



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

October 4, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-904
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 10/4/11
Time: 4:00 PM
Received by: [Signature]

Dear Madame Speaker:

Transmitted herewith is Substitute Bill No. 240-31 (COR) "AN ACT TO AMEND §§850, 852 AND 853 OF ARTICLE 2, CHAPTER 8 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ARTS IN BUILDINGS AND FACILITIES", which was signed into law on September 30, 2011 as **Public Law 31-118**.

Senseramente,

[Signature]
EDDIE BAZA CALVO

2011 OCT -5 AM 8:09
[Signature]

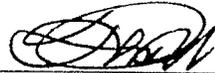
Attachment: copy of Bill

904

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 240-31 (COR), "AN ACT TO AMEND §§850, 852 AND 853 OF ARTICLE 2, CHAPTER 8 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ARTS IN BUILDINGS AND FACILITIES," was on the 19th day of September, 2011, duly and regularly passed.



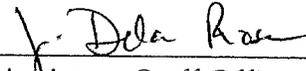
Judith T. Won Pat, Ed.D.
Speaker

Attested:



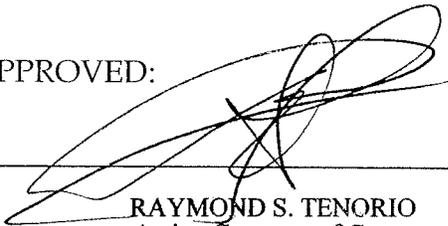
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 20th day of Sep, 2011, at
4:10 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

SEP 30 2011

Date: _____

Public Law No. 31-118

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 240-31 (COR)

As substituted by the Committee on Youth,
Cultural Affairs, Procurement, General Government Operations
and Public Broadcasting, and the Author.

Introduced by:

Aline A. Yamashita, Ph.D.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Tajjeron
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §§850, 852 AND 853 OF ARTICLE
2, CHAPTER 8 OF TITLE 1, GUAM CODE
ANNOTATED, RELATIVE TO ARTS IN BUILDINGS
AND FACILITIES.**

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

2 **Section 1.** §850 of Article 2, Chapter 8 of Title 1, Guam Code Annotated,
3 is hereby *amended* to read as follows:

4 **“§ 850. Purpose.**

1 The government of Guam recognizes its responsibility to foster
2 culture and the arts and the necessity for the development of the arts,
3 beginning with our young children and throughout the community. *I*
4 *Liheslatura* (the Legislature) declares it to be policy that a portion of
5 appropriations for capital expenditures for public buildings be set aside for
6 the acquisition of works of art to be used in such buildings and in any
7 buildings intended for use of the general public to the extent that the
8 construction or improvement of such non-public buildings is supported by
9 either federal or government of Guam tax incentives or other subsidy
10 arrangement.”

11 **Section 2.** §852 of Article 2, Chapter 8 of Title 1, Guam Code Annotated,
12 is hereby *amended* to read as follows:

13 “§ 852. **Arts in Public Buildings and Buildings Supported by**
14 **Public Funds.**

15 (a) Plans for public buildings and buildings supported by federal or
16 government of Guam subsidy which contain public areas, and plans for
17 remodeling or renovation of public buildings or facilities where the total cost
18 of construction, remodeling or renovation exceeds the sum of One Hundred
19 Thousand Dollars (\$100,000) *shall* contain provisions for the inclusion of
20 works of art, by local artists if available, including, but *not* limited to,
21 sculptures, paintings, murals or objects relating to or consisting of native art
22 as defined in §851 of this Chapter. The owner of the building *shall* also
23 have the option of allotting *at least* one percent (1%) of the overall
24 construction, remodeling or renovation cost of a building to the Guam
25 Council on the Arts and Humanities Agency (CAHA) in lieu of the inclusion
26 of works of art. If artwork plans are selected, however, a representation of
27 the final selection *shall* be published in a newspaper of general circulation

1 and/or the online version of the newspaper for public screening prior to
2 implementation.

3 (b) Before issuance of the occupancy permit for such construction,
4 remodeling or reconstruction the owner of the building must obtain
5 clearance from the Guam Council on the Arts and Humanities Agency that
6 the provisions of this Chapter are being complied with.

7 (c) *At least* one percent (1%) of the overall construction,
8 remodeling or renovation cost of a building described in Subsection (a) of
9 this Section *shall* be reserved for the purposes of the design, construction,
10 mounting, maintenance and replacement, and administration of works of art
11 by CAHA in the public area of such a building, or the owner *shall* give the
12 amount to CAHA.

13 The Director of CAHA *shall* include in CAHA rules and regulations,
14 pursuant to the Administrative Adjudication Law, for the disposition of
15 funds to meet the purpose of fostering culture and the arts for the
16 development of local artists, our children and the community as a whole.

17 The Director of Public Works *shall* ensure that no construction,
18 remodeling or renovating of a public building, or building supported by
19 government of Guam funds, is granted an occupancy permit without this
20 Chapter being complied with.

21 (d) Such buildings with an overall construction cost of *less than*
22 One Hundred Thousand Dollars (\$100,000) are exempted from the
23 requirements of the Chapter *unless* inclusion of works of art in their design
24 and construction is specifically authorized by the owner.

25 (e) The artist who creates these works of art *shall* be selected as
26 provided in Subsection (f) of this Section.

1 (f) The Director of CAHA *shall* develop rules and regulations,
2 pursuant to the Administrative Adjudication Law, for the selection of works
3 of art under this Chapter, and *shall* open competition for awarding any art
4 contract under this Chapter by:

5 (1) soliciting proposals from local artists by a project
6 announcement published *no less than* three (3) times in a local
7 publication of general circulation in print and online versions; and

8 (2) appointing a selection committee consisting of five (5)
9 members to review all proposals and report to the Director the results
10 of its deliberations regarding the proposed art contract. Such
11 committee *shall* include a representative of the building's owner or of
12 the agency or department involved, the project architect, the
13 municipal commissioner from the project site, and *at least two* (2)
14 practicing artists from Guam. The final decision regarding the use of
15 art work and the selection committee's recommendations *shall* be by
16 the Director of CAHA, who *shall* be the contracting officer for any art
17 contract executed pursuant to this Chapter.

18 (g) The Director of CAHA *shall* include in CAHA rules and
19 regulations, pursuant to the Administrative Adjudication Law, procedures
20 for the acceptance of funds as stated in this Section.

21 (1) An account *shall* be established which *shall* be
22 maintained separate and apart from other funds of the government of
23 Guam, *shall* be kept in a separate bank account, and *shall not* be
24 subject to any transfer authority of *I Maga'lahaen Guåhan*. Funds
25 *shall* remain in such account and expended by CAHA for the purposes
26 mandated in this Section. Said Fund *shall* be examined and reported

1 upon as required by law by the Director of CAHA who will serve as
2 the certifying officer of said Fund.

