intended to revert to a section it had only recently repealed.

"When a valid and operative provision is omitted from a Code through oversight, however, it may be held to continue in effect, even in the face of a provision in the Code declaring all prior laws repealed." *Norris vs McDaniel* 207 Ga. 232, 60 SE.2d 329 (1950).

§ 1015. Teacher's Appreciation Day.

September 28 of each year shall be known as, 'Teacher's Appreciation Day,' and is made a special holiday in Guam in commemoration of the services rendered to the teachers of Guam to the children of Guam. The Governor is authorized and requested to issue a proclamation annually honoring all teachers and observing Teacher's Appreciation Day. The

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Governor shall appoint a Teacher's Appreciation Day Committee to plan and arrange for the celebration of the day and to honor and present awards and/or recognition to teachers on September 28 of each year, which is the birth date of Confucius a long honored teacher, philosopher, poet and sage.

SOURCE: GC § 225, added by P.L. 8-130 (Mar. 18, 1966). Repealed and reenacted by P.L. 24-063:2 (Sept. 26, 1997).

§ 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.

SOURCE: GC § 226, added by P.L. 8-170:1 (Aug. 12, 1966).

§ 1017. Gubernatorial Inauguration Day.

The first Monday in January of every fourth year, beginning with January 1971, is a designated Gubernatorial Inauguration Day, on which day *I Maga'lahaen Guåhan* [the Governor] and *I Segundu na Maga'lahaen Guåhan* [the Lieutenant Governor] elected in the general election preceding such day shall be sworn into office. The inauguration shall be arranged by *I Maga'lahaen Guåhan*[Governor]-elect's Transition Committee, which shall coordinate its planning with the incumbent *I Maga'lahaen Guåhan* [Governor].

SOURCE: GC § 204.1, added P.L. 10-107 (Feb. 6, 1970). Amended by P.L. 26-157:6 (Dec. 15, 2002).

NOTE: According to the Legislative History found in the attachment to P.L. 15-104, the reference to the Transition Committee was added to conform with former GC § 5010, which was added by P.L. 10-111 and amended by P.L. 12-188. .

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.

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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.

SOURCE: Added by P.L. 15-104:1 (Mar. 5, 1980).

NOTE: According to the Legislative History found in the attachment to P.L. 15-104, this section was required by P.L. 13-073 (Oct. 22, 1975).

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.

SOURCE: GC § 227, added by P.L. 10-029.

NOTE: According to the Legislative History found in the attachment to P.L. 15-104, this provision amended § 227 "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

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of education on environmental problems, and to renew the commitment of each citizen to restoring and protecting the quality of Guam's environment.

(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.

SOURCE: GC §§ 228 through 228.2, added by P.L. 11-131.

§ 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.

SOURCE: GC § 229, added by P.L. 12-053.

§ 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."

SOURCE: GC § 123, added by P.L. 9-222 (1968).

§ 1023. Guam Bird.

The local bird known as the Ko'ko, or Guam Rail, (*Gallirallus owstoni*) is hereby declared to be the official bird of Guam.

SOURCE: GC § 125, added by P.L. 10-052 (1969). Repealed and reenacted by P.L. 25-155:2.

§ 1024. Guam Tree.

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

SOURCE: GC § 124, added by P.L. 10-026 (1969).

CROSS REFERENCE: P.L. 13-083 (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.

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SOURCE: GC § 229, 230 and § 231.

NOTE: Prior publications of the GCA included the following comment from the previous Compiler of Laws:

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. Guam Liberation Day Fishing and Sporting Events.

(a) There shall be a Guam Liberation Day Fishing and Sporting Events held annually, which events *shall* be part of the Liberation Day festivities, and *shall* be promoted as a tourist attraction for visitors to Guam and as an outdoor recreational activity for the people of Guam. The Guam Liberation Day Fishing and Sporting Events may include spearfishing and shoreline fishing challenges, and surfing and paddling competitions. *I Maga'låhen Guåhan* (the Governor) *shall* appoint a Guam Liberation Day Fishing and Sporting Events Committee composed of fishermen, water sports professionals, and other interested individuals, which Committee *shall* choose annually a period for such fishing and sporting events and *shall* plan, organize and promote the events in coordination with the Guam Visitors Bureau. Following the selection of the dates by the Committee, *I Maga'låhen Guåhan shall* issue a proclamation calling upon the sports fishermen and water sports professionals of Guam and the Pacific region to take part in this event.

