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CH. 4 POLITICAL AUTHORITY; JURISDICTION

CHAPTER 4
POLITICAL AUTHORITY; JURISDICTION

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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.

SOURCE: 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

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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.

SOURCE: Former Govt. Code § 101, as modified.

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 interests of national defense. Such an Order has not been issued.

§ 402. Boundaries; Guam. Exclusive Economic Zone (EEZ).

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

(b) The territory of Guam shall exercise exclusive jurisdiction for the purpose of granting easements for undersea cables and pipelines, exploring, conserving, and managing the natural resources, whether living or non-living, of the waters super-adjacent to the sea-bed and its subsoil, and with regard to other activities for the economic exploration and exploitation of the zone, including, but not limited to, all sources of energy and prevention of pollution within the zone which poses a threat to the zone.

(c) The Governor of Guam is directed to represent the interests of the people of the territory of Guam consistent with the United Nations Convention on the Law of the Sea in all matters pertaining to negotiations affecting Guam's ocean rights and responsibilities with the administering power, other States and non-State entities. The Governor is authorized to enter into

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cooperative agreements for the management, exploration, exploitation, and conservation of Guam's ocean resources which represent the interest of the people of Guam; and further, may enter into agreements with respect to the rights and responsibilities of the United Nations Convention of the Law of the Sea which promotes international communication and respects the sovereignty of other States.

(i) Any agreement, entered into by the Governor or any agency, purporting to commit the Territory of Guam pursuant to authorization provided in Subsection (c) of this § 402, shall be subject to the Administrative Adjudication Law and shall require the subsequent concurrence of the Guam Legislature, as provided for in Article 3 of Chapter 9 of Title 5, Guam Code Annotated (Administrative Adjudication Law).

(d) The Governor shall create an *EEZ* planning task force, comprised of the Department of Agriculture, Department of Commerce, Bureau of Planning, University of Guam, Guam Environmental Protection Agency, and such other public agencies and members of the public as are necessary to develop an *EEZ* policy and implementation plan(s).

(i) This plan shall recommend policies for management, use, protection, enforcement, research, and implementation of activities in Guam's *EEZ*.

(ii) Such policy and implementation plan(s) shall be submitted to the Governor and the Legislature as provided for under the provisions of Public Law 20-147, which established the process for comprehensive development planning on Guam.

(e) A *nautical mile* is defined as 1852 meters (6067.115 feet).

SOURCE: Former Govt. Code § 102, as modified. Amended by P.L. 15-114, eff. 03/24/80. Subsection (b) added as Section 2 of P.L. 15-114. Subsection (a) amended by P.L. 23-17:2. Subsection (b) and (c) repealed/reenacted by P.L. 23-17:3-4. Subsection (d) added by P.L. 23-17:5. Subsection (e) added by P.L. 23-17:6 (5/25/95).

COMMENT: (1981): 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.

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The Governor, in a letter accompanying P.L. 15-114, stated: "As a matter of policy, the territory of Guam is claiming exclusive rights to control the utilization of all ocean resources in a 200-mile zone surrounding the island."

The Governor did recognize that this amendment is limited by reason of the Federal Fisheries Conservation and Management Act of 1976, but nonetheless signed the amendment as a declaration of Territorial Policies and goals.

COMMENT: (1995) The Legislative History (§ 1) to P.L. 23-17 states:

Legislative Finding. Guam is on the United Nation's List of Non-Self-Governing Territories and remains an unincorporated territory under the U.S. law; both statutes inherently are not self-governing. In this regard, as a territory, Guam has a particular personality under international law. Concomitant to this personality are certain rights, including the protection of natural resources from external exploitation and the development of natural resources for the benefit, well-being and development of the people of the territory.

In 1981, through Guam Public Law 15-114, Guam claimed its right to jurisdiction of the islands 200 mile Exclusive Economic Zone (hereinafter "the EEZ"). Later, on March 10, 1983, by Proclamation 5030, Guam's administering power, The United States, inappropriately attempted to lay a claim to Guam's EEZ. However, on July 29, 1994, Guam's administering power signed the United Nations Convention on the Law of the Sea (hereinafter "the UNCLOS") without reservation. The UNCLOS governs all aspects of ocean space, including delimitations on environmental control, scientific research, economic and commercial activities, technology, and the settlement of disputes relating to ocean matters.