3 (2) On the first (1st) day of each fiscal quarter, the CAHA
4 Director *shall* provide to *I Maga'lahaen Guåhan* and the Speaker of *I*
5 *Liheslaturan Guåhan*, and post on the CAHA website, a detailed
6 report of how funds were allocated and utilized.

7 (h) **Enforcement.**

8 (1) CAHA *shall* identify public buildings in non-compliance
9 with this Section and send written notices within ten (10) working
10 days. Upon receipt of the notice, recipients have two (2) weeks
11 (fourteen (14) calendar days) to acknowledge, in writing, receipt.
12 Recipients will be given *up to* one (1) fiscal year to comply with this
13 Section.

14 (2) The Guam Economic Development Authority (GEDA)
15 *shall* ensure that current Qualifying Certificate (QC) program
16 beneficiaries are in compliance with this Section.

17 (3) For monitoring purposes, GEDA *shall* provide to CAHA
18 a list of past and current QC recipients. CAHA will determine
19 whether former QC recipients complied with Subsections (a) and (c),
20 and notify them in writing if non-compliance was determined. Upon
21 receipt of the notice, recipients have two (2) weeks (fourteen (14)
22 calendar days) to acknowledge, in writing, receipt. Recipients will be
23 given *up to* one (1) fiscal year to comply with this Section.

24 (4) CAHA *shall* provide to the Department of Revenue and
25 Taxation a list of QC recipients who fail to comply with this Section.
26 The Department of Revenue and Taxation *shall* refuse to grant
27 renewal of business licenses for current and past QC recipients in

1 noncompliance, until the CAHA Director issues a written
2 confirmation of compliance.”

3 **Section 3.** §853 of Article 2, Chapter 8 of Title 1, Guam Code Annotated,
4 is hereby *amended* to read as follows:

5 “§ 853. **Inclusion of Chamorro Artistry or Guam History**
6 **Elements in Government Buildings.**

7 (a) **Government of Guam Buildings and Structures.** All
8 government of Guam buildings and structures *shall* contain elements of
9 either Guam history or of *Chamorro* artistry costing up to a maximum of
10 three percent (3%) of the aggregate of the architectural and engineering, the
11 construction or the renovation budgets therefore. Such elements may be
12 made part of the internal or external physical structure of the building or
13 structure and may be within the main part of the building or structure or
14 separated from the main part. In complying with the provisions of this
15 Section, a contractor for the government agency constructing the building or
16 structure may consult with CAHA as to the various types of *Chamorro* or
17 historic Guam artistic elements. The Department of Public Works
18 (Department) *shall* monitor noncompliance with this Section during its plans
19 approval process, *unless* such plans are exempted in accordance with
20 Subsection (b) of this Section. If the Department determines that a non-
21 exempted project does *not* comply with this Section, it *shall* refuse to issue
22 either a building permit or an occupancy permit (as the case requires) for
23 such project until compliance.

24 (b) **Exceptions to Applicability.** Buildings and structures
25 constructed for use as shelters for utility facilities, or utility operations, are
26 *not* subject to Subsection (a) of this Section.

1 (c) **Compliance.** Government of Guam agencies found in non-
2 compliance of this Section *shall* be given up to one (1) fiscal year to comply.
3 CAHA *shall* ensure compliance with this Section.

4 (d) **Government Leased Spaces.** Government of Guam agencies
5 leasing spaces are *not* exempt from this Section, and if found in non-
6 compliance will be given up to one (1) fiscal year to comply. CAHA *shall*
7 ensure compliance with this Section.”

8 **Section 4. Severability.** *If* any provision of this Law or its application to
9 any person or circumstance is found to be invalid or contrary to law, such
10 invalidity *shall not* affect other provisions or applications of this Law which can be
11 given effect without the invalid provisions or application, and to this end the
12 provisions of this Law are severable.

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN

2011 (FIRST) Regular Session

Date: Sept. 19, 2011

VOTING SHEET

SBill No. 240-31(COR)

Resolution No. _____

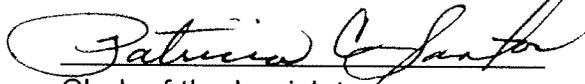
Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT.


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
Chairman, Committee on Youth, Cultural Affairs, Procurement,
General Government Operations, and Public Broadcasting.
Web Address: www.senatorbjcruz.com



IMINA' TRENTAI UNU NA LIHESLATURAN GUAHAN
The 31st Guam Legislature • senator@senatorbjcruz.com
155 Hesler Place, Hagatna, Guam 96910
Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

August 1, 2011

The Honorable Judith T. Won Pat
Speaker
I Mina' Trentai Unu Na Liheslatuaran Guahan
31st Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

VIA: The Honorable Rory J Respicia
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 240-31 (COR) As Substituted

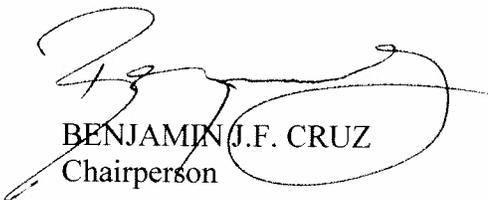
Dear Speaker Won Pat:

Transmitted herewith is the Report of Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting the on Substitute Bill No. 240-31 (COR) "An act to amend §850, §852 & §853 all of chapter 8 Article 2 of Title 1 Guam Code Annotated, relative to arts in building and facilities." sponsored by Senator Aline Yamashita PhD and substituted by the Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting.

Committee votes are as follows:

5 TO DO PASS
____ TO NOT PASS
2 TO REPORT OUT ONLY
____ TO ABSTAIN
____ TO PLACE IN INACTIVE FILE

Sincerely,


BENJAMIN J.F. CRUZ
Chairperson

2011 AUG 19 PM 4:25



COMMITTEE REPORT

ON

Substitute Bill No. 240-31 (COR)

“An act to amend §850, §852 & §853 all of chapter 8 Article 2 of Title 1 Guam Code Annotated, relative to arts in building and facilities.”



August 1, 2011

MEMORANDUM

TO: All Members
Committee on Youth, Cultural Affairs, Procurement, General
Government Operations and Public Broadcasting

FROM: Vice Speaker Benjamin J.F. Cruz

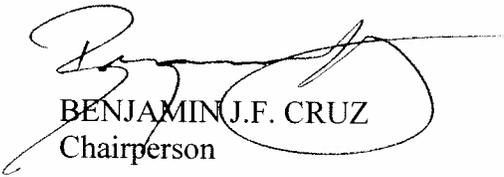
SUBJECT: Committee Report on Bill No. 240-31(COR) As Substituted

Transmitted herewith for your consideration is the Committee Report on Substitute Bill No. 240-31(COR)- "An act to amend §850, §852 & §853 all of chapter 8 Article 2 of Title 1 Guam Code Annotated, relative to arts in building and facilities." This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 240-31(COR)
- Substitute Bill No. 240-31(COR)
- Public Hearing Sign-in Sheet
- COR Referral of Bill No. 240-31(COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,


BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE VOTING SHEET

Substitute Bill No. 240-31 (COR) "An act to amend §850, §852 & §853 all of chapter 8 Article 2 of Title 1 Guam Code Annotated, relative to arts in building and facilities."