(b) The Guam Liberation Day Fishing and Sporting Events Fund (Fund) is created to be expended for the purposes of promoting and operating the fishing and sporting events. The Fund *shall* be expended upon authorization by the Guam Liberation Day Fishing and Sporting Events Committee. The Guam Liberation Day Fishing and Sporting Events Committee is authorized to accept donations and grants which *shall* be deposited in the Fund. The sum of Thirty-five Thousand Dollars (\$35,000) is hereby authorized from the Tourist Attraction Fund to the Guam Liberation Day Fishing and Sporting Events Fund for the costs of promoting and operating the Guam Liberation Day Fishing and Sporting Events. The

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Committee *shall* report to *I Liheslaturan Guåhan* on the expenditure of all funds for the fishing and sporting events. The report *shall* contain detailed information on each expenditure, including the date of expenditure, the amount and the purpose, and *shall* be submitted to *I Liheslaturan Guåhan* no later than November 30 of each year.

(c) Clerical, technical and logistic support for the Guam Liberation Day Fishing and Sporting Events *shall* be provided by the Guam Visitors Bureau.

SOURCE: GC §§ 233 and 233.1. Amended by P.L. 33-153:1 (May 17, 2016).

2016 NOTE: The former section read as follows:

§ 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.

Prior publications of the GCA included the following comment from the previous Compiler of Laws:

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:

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

(b) Residents of Guam are called upon to observe the provisions of 19 GCA §§ 2114-2120 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 19 GCA § 2114 through § 2119 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 accommodation, 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.

SOURCE: CC § 54.7, added by P.L. 11-96.

NOTE: Prior publications of the GCA included the following comment from the previous Compiler of Laws:

COMMENT: This section was formerly contained in Civil Code § 54.7 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.

§ 1028. Children and Youth Sunday.

The fourth Sunday of April in each year shall be known as Children and Youth Sunday and is made a special day during which people of Guam will consider the needs and accomplishments of the children and youth of Guam. The Governor of Guam 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 observance of said day.

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SOURCE: Added as GC § 325 by P.L. 15-105:1 (March 5, 1980). Renumbered and placed within this Title pursuant to the authority of the Compiler of Laws under § 1606 of this Title.

§ 1029. Family Sunday.

The Sunday following Children and Youth Sunday in each year shall be known as “Family Sunday.” Family Sunday is made a special day in which the people of Guam would consider the value and importance of the family. The Governor of Guam 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 observance of the day.

SOURCE: GC § 326, added by P.L. 15-105. Codified by the Compiler as 1 GCA § 1029 .

§ 1030. Municipal Flowers.

The various Municipal Planning Councils of the territory of Guam may adopt official municipal flowers for their respective villages. The Chairmen of the Municipal Planning Councils, by resolution duly adopted, shall notify the Compiler of Laws of the selection of the flower. The Compiler of Laws shall record in this Section the flower adopted by each municipality.

SOURCE: GC § 123.1, added by P.L. 15-098:1 (Jan. 26, 1980). Codified to this section by the Compiler.

§ 1031. Municipal Flag.

The various Municipal Planning Councils of the Territory may adopt an official municipal flag which depicts the history and culture of the respective village. The Chairmen of the Municipal Planning Councils shall notify the Compiler of Laws of the selection and description of the flag. The municipal flags may be reproduced for official purposes in smaller or larger sizes.

SOURCE: GC § 106.1, added by P.L. 15-098:2 (Jan. 26, 1980). Codified to this section by the Compiler.

§ 1032. Senior Citizens Month.

(a) The month of May each year shall be known as “Senior Citizens Month.” The Governor of Guam shall issue annually a proclamation calling upon the people of Guam to observe Senior Citizens Month with appropriate ceremonies and festivities expressive of the public sentiment benefitting the occasion for the month-long observance.

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(b) Senior Citizens Month shall be under the direct supervision of the Division of Senior Citizens of the Department of Public Health and Social Services, in cooperation with other organizations, private and public.

(c) Funds for the operation of Senior Citizens Month shall be provided for by the annual appropriation to the Division of Senior Citizens of the Department of Public Health and Social Services. The Division of Senior Citizens shall report to the Legislature on the expenditure of all funds for Senior Citizens Month activities. The report shall contain detailed information on each expenditure, amount and purpose. The report shall be submitted to the Legislature no later than August 31 of each year.

(d) Senior Citizens Day events and activities at the Legislature shall be planned by the Division of Senior Citizens of the Department of Public Health and Social Services in coordination with the Speaker with assistance of the Committee having purview over the senior citizens.

(e) The Senior Citizens Day at *I Liheslatura* shall be an integral part of the Senior Citizens Month, the designated day to be scheduled by the Speaker of *I Liheslatura* in the month of May of each year.