With respect to territories that are not self-governing, the United Nations Convention on the Law of the Sea declares that:

"In the case of a territory whose people have not attained full independence or other self-governing status recognized by the United Nations, or a territory under colonial domination, provisions concerning rights and interests under the Convention shall be implemented for the benefit of the people of the territory with a view to promoting their well-being and development."

(Final Act of the UNCLOS, Annex I, Resolution III, 1(a), emphasis added.)

The Guam Legislature finds that the government of the people of Guam is best suited, and is vested with the

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right, to implement the necessary ocean policies which will promote the well-being and development of the people of Guam.

§ 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 Hagåtña. Beginning at the mouth of the Fonte (Pigo) River running easterly along the shoreline of Hagåtña Bay to the northeast corner of Lot Number 2010, thence southeasterly along eastern boundaries of Lot Numbers 2010 and 2032, to the southeast corner of Lot Number 2032, thence southwesterly and westerly along the northern boundaries of Lot Numbers 2054, 2051, 2049 and 2048, to the northwest corner of Lot Number 2048, thence southerly along the west boundaries of Lot Numbers 2048, 2047 and 1116 to a point on centerline of Route Number 8, thence southwesterly along the eastern boundary of Lot Number 1152, to the centerline of the Hagåtña River, thence southeasterly along the centerline of the Hagåtña River to the easternmost corner of Lot Number 89, thence southwesterly along the southeastern boundary of said Lot, thence northwesterly along the old Hagåtña Spring Road to Route Number 4, to the southeast corner of Lot Number 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 Number 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

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boundary of said Naval Hospital to Fonte (Pigo) River thence northwesterly along said river to the point of beginning and to include the R. J. Bordallo Governor's Complex, formerly known as Adelup.

(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 boundary of said Lot to the northeast corner, thence northwesterly along the western boundary of Lot No. 50 to the Fonte River, thence northeasterly

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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 center line 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 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

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southeasterly along the southern boundary of Lot No. 450 and along the Lonfit and Pago Rivers to the point of beginning.

(g) Municipality of Talo'fo'fo'. Beginning at the mouth of the Togcha River running southerly along the coastline to the mouth of the Talo'fo'fo' River, thence southwesterly along the Talo'fo'fo' 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 north westerly to the Mt. Jumullong Manglo Triangulation Station, thence northeasterly through the Fena Valley watershed to a 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 *Inalâhan*. Beginning at the mouth of the Talofoto 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 Estat No. 322 (Atate) to the point of its intersection with the Ugum River, thence northeasterly along the Ugum and Talofoto Rivers to the point of beginning.

(i) Village of Malesso'. 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

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westerly, northwesterly and northerly along the southwestern coastline to the point of beginning.

(j) Municipality of Humåtak. 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 Hågat. 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 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) Sânta Rita-Sumai 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

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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 northeasterly 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 of Route 16, thence south easterly 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

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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 Leyang Road and Route No. 10, thence westerly along centerline of Leyang 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

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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.

(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 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

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junction of said boundaries with the center line 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

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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 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 southern most 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.

SOURCE: 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 foregoing section. Subsection (b) amended by P.L. 24-152:1. Subsection (h) amended by P.L. 36-016:1 (Apr. 9, 2021). Subsection (g) amended by P.L. 36-051:1 (Aug. 18, 2021). Subsection (i) amended by P.L. 36-049:1 (Aug. 18, 2021). Subsection (j) amended by P.L. 36-048:1 (Aug. 18, 2021); Subsection (k) amended by P.L. 36-047:1 (Aug. 18, 2021). Subsection (l) amended by P.L. 36-050:1 (Aug. 18, 2021)

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.

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

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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.

SOURCE: Former Govt. Code § 103, as modified.

COMMENT: The only changes made here are to replace the term *reverts 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.

SOURCE: Former Govt. Code § 104, as modified.

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 5 GCA Chapter 6 (Government Claims) with reference to the general government. The Legislature has created each autonomous agency by a separate act, but has amended the Claims Law to cover all such agencies.