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		8/1/11				
MUÑA BARNES, TINA ROSE Vice-Chairperson				✓		
WON PAT, JUDITH T. Speaker and Ex-Officio Member						
ADA, THOMAS C. Member				✓ 8/1/11		
GUTHERTZ, JUDITH P. Member						
RESPICIO, RORY J. Member						
RODRIGUEZ, DENNIS G. JR. Member						
ADA, V. ANTHONY Member		8/1/11				
DUENAS, CHRISTOPHER Member		8/1/11				
MABINI, SAM Member		8/1/11				
YAMASHITA, ALINE Member		8/1/11				



Committee Report Digest

I. OVERVIEW

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting convened a public hearing on Friday, July 15th, 2011 at 10:00 a.m. in the Public Hearing Room of *I Liheslatura*. Among the items on the agenda was the consideration of Bill No. 240-31 (COR) "An act to amend §850, §852 & §853 all of chapter 8 Article 2 of Title 1 Guam Code Annotated, relative to arts in building and facilities."

Substitute Bill No. 240-31(LS) would enforce standing legislation to make art a necessity in any building or facility. The 1% required by law now would be given to The Council for Arts and Humanities who shall create rules and regulations and therefore be in charge of the program.

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all senators on July 8th and 13th via email. Copies of the hearing notices are appended to the report.

Senators Present

Vice Speaker Benjamin J.F. Cruz, Chairperson
Senator V. Anthony Ada, Committee Member
Senator Aline A. Yamashita, Ph.D., Committee Member
Senator Adolpho Palacios, Committee Member
Senator Chris Duenas, Committee Member
Senator Thomas Ada, Committee Member
Senator Mana Silva, Committee Member
Senator Rory J. Respicio, Committee Member
Senator Sam Mabini Ph.D., Committee Member

The public hearing was called to order at 9:05 a.m.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Vice Speaker Benjamin J.F. Cruz called the public hearing to order at 9:05 a.m. and announced the morning's agenda and public hearing notices.

James Artero Cameron, Director, Department of Chamorro Affairs, testified that he was



renaissance of the Chamorro Culture.

Monica Okada, Galaide Group, testified that this bill's intent is positive. That she supports the measure fully.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting finds there is a need for amendments to the bill the changes are as follows:

Substitute Bill No. 240-31 (COR)

The following revisions to Bill No. 240-31(COR) are contained in Substitute Bill No. 240-31(COR).

- **Section 1 has been revised as follows:**
 - ⊖ The Legislature declares it to be a ~~territorial~~ policy that a portion of appropriations for capital expenditures for public buildings be set aside for the acquisition of works of art to be used in such buildings and in any buildings intended for use of the general public to the extent that the construction or improvement of such non-public buildings is supported by either Federal or government of Guam tax incentives or other subsidy arrangement ~~funds through tax abatements, rebates, loans, loan guarantees or bond financing or by Federal funds administered by the government of Guam.~~
- **Section 2 has been revised to include a amendments to item (a) and two (2) new items (g) and (h) as follows:**
 - (a) Plans for public buildings and buildings supported by Federal or government of Guam ~~funds~~ subsidy which contain public areas and plans for remodeling or renovation of public buildings or facilities where the total cost of construction, remodeling or renovation exceeds the sum of One Hundred Thousand Dollars (\$100,000) shall contain provisions for the inclusion of works of art, by local



artists if available, including, but not limited to sculptures, paintings, murals or objects relating to or consisting of native art ...

- “(g) The Director of CAHA shall include in CAHA rules and regulations, pursuant to the Administrative Adjudication Law procedures for the acceptance of funds as stated in this Section.

- (1) An account shall be established which shall be maintained separate and apart from other funds of the government of Guam and shall be kept in a separate bank account and shall not be subject to any transfer authority of *I Maga'lahen Guahan*. Funds shall remain in such account and expended by CAHA for purposes mandated in this section. Said Fund shall be examined and reported upon as required by law by the Director of CAHA who will serve as the certifying officer of said Fund.

- (2) On the first (1st) day of each fiscal quarter, the CAHA Director shall provide to *I Maga'lahen Guahan* and the Speaker of *I Liheslaturan Guahan*, and post on the CAHA website, a detailed report of how funds were allocated and utilized.

- **(h) Enforcement.**

- (1) CAHA shall identify public buildings in non-compliance with this Section and send written notice within ten (10) working days. Upon receipt of the notice, recipients have two weeks – fourteen (14) calendar days— to acknowledge, in writing, receipt. Recipients will be given up to one (1) fiscal year to comply with this Section.

- (2) The Guam Economic Development Authority (GEDA) shall ensure that current Qualifying Certificate (QC) program beneficiaries are in compliance with this Section.

- (3) For monitoring purposes, GEDA shall provide CAHA a list of past and current QC recipients. CAHA will determine whether former QC recipients complied with subsections (a) and (c), and notify them in writing if non-compliance was



determined. Upon receipt of the notice, recipients have two weeks – fourteen (14) calendar days) – to acknowledge, in writing, receipt. Recipients will be given up to one (1) fiscal year to comply with this Section.

(4) CAHA shall provide the Department of Revenue and Taxation a list of QC recipients who fail to comply with this Section. The Department of Revenue and Taxation shall refuse to grant renewal of business licenses for current and past QC recipients in noncompliance, until the CAHA Director issues a written confirmation of compliance.”

- **A new Section 3 was included as it was inadvertently omitted in the bill during initial introduction, with the following header: “Chapter 8, Article 2 of Title 1, Guam Code Annotated, is hereby amended to read as follows”:**

- Revisions were made to item (a) to include a heading:
 - **Government of Guam buildings and structures.**
- New items (c) and (d) were added to Section 3:

(c) **Compliance.** Government of Guam agencies found in non-compliance of this Section shall be given up to one fiscal year to comply. CAHA shall ensure compliance with this Section.

(d) **Government Leased Spaces.** Government of Guam agencies leasing spaces are not exempt from this Section, and if found in non-compliance will be given up to one fiscal year to comply. CAHA shall ensure compliance with this Section.”

- **A new Section 4 to include a severability clause was added:**
 - **Section 4. Severability.** If any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.



effect without the invalid provisions or application, and to this end the provisions of this Law are severable.

Please note that the Committee recognizes that some members have concerns about the language of this measure. Most glaring perhaps is:

(h) (4) CAHA shall provide the Department of Revenue and Taxation a list of QC recipients who fail to comply with this Section. The Department of Revenue and Taxation shall refuse to grant renewal of business licenses for current and past QC recipients in noncompliance, until the CAHA Director issues a written confirmation of compliance.”