(f) Clerical, technical and logistic support for Senior Citizens Day at the Legislature shall be provided for by the Speaker's Office, with assistance from the committee having purview over senior citizens and the Division of Senior Citizens of the Department of Public Health and Social Services.

(g) The Speaker shall appoint an employee as a Senior Citizens Day coordinator at the Legislature as an additional duty to advise and assist with the planning and preparation of the activities.

SOURCE: Added by P.L. 17-35:1. Codified to this section by the Compiler in accordance with the authority granted by 1 GCA § 1606. Subsection (e) amended by P.L. 31-011:1 (Mar. 9, 2011).

§ 1033. Guam-Micronesia Island Fair and Guam Ko'Ko' Road Race.

(a) Annually, *I Maga'lahen Guåhan* (Governor) shall issue a proclamation calling upon the people of Guam to observe a Guam-Micronesia Island Fair and Guam Ko'Ko' Road Race, which shall be held at the discretion of the Guam Visitors Bureau.

(b) The Guam Visitors Bureau shall be the organizing body for the Guam-Micronesia Island Fair and Guam Ko'Ko' Road Race, and shall provide the necessary logistics and financial support to ensure the success of

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the Fair as an international event and visitor attraction. The Department of Parks and Recreation shall assist by issuing permits for booths and exhibits, and designing the general layout of booths, exhibits and activities, with cultural awareness paramount in the design. The Department of Public Works shall inspect and ensure that the public facilities at the selected site are in good working condition to adequately protect the health and safety of the persons at the Fair. The Department of Revenue and Taxation shall issue on a priority basis a license for each type of activity being conducted at the Fair which requires a license from the Department. The Department of Public Health and Social Services shall issue licenses for the preparation and sale of food. The Customs and Quarantine Agency shall provide information and assistance to participants concerning the importation requirements of the statutes of Guam, the U.S. Department of Agriculture, and other agencies for importation of items into Guam for use at the Fair. The Department of Agriculture shall establish regulations for the judging of produce and livestock exhibited at the Fair.

The Mayors Council shall create a mechanism for village participation or competitions. The Guam Council on the Arts and Humanities Agency shall provide technical assistance to encourage public participation of the performing and fine arts. The Guam Police Department, the Guam Fire Department, Guam Homeland Security, and all other law enforcement entities of the government of Guam shall provide public safety support at the Guam-Micronesia Island Fair and Guam Ko'Ko' Road Race at the request of the Guam Visitors Bureau. The Guam Fire Department shall also inspect all booths and temporary structures to ensure compliance of Fire and Life Safety requirements, and issue required permits to operate such booths and temporary structures.

(c) *I Maga'lahi* (the Governor) shall appoint, from among the personnel of the departments and agencies mentioned in Subsection (b) of this Section, personnel to ensure the success of the Guam-Micronesia Island Fair and Guam Ko'Ko' Road Race. The Speaker, in consultation with the respective Chairpersons of the Committees on Economic Development and Tourism, shall designate representatives from *I Liheslatura* (the Legislature) to serve as members of the organizing committee.

(d) The Guam Visitors Bureau, in collaboration with the agencies listed in Subsection (b), shall establish a fee schedule for the conduct of the Guam-Micronesia Island Fair and Guam Ko'Ko' Road Race. The fee

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schedule shall include at a minimum: the cost for rental of display space; a participation fee to cover the costs of security, maintenance and other common area services at the Fair site; and a means by which food and beverage, produce, handicrafts, and other items being offered for sale may be purchased. All fees from the sale of goods or services sold at the Fair shall be collected and deposited to the Treasury of Guam. Twenty-five percent (25%) of the proceeds collected shall be deposited in the General Fund; fifty percent (50%) shall be deposited in the Guam-Micronesia Island Fair and Guam Ko'Ko' Road Race Revolving Fund, which is hereby created, to be administered by the Guam Visitors Bureau, for the sole purpose of paying for the Guam-Micronesia Island Fair and Guam Ko'Ko' Road Race-related expenses; and twenty-five percent (25%) shall be deposited in the FESTPAC 2016 Folklife Festival Trust Account.

(e) Within thirty (30) days of the close of each Guam-Micronesia Island Fair and Guam Ko'Ko' Road Race, the Guam Visitors Bureau shall report on the financial status of the Fair and the Guam-Micronesia Island Fair and Guam Ko'Ko' Road Race Revolving Fund to *I Maga'lahi* (the Governor) and the Speaker of *I Liheslaturan Guåhan*, and shall make recommendations to improve the implementation of the Fair, including future sites and dates of the Fair and post the same on its website.