§ 406. Coat of Arms.

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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.

SOURCE: (§ 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. Guam Flag.

The official 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 (24) inches high and sixteen (16) 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 flag of Guam for holiday uses shall be the same design as stated herein, but shall be fifty percent (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 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 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.

COMMENT: "Territory" and "territorial" removed pursuant to § 420 of the Chapter.

§ 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 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 Guam, Tano' I Man Chamorro." The Great Seal shall be approximately two and five-sixteenths inches (2 5/16") long.

(b) In all instances where such seal is reproduced in color, the colors of the Coat of Arms shall be as described in § 406 and the surrounding lettering shall be in black.

SOURCE: Former Govt. Code § 109 and § 111, unchanged. Subsection (a) amended by P.L. 24-19:2 to be effective 90 days from enactment, or June 27, 1997.

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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.

NOTE: The sole change from the 1993 publication is the correction of “§ 1406” to “§ 496”, which is the correct section reference.

§ 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.

SOURCE: 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 Guam with the words “Great Seal of” 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” 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.

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

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

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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 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.

SOURCE: Former Govt. Code § 113 and § 115 consolidated.

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.

SOURCE: 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.

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§ 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.

SOURCE: (§ 415, § 416, § 417, § 418)

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

Section 416 repeats former Govt. Code § 121.

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

Section 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 and Guam March.

The composition consisting of the words and music known as the *Guam Hymn*, composed by Dr. Ramon M. Sablan, is designated the territorial hymn and the composition of music known as the *Guam March*, composed by Jose Martinez Torres, is designated the march of Guam. The Guam Hymn 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. The Guam March shall be played optionally.

SOURCE: Amended by P.L. 16-102.

§ 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

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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.

§ 419. State Funerals.

(a) The Legislature, on behalf of the people of Guam, shall honor with a State Funeral any person who at the time of his death or before served as a Senator, Governor, Lieutenant Governor, Judge, Non-Voting Delegate to Washington or any citizen who, in the opinion of the Committee on Rules of the Legislature, has displayed exemplary service for the island and the people of Guam, if the family of the deceased so agrees.

(b) Expenses for a State Funeral shall be paid by the government of Guam. Expenses for State Funerals shall be paid out of the operations fund of the Guam Legislature which shall be periodically reimbursed by appropriations from the General Fund.

(c) The Director of Administration shall coordinate with the Executive Director of the Guam Legislature the planning and conducting of each State Funeral.

SOURCE: Added as § 176 of the Government Code of Guam by P.L. 15-89. Section renumbered and placed within Title 1 GCA by Compiler of Laws pursuant to 1 GCA § 1605.

§ 420. Affirmation of Self-Respect and Prohibition of Use of the Term "Territory" in All Official Uses Within the Government of Guam.

In the interests of promoting self-respect and in recognition of the necessarily pejorative, diminishing and colonial aspects of the term *territory* within the context of American law, the term *territory of Guam* or its derivatives, such as *territorial*, shall not

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be used in direct titular association with the Island, people, or government of Guam or for the purposes of direct self-description, in any government document or otherwise as part of any government title. This Section is intended to prohibit, among other things, official government use of the term *territory of Guam* in any statute, resolution, official government act or document. In replacement, the designation *Guam* shall be used. Further, the term *territorial*, as is used in the titles of various government agencies, councils, boards and instrumentalities is prohibited, to be replaced with the term *Guam*. This Section is not intended to ban the use of the terms *territory* or *unincorporated territory* in documents or publications describing Guam or the political status of Guam, but rather to discontinue the self-perpetuation of this unworthy status in official titles associated with Guam. In such cases where existing statutes contain the term *territory of Guam*, on the effective date of this Act, all such statutory references, notwithstanding any other provision of law, are amended to replace the term *territory of Guam* with the term *Guam*, which shall be understood to have the same meaning and effect with respect to construction and effect of the statutes so amended. On the effective date of this Act, all government instrumentalities, agencies, councils or boards containing the term *territorial* in their titles shall be amending notwithstanding any other provision of law in such manner as to remove the term *territorial* from the title and replace such term with the term *Guam*.

SOURCE: Added by P.L. 24-89:1.