Some have made the suggestion that the word *shall* should be replaced with *may* therefore making the language permissive and allowing some latitude for the Director of DRT to have some leeway in deciding whether or not to grant a business license.

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting to which was referred Bill No. 240-31 (COR), hereby submits these findings to *I Mina' Trentai Unu na Liheslaturan Guahan* and reports out Substitute Bill No. 240-31(COR) with the recommendation TO REPORT OUT ONLY.

I MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN
2011 (FIRST) Regular Session

2011 JAN 11 PM 3:05
[Signature]

BILL NO. 240-31 (cor)

Introduced by:

A.A. YAMASHITA, PhD *[Signature]*

**AN ACT TO AMEND §850, §852 & §853 ALL OF CHAPTER 8,
ARTICLE 2 OF TITLE 1, GUAM CODE ANNOTATED,
RELATIVE TO ARTS IN BUILDINGS AND FACILITIES.**

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

2 **Section 1. § 850 of Chapter 8, Article 2 of Title 1, Guam Code Annotated, is**
3 **hereby amended to read as follows:**

4 **“§ 850. Purpose.**

5 The ~~territory~~ government of Guam recognizes its responsibility to foster culture
6 and the arts and the necessity for the development of ~~local artists~~ the arts, beginning with
7 our young children and throughout the community. The Legislature declares it to be a
8 ~~territorial~~ policy that a portion of appropriations for capital expenditures for public
9 buildings be set aside for the acquisition of works of art to be used in such buildings and
10 in any buildings intended for use of the general public to the extent that the construction
11 or improvement of such non-public buildings is supported by either government of Guam
12 funds through tax abatements, rebates, loans, loan guarantees or bond financing or by
13 Federal funds administered by the government of Guam.

14 **Section 2. § 852 of Chapter 8, Article 2 of Title 1, Guam Code Annotated, is**
15 **hereby amended to read as follows:**

16 **“§ 852. Arts in Public Buildings and Buildings Supported by Public**

1 **Funds.**

2 (a) Plans for public buildings and buildings supported by government of Guam
3 funds which contain public areas and plans for remodeling or renovation of public
4 buildings or facilities where the total cost of construction, remodeling or
5 renovation exceeds the sum of One Hundred Thousand Dollars (\$100,000) shall
6 contain provisions for the inclusion of works of art, by local artists if available,
7 including, but not limited to sculptures, paintings, murals or objects relating to or
8 consisting of indigenous art as defined in ~~Public Law 15-50~~ § 851 of this Chapter.

9 The owner of the building shall also have the option of allotting at least one
10 percent (1%) of the overall construction, remodeling or renovation cost of a
11 building to the Guam Council on the Arts and Humanities (CAHA) in lieu of the
12 inclusion of works of art. If artwork plans are selected, however, a representation
13 of the final selection shall be published in a newspaper of general circulation
14 and/or the online version of the newspaper for public screening prior to
15 implementation.

16 (b) Before issuance of the occupancy permit for such construction, remodeling or
17 reconstruction the owner of the building must obtain clearance from the Guam
18 Council on Arts and Humanities Agency (~~CAHA~~) that the provisions of this
19 Chapter are being complied with.

20 (c) At least one percent (1%) of the overall construction, remodeling or
21 renovation cost of a building described in subsection (a) of this section shall be
22 reserved for the purposes of the design, construction, mounting, maintenance and

1 replacement, and administration of works of art by CAHA in the public area of
2 such a building or the owner shall give the amount to CAHA.

3 The Director of CAHA shall include in CAHA rules and regulations,
4 pursuant to the Administrative Adjudication Law, for the disposition of funds to
5 meet the purpose of fostering culture and the arts for the development of local
6 artists, our children and the community as a whole.

7 The Director of the Department of Public Works shall ensure that no
8 construction, remodeling or renovating of a public building or building supported
9 by government of Guam funds is granted an occupancy permit(s) without this
10 Chapter being complied with.

11 (d) Such buildings with an overall construction cost of less than One Hundred
12 Thousand Dollars (\$100,000) are exempted from the requirements of the Chapter
13 unless inclusion of works of art in their design and construction is specifically
14 authorized by the owner.

15 (e) The artist who creates these works of art shall be selected as provided in
16 subsection (f) of this section.

17 (f) The Director of CAHA shall develop rules and regulations, pursuant to the
18 Administrative Adjudication Law, for the selection of works of art under this
19 Chapter, and shall open competition for awarding any art contract
20 under this Chapter by:

21 (1) Soliciting proposals from local artists by a project announcement
22 published no less than three (3) times in a local publication of general
23 circulation in print and online versions.

1 (2) Appointing a selection committee consisting of five (5) members to
2 review all proposals and report to the Director the results of its
3 deliberations regarding the proposed art contract. Such committee shall
4 include a representative of the building's owner or of the agency or
5 department involved, the project architect, the municipal commissioner
6 from the project site, and at least two (2) practicing artists from Guam.
7 The final decision regarding the use of art work and the selection
8 committee's recommendations shall be by the Director of CAHA, who
9 shall be the contracting officer for any art contract executed pursuant to
10 this Chapter.

11 **§ 853. Inclusion of Chamorro Artistry or Guam History Elements in**
12 **Government Buildings.**

13 (a) All government of Guam buildings and structures ~~constructed or renovated~~
14 ~~after the enactment of this section~~ shall contain elements of either Guam history
15 or of Chamorro artistry costing up to a maximum of three percent (3%) of the
16 aggregate of the architectural and engineering, the construction or the renovation
17 budgets therefore. Such elements may be made part of the internal or external
18 physical structure of the building or structure and may be within the main part of
19 the building or structure or separated from the main part. In complying with the
20 provisions of this sSection, a contractor for the government agency constructing
21 the building or structure may consult with ~~the Guam Council on the Arts and~~
22 ~~Humanities~~ (CAHA) as to the various types of Chamorro or historic Guam artistic
23 elements. The Department of Public Works (the Department) shall monitor

1 noncompliance with this Section during its plans approval process, unless such
2 plans are exempted in accordance with subsection (b) of this Section. If the
3 Department determines that a non-exempted project does not comply with this
4 Section, it shall refuse to issue either a building permit or an occupancy permit (as
5 the case requires) for such project until compliance.