SOURCE: Added by P.L. 19-007:2 (Aug. 26, 1987). Amended by P.L. 19-014:14 (Feb. 26, 1988). Subsection (b) amended by P.L. 23-128:III:23(a) (Dec. 12, 1996) (FY1997 Annual Appropriations Act). Subsection (a) amended by P.L. 25-176:20 (Dec. 20, 2000). Amended by P.L. 28-068:IV:77 (Sept. 30, 2005) (FY2006 Annual Appropriations Act); P.L. 31-106:2 (Sept. 30, 2011).

§ 1033.1 Guam National Guard Day.

The first Saturday in October of each year shall be known as Guam National Guard Day in recognition of the services rendered by members of the National Guard to the people of Guam. The Governor is authorized and requested to issue a Proclamation annually calling upon the people of Guam to observe Guam National Guard Day. The Governor shall appoint a Guam National Guard Day Committee to plan and make appropriate arrangements for the celebration of this important day.

SOURCE: Added by P.L. 20-207:23 (Aug. 20, 1990).

§ 1034. Adoption of Guam Hymn.

The Guam Hymn, composed by Dr. Ramon M. Sablan, is hereby adopted as the official territorial anthem, and the Chamorro version by

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Lagrimas Untalan and the English version by Dr. Sablan are hereby officially adopted as follows:

Fanohge Chamorro

Verse 1:

*Fanohge Chamorro put it tano'-ta
Kanta i matuna-na gi todú i lugat
Para i onra, para i gloria
Abiba i isla sinparat.
Para i onra, para i gloria
Abiba i isla sinparat.*

Verse 2:

*Todu i tiempo i pas para hita
Yan ginen i langet na bendision
Kontra i piligru na 'fansafo' ham
Yu'os prutehi i islan Guam
Kontra i piligru na 'fansafo' ham
Yu'os prutehi i islan Guam.*

Guam Hymn

Verse 1:

Stand ye Guamanians for your country
And sing her praise from shore to shore
For her honor, for her glory
Exalt our island forever more.
For her honor, for her glory
Exalt our island forever more.

Verse 2:

May everlasting peace reign o'er us
May heaven's blessing to us come
Against all perils, do not forsake us
God protect our isle of Guam
Against all perils, do not forsake us
God protect our isle of Guam.

SOURCE: P.L 19-055:1 (Jan. 31, 1989).

§ 1035. Family Violence Prevention Week.

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(a) In addition to the National Family Violence Awareness Month observed each October, the last week of September of each year is hereby designated as “Family Violence Prevention Week,” a week to reflect, review and assess Guam’s progress as a community as a whole towards preventing and dealing with family violence and to determine what further steps must be taken, to continue a comprehensive effort of education on family violence and to renew the community’s commitment to protecting Guam’s families.

(b) *I Maga’lahen Guahan* shall issue annually a proclamation calling on all interested and concerned to observe ‘Family Violence Prevention Week’ and Family Violence Awareness Month, by joining together for a continuing commitment and in a cooperative effort, to preserve the integrity and harmony of Guam’s families.

(c) *I Maga’lahen Guahan* shall appoint a “Family Violence Prevention Week Committee” to plan and make appropriate arrangements for the observation of “Family Violence Prevention Week.”

SOURCE: Added as § 10.35 by P.L. 24-239:35, codified by the Compiler as § 1035.

NOTE: The manifest error in the provision number was corrected by the Compiler in accordance with the authority granted by 1 GCA § 1606.

§ 1036. Breastfeeding Awareness Month.

(a) August of each year is hereby designated as “Breastfeeding Awareness Month,” to educate our community and promote the benefits of breastfeeding to infants and mothers.

(b) *I Maga’lahen Guahan* shall issue annually a proclamation calling on all interested parties to hold activities on behalf of the practice of breastfeeding and to develop ways to support collective awareness of such activity.

SOURCE: Added by P.L. 32-098:4 (Nov. 27, 2013).

§ 1037. War Survivor Remembrance Day.

June 28 of each year shall be known as *War Survivor Remembrance Day* in recognition of the *Chamorro* people who endured one of the most tragic and horrific enemy occupations of the 20th Century. The Governor is authorized and requested to issue a Proclamation annually calling upon the people of Guam to observe *War Survivor Remembrance Day*. The Governor shall appoint a *War Survivor Remembrance Day Committee* to plan and

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make appropriate arrangements for the commemoration of this important, special day.

SOURCE: Added by P.L. 33-056:2 (June 26, 2015).
