

GUAM CODE ANNOTATED

TITLE 1

GENERAL PROVISIONS

**UPDATED THROUGH P.L. 37-046
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CHAPTER 1
THE LAWS OF GUAM

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 includes Legislative History and Compiler Comments, and was a separate attachment to this public law.

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.

- § 100. Laws Applicable to Guam.
- § 101. Scope and Citation of Code.
- § 102. Effective Dates of Statutes.
- § 103. Relation Between this Code and Permanent Laws.
- § 104. Relationship Between this Code and Temporary Laws. [Repealed.]
- § 105. Temporary Acts - Duration; Effect.
- § 106. Interpretation of this Code.

§ 100. Laws Applicable to Guam.

The Laws in force in Guam constitute those portions of the Constitution, treaties and laws of the United States of America applicable to Guam; Acts of *I Liheslaturan Guåhan*; the Guam Code Annotated; Executive Orders of *I Maga'lahaen Guåhan* promulgated pursuant to the Organic Act of Guam and pursuant to Acts of *I Liheslatura*; decisions of the Supreme Court of Guam; 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.

SOURCE: Added by P.L. 15-104:1 (Mar. 5, 1980). Compare § 1-1, Hawaii Revised Statutes (HRS) and § 22, Trust Territory Code (1959). Amended by P.L. 27-077:2 (Apr. 26, 2004).

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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.”

§ 101. Scope and Citation of Code.

(a) The laws embraced in this Code 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 Guam, 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 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 abbreviations ‘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 § 101(b).’

(c) Titles of the Guam Code Annotated published by the Compiler of Laws shall be the official publication of the codified laws of Guam. On the Title page of each Title, the Compiler of Laws shall indicate the last date on which new Public Laws were included in that Title of the Guam Code Annotated. Titles so published shall be *prima facie* evidence of the laws of Guam in effect on the date indicated on the Title page; provided, however, if a variance not authorized by this Chapter is found in a published Title, then the public law, as signed by *I Maga’lahi*, last adding, repealing or amending the appropriate statutory matter shall be the correct law of Guam and the Compiler of Laws shall make the necessary corrections to the Guam Code Annotated.

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SOURCE: Added by P.L. 15-104:1 (Mar. 5, 1980). Compare Govt. Code § 1, CCP § 1, 9 GCA §§ 1.10 and 1.14, 8 GCA § 1.07 and 1 U.S.C. § 204. Subsections (c) and (d) added by P.L. 17-071:9 and :10 (Oct 2, 1984). Amended by P.L. 27-077:3 (Apr 26, 2004).

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

(e) The effective date of Executive Orders *shall* be at midnight of the day such Executive Orders are issued by the Governor and transmitted by him to the Speaker of *I Liheslaturan Guåhan* and the Compiler of Laws, with the exception of those Executive Orders declaring a state of emergency, which *shall* also be transmitted but effective as indicated in the Executive Order.

SOURCE: GC 1100, repealed by P.L. 15-104:2 (Mar. 5, 1980). Added by P.L. 15-104:1 (Mar. 5, 1980). Amended by P.L. 34-016:2 (June 8, 2017).

COMPILER'S COMMENT: This is an updated version of Govt. Code § 1100. Since Resolutions sometimes purport to authorize 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).

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§ 103. Relationship Between This Code and Other Permanent Laws.

(a) The general and permanent laws of Guam shall be:

(1) The Guam Code Annotated shall be the publication of the permanent codes of Guam and the publications thereof, when certified by the Compiler of Laws, shall be legal evidence of the laws contained therein;

(2) Electronic publications authorized and certified by the Compiler of Laws shall have the same validity as paper publications of the same or similar subject matter.

(3) 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;

(4) 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;

(5) 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;

(b) If there is shown to be a difference, not permitted by this Code, in contents between the Public Laws described in subsection (3), above, and any of the laws described in subsections (1), (2), (4) and (5) above, the Public Laws shall take precedence.

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SOURCE: Added by P.L. 15-104:1 (Mar. 5, 1980). Amended by P.L. 27-077:4 (Apr. 26, 2004) to add subsections (1) and (2), renumber existing sections, and amend the corresponding references in subsection (b).

2014 NOTE: As added by P.L. 15-104:1, this section included subsection (4) which stated:

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 preceeding [sic] the year in which the supplements are published.

This subsection (4) had been deleted in prior publications of the GCA by the former Compiler of Laws, in light of the enactment of the Criminal Procedure Code as Title 8, GCA and the Criminal and Correctional Code as Title 9, GCA pursuant to P.L. 15-104:7 and :8.

Pursuant to P.L. 27-077:4, sections 1,2 and 3 as originally enacted were renumbered to sections 3, 4 and 5 respectively, and references in subsection (b) were amended by the Compiler to preserve the intent of the original legislation.

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

COMPILER'S COMMENT: This Section establishes the nature and location of the laws of Guam until such 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.

[Repealed.]

SOURCE: Added by P.L. 15-104:1 (Mar. 5, 1980). Repealed by. P.L. 15-142:8 (Oct. 9, 1980).

§ 105. Temporary Acts - Duration; Effect.

(a) All acts temporary in nature shall have termination dates as specified herein.

(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.

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(c) If the activity authorized by the temporary act 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.

(e) [Repealed.]

SOURCE: Added by P.L. 15-104:1 (Mar. 5, 1980). Subsection (e) added as uncodified law by P.L. 15-108:7 (Mar. 5, 1980) and codified by the Compiler. Subsection (e) repealed by P.L. 15-142:8 (Oct. 9, 1980).

COMPILER'S COMMENT: This type of Legislation was 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 General Fund is not tied up as much with this Section as it is at present. Note that the final clause of subsection (a) has been removed by the

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Compiler to conform this subsection to the repeal of all of § 104 of this Chapter. The inclusion of a reference to repealed § 104 is meaningless. Subsection (c) provides that the reversion of excess funds is a ministerial act and provides the standards for the Director of Administration to accomplish such an act. Allowance is made for a possible redraft 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.

SOURCE: Added by P.L. 15-104:1 (Mar. 5, 1980). Former Government Code § 20 updated to refer to this Code and to its enactment title by title.

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.

The Legislature has adopted several new Codes in their entirety. These include the Uniform Consumer Credit Code [Title 14], the Uniform Commercial Code [Title 13], the Criminal and Correctional Code [Title 9], the Criminal Procedure Code [Title 8], the Evidence Code [Title 6] and the Probate Code [Title 15]. These have been incorporated into the Guam Code Annotated with no alteration except for the few changes in form required to conform the same to this Code.

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