6 (b) Exceptions to applicability. Buildings and structures constructed for use as
7 shelters for utility facilities or utility operations are not subject to subsection (a) of
8 this Section. ~~Exceptions to the requirements of this Section may be granted by~~
9 ~~the Governor of Guam, based on reasonable justification. Any government of~~
10 ~~Guam construction projects which have commenced prior to the implementation~~
11 ~~of this Section may be exempted from its provisions as determined by the~~
12 ~~Department.~~

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

BILL NO. 240-31(COR)

As substituted by the Committee on Youth, Cultural Affairs, Procurement,
General Government Operations and Public Broadcasting and the Author

Introduced by:

A.A. YAMASHITA, PhD

**AN ACT TO AMEND §850, §852 & §853 ALL OF
CHAPTER 8, ARTICLE 2 OF TITLE 1, GUAM CODE
ANNOTATED, RELATIVE TO ARTS IN BUILDINGS
AND FACILITIES.**

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

2 **Section 1. § 850 of Chapter 8, Article 2 of Title 1, Guam Code Annotated, is**
3 **hereby amended to read as follows:**

4 **“§ 850. Purpose.**

5 The ~~territory-government of Guam~~ recognizes its responsibility to foster culture
6 and the arts and the necessity for the development of ~~local artists- the arts, beginning with~~
7 ~~our young children and throughout the community.~~ The Legislature declares it to be a
8 ~~territorial~~-policy that a portion of appropriations for capital expenditures for public
9 buildings be set aside for the acquisition of works of art to be used in such buildings and
10 in any buildings intended for use of the general public to the extent that the construction
11 or improvement of such non-public buildings is supported by either Federal or
12 government of Guam tax incentives or other subsidy arrangement ~~funds through tax~~
13 ~~abatements, rebates, loans, loan guarantees or bond financing or by Federal funds~~
14 ~~administered by the government of Guam.”~~

15 **Section 2. § 852 of Chapter 8, Article 2 of Title 1, Guam Code Annotated, is**
16 **hereby amended to read as follows:**

17 **“§ 852. Arts in Public Buildings and Buildings Supported by Public**
18 **Funds.**

1 (a) Plans for public buildings and buildings supported by Federal or government
2 of Guam ~~funds~~ subsidy which contain public areas and plans for remodeling or
3 renovation of public buildings or facilities where the total cost of construction,
4 remodeling or renovation exceeds the sum of One Hundred Thousand Dollars
5 (\$100,000) shall contain provisions for the inclusion of works of art, by local
6 artists if available, including, but not limited to sculptures, paintings, murals or
7 objects relating to or consisting of native art as defined in ~~Public Law 15-50 § 851~~
8 of this Chapter. The owner of the building shall also have the option of allotting
9 at least one percent (1%) of the overall construction, remodeling or renovation
10 cost of a building to the Guam Council on the Arts and Humanities (CAHA) in
11 lieu of the inclusion of works of art. If artwork plans are selected, however, a
12 representation of the final selection shall be published in a newspaper of general
13 circulation and/or the online version of the newspaper for public screening prior
14 to implementation.

15 (b) Before issuance of the occupancy permit for such construction, remodeling or
16 reconstruction the owner of the building must obtain clearance from the Guam
17 Council on Arts and Humanities Agency (~~CAHA~~) that the provisions of this
18 Chapter are being complied with.

19 (c) At least one percent (1%) of the overall construction, remodeling or
20 renovation cost of a building described in subsection (a) of this section shall be
21 reserved for the purposes of the design, construction, mounting, maintenance and
22 replacement, and administration of works of art by CAHA in the public area of
23 such a building or the owner shall give the amount to CAHA.

24 The Director of CAHA shall include in CAHA rules and regulations,
25 pursuant to the Administrative Adjudication Law, for the disposition of funds to
26 meet the purpose of fostering culture and the arts for the development of local
27 artists, our children and the community as a whole.

28 The Director of the Department of Public Works shall ensure that no
29 construction, remodeling or renovating of a public building or building supported
30 by government of Guam funds is granted an occupancy permit~~(s)~~ without this
31 Chapter being complied with.

1 (d) Such buildings with an overall construction cost of less than One Hundred
2 Thousand Dollars (\$100,000) are exempted from the requirements of the Chapter
3 unless inclusion of works of art in their design and construction is specifically
4 authorized by the owner.

5 (e) The artist who creates these works of art shall be selected as provided in
6 subsection (f) of this section.

7 (f) The Director of CAHA shall develop rules and regulations, pursuant to the
8 Administrative Adjudication Law, for the selection of works of art under this
9 Chapter, and shall open competition for awarding any art contract
10 under this Chapter by:

11 (1) Soliciting proposals from local artists by a project announcement
12 published no less than three (3) times in a local publication of general
13 circulation in print and online versions.

14 (2) Appointing a selection committee consisting of five (5) members to
15 review all proposals and report to the Director the results of its
16 deliberations regarding the proposed art contract. Such committee shall
17 include a representative of the building's owner or of the agency or
18 department involved, the project architect, the municipal commissioner
19 from the project site, and at least two (2) practicing artists from Guam.
20 The final decision regarding the use of art work and the selection
21 committee's recommendations shall be by the Director of CAHA, who
22 shall be the contracting officer for any art contract executed pursuant to
23 this Chapter.

24 (g) The Director of CAHA shall include in CAHA rules and regulations, pursuant
25 to the Administrative Adjudication Law procedures for the acceptance of funds as
26 stated in this Section.

27 (1) An account shall be established which shall be maintained separate
28 and apart from other funds of the government of Guam and shall
29 be kept in a separate bank account and shall not be subject to any
30 transfer authority of I Maga'lahaen Guahan. Funds shall remain in
31 such account and expended by CAHA for purposes mandated in

1 this section. Said Fund shall be examined and reported upon as
2 required by law by the Director of CAHA who will serve as the
3 certifying officer of said Fund.

4 (2) On the first (1st) day of each fiscal quarter, the CAHA Director shall
5 provide to I Maga'lahaen Guahan and the Speaker of I Liheslaturan
6 Guahan, and post on the CAHA website, a detailed report of how
7 funds were allocated and utilized.

8 **(h) Enforcement.**

9 (1) CAHA shall identify public buildings in non-compliance with this
10 Section and send written notice within ten (10) working days. Upon receipt of the
11 notice, recipients have two weeks – fourteen (14) calendar days)— to
12 acknowledge, in writing, receipt. Recipients will be given up to one (1) fiscal
13 year to comply with this Section.

14 (2) The Guam Economic Development Authority (GEDA) shall ensure
15 that current Qualifying Certificate (QC) program beneficiaries are in compliance
16 with this Section.

17 (3) For monitoring purposes, GEDA shall provide CAHA a list of past
18 and current QC recipients. CAHA will determine whether former QC recipients
19 complied with subsections (a) and (c), and notify them in writing if non-
20 compliance was determined. Upon receipt of the notice, recipients have two
21 weeks – fourteen (14) calendar days)— to acknowledge, in writing, receipt.
22 Recipients will be given up to one (1) fiscal year to comply with this Section.

23 (4) CAHA shall provide the Department of Revenue and Taxation a list
24 of QC recipients who fail to comply with this Section. The Department of
25 Revenue and Taxation shall refuse to grant renewal of business licenses for
26 current and past QC recipients in noncompliance, until the CAHA Director issues
27 a written confirmation of compliance.”

28 **Section 3. of Chapter 8, Article 2 of Title 1, Guam Code Annotated, is hereby**
29 **amended to read as follows:**

30 **“§ 853. Inclusion of Chamorro Artistry or Guam History Elements in**
31 **Government Buildings.**

1 (a) **Government of Guam buildings and structures.** All government of Guam
2 buildings and structures ~~constructed or renovated after the enactment of this~~
3 ~~section~~ shall contain elements of either Guam history or of Chamorro artistry
4 costing up to a maximum of three percent (3%) of the aggregate of the
5 architectural and engineering, the construction or the renovation budgets
6 therefore. Such elements may be made part of the internal or external physical
7 structure of the building or structure and may be within the main part of the
8 building or structure or separated from the main part. In complying with the
9 provisions of this ~~s~~Section, a contractor for the government agency constructing
10 the building or structure may consult with ~~the Guam Council on the Arts and~~
11 ~~Humanities~~ (CAHA) as to the various types of Chamorro or historic Guam artistic
12 elements. The Department of Public Works (the Department) shall monitor
13 noncompliance with this Section during its plans approval process, unless such
14 plans are exempted in accordance with subsection (b) of this Section. If the
15 Department determines that a non-exempted project does not comply with this
16 Section, it shall refuse to issue either a building permit or an occupancy permit (as
17 the case requires) for such project until compliance.

18 (b) **Exceptions to applicability.** Buildings and structures constructed for use as
19 shelters for utility facilities or utility operations are not subject to subsection (a) of
20 this Section. ~~Exceptions to the requirements of this Section may be granted by~~
21 ~~the Governor of Guam, based on reasonable justification. Any government of~~
22 ~~Guam construction projects which have commenced prior to the implementation~~
23 ~~of this Section may be exempted from its provisions as determined by the~~
24 ~~Department.~~

25 (c) **Compliance.** Government of Guam agencies found in non-compliance of this
26 Section shall be given up to one fiscal year to comply. CAHA shall ensure
27 compliance with this Section.

28 (d) **Government Leased Spaces.** Government of Guam agencies leasing spaces
29 are not exempt from this Section, and if found in non-compliance will be given up
30 to one fiscal year to comply. CAHA shall ensure compliance with this Section.”

1 **Section 4. Severability.** *If any provision of this Law or its application to any*
2 *person or circumstance is found to be invalid or contrary to law, such invalidity shall not*
3 *affect other provisions or applications of this Law which can be given effect without the*
4 *invalid provisions or application, and to this end the provisions of this Law are severable.*



Guam Council on the
Arts & Humanities Agency *Kahan I Kutturán Guahan*



Honorable Edward J.B. Calvo
Governor of Guam

Honorable Ray S. Ternorio
Lieutenant Governor of Guam

Joseph Artero-Cameron

June 20, 2011

The Honorable Benjamin J Cruz
Vice-Speaker & Chairman
Committee on Youth, Cultural Affairs, Procurement,
General Government Operations & Public Broadcasting
Thirty-First Guam Legislature
155 Hesler Street, Hagåtña

Subject: Testimony Bill No. 240-31

Dear Vice-Speaker Cruz:

Recipients of CAHA award grants follow federal guidelines limiting recipients age 18 or older.

Bill No. 240 allows monies for those artists below the age of eighteen to participate in arts grant awards. The monies will come from an existing revenue stream.

During Ms. Jackie Balbas and I's discussion with Senator Yamashita, it became very clear that children are "left out" without possibility of nurturing their artistic abilities.

This local initiative promotes and endorses minors' engagement in the art world in their critical formative years.

I applaud the intent and the positive effect Bill No. 240 advocates. The Guam Council of the Arts and Humanities is the natural agency to manage such a program; given their track record of successes with adult arts recipients (through federal funding with the National Endowment of the Arts).

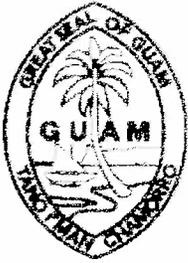
Bill No. 240 provides a cultural shift in the way CAHA has does business. A change welcomed.

I am very sure there are many young artists in grade schools that need the "extra push" for successes; as Bill No. 240 provides.

Senator Yamashita's bill is a PERFECT fit to the mission and the vision of the Calvo-Ternorio Administration. Our campaign platform on education and the preservation of local artists is aligned with Bill No. 240.

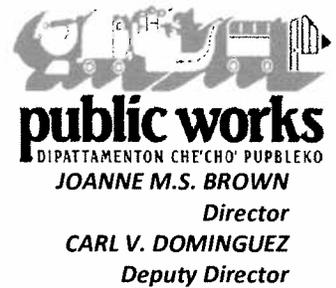
Let's support this Bill; a welcomed addition that will definitely be supported by our community with overwhelming embrace.

Joseph A Cameron
JOSEPH ARTERO-CAMERON



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor



July 15, 2011

The Honorable Benjamin J.F. Cruz
Vice Speaker
Chairperson, Committee on Procurement, Cultural Affairs
Public Broadcasting and Youth & General Government Operations
I Mina'Trentai Unu Na Liheslaturan Guåhan
155 Hessler Place
Hagåtña, Guam 96910

Re: Bill 240-31, AN ACT TO AMEND §850, §852 & §853 ALL OF CHAPTER 8, ARTICLE 2 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ARTS IN BUILDINGS AND FACILITIES

Dear Vice Speaker Cruz:

Buenas yan háfa adai!

The Department of Public Works thanks you and the Committee for the opportunity to submit testimony relative to the above referenced bill.

While the DPW supports the intent and the spirit of the bill, we are concerned that it will create yet another level of procedural review and approval within the building permit process. As such, the Guam Council on the Arts and Humanities should be prepared to expedite their reviews and approvals to ensure that the building permit process is efficient and effective.

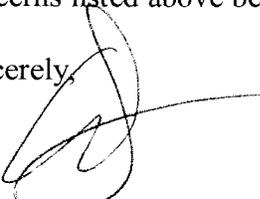
In addition, it is important to clarify whether the one percent (1%) is inclusive of the property value or is just limited to the construction, remodeling or renovation costs. This is important given that the Government of Guam leases a number of its facilities throughout the island, and it is feasible that there may be build-to-suit type leaseholds in the future, designed specifically for Government of Guam purposes. Such leases generally include the cost of land acquisition that, in some cases, may actually equal or exceed the value of the building.

Vice Speaker B.J. Cruz
Testimony: Bill 24031
July 15, 2011
Page 2

Another concern is whether this would apply to temporary leaseholds, such as the recent John F. Kennedy High School lease in the renovated Tiyan facilities. Would the valuation for the percentage of the arts be based on the total leasehold costs or just the value of the renovations? It is certainly arguable that those facilities were renovated specifically to suit the needs of the Government of Guam for a limited amount of time. However, the property owner will enjoy the benefits of the improvements (paid for in part by the Government through the lease) long after JFK has moved to its new facilities.

We are presently in the process of revamping our building permit process and can easily include the provisions of this bill into our updated permitting system. However, we do suggest that some of the concerns listed above be properly addressed to ensure that the intent of the law is clear and enforceable.

Sincerely,



JOANNE M.S. BROWN

Office of the Vice Speaker
Benjamin JF Cruz

Rcd. By: CR Date: 7-20-11

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Re: Per Cent of the Arts X Inbox X

Judy Flores to me, Monica

Attached is my testimony in favor of Bill 240-31. Please forward to Senator Aline Yamashita.
Judy

- > Hafa Adai fellow CHACO members,
- >
- > There will be a public hearing tomorrow, Friday, July 15 at the Guam
- > Legislature Public Hearing Room on Bill 240-31, an act introduced by
- > Senator Aline Yamashita to update the Per Cent of the Arts Program. If you
- > will remember, many years ago, when our economy was booming, there were
- > significant amount of dollars poured into requiring local art in our
- > buildings. This really helped to promote our local artists as well as
- > bringing a piece of our culture into these businesses. With the military
- > build up and the potential for much construction, we should take advantage
- > and pursue this type of
- >
- > I have attached the draft legislation. If you have time to come out and
- > support this effort, it would be really good to see you. Please pass this
- > on to other artists and friends of the arts. According to Jackie Balbas,
- > Joseph Cameron, as Acting ED for CAHA will submit testimony.
- >
- > Esta,
- >
- > Más Rikuetdo / Best Regards
- >
- > Monica Guzman
- > GALAIDE GROUP
- > 415 Chalan San Antonio
- > Suite 207 Baltej Pavillion
- > Tel: 671-646-3448 | Fax: 671-646-3449
- > BB: 671-727-1879
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Benjamin J.F. Cruz

J FLORES, INC.
Consultant Services, Arts of Oceania
PO Box 2329, Hagatna, Guam 96932 671-828-8040

judyflores@guam.net

TO: Senator Aline A. Yamashita
Vice Speaker Benjamin J. Cruz

SUBJECT: Support for Bill 240-31 AN ACT TO AMEND §850, §852 & §853 ALL OF CHAPTER 8, ARTICLE 2 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ARTS IN BUILDINGS AND FACILITIES.

I am pleased to see the introduction of this bill, which will enhance an existing percent-for-the-arts law. In the 1990s this law was very beneficial to local artists as well as for the enrichment of those who frequent the public spaces where the art was displayed. Due in part to our economic recession, the effectiveness of this law has diminished to the point where enforcement is non-existent. It is time for revitalizing and expanding the intent of this law to meet current economic opportunities and to encourage a new generation of artists.

I applaud the intent of the bill to expand the benefits whereby a percent of construction fees may go to CAHA, where it can be used to benefit performing artists and other important art programs in addition to visual artists.

I also support additions that will designate specific agencies to enforce this law; and to insure that all entities involved will support and comply with the intent of the legislation.

The revival of visual and performing indigenous art has grown extensively since the introduction of the original percent-for-the-arts legislation twenty-two years ago. This is a pro-active and much-needed update.

Saina ma'ase,



Judy S. Flores, PhD



COMMITTEE ON RULES

I Mina'trentai Unu na Libeslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

July 19, 2011

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

Memorandum

To: Pat C. Santos
Clerk of the Legislature

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

From: Senator **Rory J. Respicio**

Vice Speaker
Benjamin J. F. Cruz

Subject: Fiscal Notes

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Bill Nos.:

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

77-31 (COR)	237-31 (COR)	246-31 (COR)
172-31 (COR)	239-31 (COR)	249-31 (COR)
209-31 (COR)	240-31 (COR)	251-31 (COR)
212-31 (COR)	242-31 (COR)	252-31 (COR)
226-31 (LS)	243-31 (COR)	253-31 (COR)
228-31 (COR)	244-31 (COR)	254-31 (COR)
233-31 (COR)	245-31 (COR)	256-31 (COR)

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
Christopher M. Duenas

Si Yu'os ma'åse'!

RECEIVED
JUL 20 2011
EAM

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932**EDDIE BAZA CALVO**
GOVERNOR**RAY TENORIO**
LIEUTENANT GOVERNOR**BENITA A. MANGLONA**
DIRECTOR**STEPHEN J. GUERRERO**
DEPUTY DIRECTOR

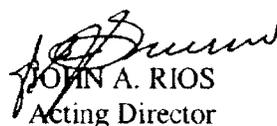
JUL 18 2011

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith are Fiscal Notes on the following Bill Nos.: 77-31(COR), 172-31(COR), 209-31(COR), 212-31(COR), 226-31(LS), 228-31(COR), 233-31(COR), 237-31(COR), 239-31(COR), 240-31(COR), 243-31(COR), 244-31(COR), 245-31(COR), 246-31(COR), 249-31(COR), 251-31(COR), 252-31(COR), 254-31(COR), 256-31(COR) and Fiscal Note Waivers on Bill Nos.: 242-31(COR), 253-31(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.



JOHN A. RIOS
Acting Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 240-31 (COR)**

AN ACT TO AMEND § 850, § 852 & § 853 ALL OF CHAPTER 8, ARTICLE 2 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ARTS IN BUILDINGS AND FACILITIES.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Council on the Arts and Humanities Agency	Dept./Agency Head: Joseph Artero-Cameron
Department's General Fund (GF) appropriation(s) to date:	288,700
Department's Other Fund (Specify) appropriation(s) to date: Tourist Attraction Fund \$50,000	50,000
Total Department/Agency Appropriation(s) to date:	\$338,700

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance ¹		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund):	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	1/	1/	1/	1/	1/

- Does the bill contain "revenue generating" provisions? /X/ Yes / / No
If Yes, see attachment. 1/
- Is amount appropriated adequate to fund the intent of the appropriation? 1. /X/ N/A / / Yes / / No
If no, what is the additional amount required? /X/ N/A
- Does the Bill establish a new program/agency? /X/ Yes / / No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /X/ No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
/ / Requested agency comments not received by due date / / Other: _____

Analyst: Angela Flores Date: 7/11/11 Director: JOHN A. RIOS, Acting Date: 7/18/11

Footnotes:

1/ The Bill has a potential for additional funding impact in terms of staffing the Guam Council on the Arts and Humanities Agency (CAHA) to conduct the additional responsibilities for its review and clearance before issuance of occupancy permits for construction, remodeling or renovation of public buildings at a cost exceeding \$100,000. See attachment for projected multi-year revenue comments.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 240-31 (COR)
(for revenue generating provisions)

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund): 1/	1/	1/	1/	1/	1/
Total	1/	1/	1/	1/	1/

Comments:

1/ There is a potential for increase in revenues as Section 2(a) of Bill No. 240-31 (COR) provides that owners seeking construction, remodeling or renovation of its public buildings, at a cost exceeding \$100,000 may opt to allot at least 1% of such cost (e.g. \$1,000) to CAHA for its disposition, in lieu of inclusion of works of art by local artists. However, in the Bill's present form that impact cannot be determined at this time. It is noted that a special fund account is not identified for purposes of accounting for such potential revenue increase.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

2011 JUN 17 AM 10:46

12

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

June 16, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Judith P. Guthertz, DPA
Acting Chairperson, Committee on Rules

Subject: Referral of Bill No. 240-31 (COR)

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 240-31 (COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(1) Attachment

I Mina Trentai Unu Na Liheslaturan Guåhan
Bill Log Sheet
June 14, 2011
Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
240-31 (COR)	A. A. Yamashita, Ph.D.	AN ACT TO AMEND §850, §852 & §853 ALL OF CHAPTER 8, ARTICLE 2 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ARTS IN BUILDINGS AND FACILITIES.	6/14/11 3:05 p.m.	6/16/11		Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting.			

Chris Carillo

From: Chris Carillo [chris.carillo@senatorbjcruz.com]
Sent: Friday, July 08, 2011 8:30 AM
To: 'speaker@judiwonpat.com'; 'Senator Tom Ada'; 'senatortonyada@guamlegislature.org'; 'senator@tinamunabarnes.com'; 'Senator Frank F. Blas, Jr.'; 'senator@senatorbjcruz.com'; 'duenasenator@gmail.com'; 'judiguthertz@gmail.com'; 'senatorsam@senatormabini.com'; 'Senator Ben C. Pangelinan'; 'cor@guamlegislature.org'; 'senatordrodriguez@gmail.com'; 'senatormana@gmail.com'; 'Aline Yamashita'; 'phnotice@guamlegislature.org'; 'dmgeorge@guampdn.com'; 'hottips@kuam.com'; 'Sabrina Salas'; 'mindy@kuam.com'; 'dcrisostomo@guampdn.com'; 'Janela'; 'thebigshow@k57.com'; 'therese.hart.writer@gmail.com'; 'Therese Hart'; 'Ray Gibson'; 'bmkelman@guampdn.com'; 'William Gibson'; 'krystal@kuam.com'
Cc: 'clerks@guamlegislature.org'; 'Pat Santos'; 'Rennae Perez'; 'Atty. Therese Terlaje'; 'yong@guamlegislature.org'; 'mis@guamlegislature.org'; 'sgtarms@guamlegislature.org'; 'Steven A. Dierking'; 'cyrus@senatorada.org'; 'louise_atalig@yahoo.com'; 'chelsea@tinamunabarnes.com'; 'Mary Fejeran'; 'garrett.duenas@senatorbjcruz.com'; 'joshua.tenorio@senatorbjcruz.com'; 'leonguerrero.angela@gmail.com'; 'leslie.g@senatormabini.com'; 'cipo@guamlegislature.org'; 'Stephanie Mendiola'; 'cherbert.senatordrodriguez@gmail.com'; 'chechsantos@gmail.com'; 'alerta.jermaine@gmail.com'; 'evelyn4families@gmail.com'; 'phnotice@guamlegislature.org'
Subject: 1st Notice of Public Hearing- July 15th, 2011
Attachments: 1st notice of Public Hearing- July 15th 2011.pdf

Hafa Adai All,

Please see the attached...

July 8, 2011

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J.F. Cruz

RE: First Notice of Public Hearing – July 15th, 2011

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- Bill No. 186-31 (LS)- J.T. Won Pat, Ed.D. / T.R. Muna-Barnes- “An act to add a new §43119 to Chapter 43 of Title 5 Guam Code Annotated, relative to protecting the rights of persons to petition a public board, public commission, or public corporation of the government of Guam for redress of grievances by establish a grievance policy, rules, and procedures.”
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Please provide written testimonies at least one day prior to the hearing to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477-2522, or via email to chris.carillo@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Garrett Duenas at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at garrett.duenas@senatorbjcruz.com.

Senseramente,

Chris Carillo
Office of the Vice-Speaker, Senator Benjamin J.F.Cruz
Chairman,Committee on Youth, Cultural Affairs,Procurement,
General Government Operations, and Public Broadcasting

I Mina'Trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910
Phone: (671) 477-2520/1
Fax: (671) 477-2522
Web Address: <http://www.senatorbjcruz.com>
E-mail: chris.carillo@senatorbjcruz.com

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Chris Carillo

From: Chris Carillo [chris.carillo@senatorbjcruz.com]
Sent: Wednesday, July 13, 2011 9:27 AM
To: 'speaker@judiwonpat.com'; 'Senator Tom Ada'; 'senatortonyada@guamlegislature.org'; 'senator@tinamunabarnes.com'; 'Senator Frank F. Blas, Jr.'; 'senator@senatorbjcruz.com'; 'duenasenator@gmail.com'; 'judiguthertz@gmail.com'; 'senatorsam@senatormabini.com'; 'Senator Ben C. Pangelinan'; 'cor@guamlegislature.org'; 'senatorrodriguez@gmail.com'; 'senatormana@gmail.com'; 'Aline Yamashita'; 'phnotice@guamlegislature.org'; 'dmgeorge@guampdn.com'; 'hottips@kuam.com'; 'Sabrina Salas'; 'mindy@kuam.com'; 'dcrisostomo@guampdn.com'; 'Janela'; 'thebigshow@k57.com'; 'therese.hart.writer@gmail.com'; 'Therese Hart'; 'Ray Gibson'; 'bmkelman@guampdn.com'; 'William Gibson'; 'krystal@kuam.com'
Cc: 'Mary Fejeran'; 'garrett.duenas@senatorbjcruz.com'; 'joshua.tenorio@senatorbjcruz.com'; 'leonguerrero.angela@gmail.com'; 'leslie.g@senatormabini.com'; 'cipo@guamlegislature.org'; 'Stephanie Mendiola'; 'cherbert.senatorrodriguez@gmail.com'; 'chechsantos@gmail.com'; 'alerta.jermaine@gmail.com'; 'evelyn4families@gmail.com'; 'phnotice@guamlegislature.org'; 'clerks@guamlegislature.org'; 'Pat Santos'; 'Rennae Perez'; 'Atty. Therese Terlaje'; 'yong@guamlegislature.org'; 'mis@guamlegislature.org'; 'sgtarms@guamlegislature.org'; 'Steven A. Dierking'; 'cyrus@senatorada.org'; 'louise_atalig@yahoo.com'; 'chelsea@tinamunabarnes.com'; 'mike.lidia@senatorbjcruz.com'
Subject: 2nd Notice of Public Hearing- July 15th 2011
Attachments: 2nd Notice of Public Hearing- July 15th 2011.pdf

Hafa Adai all,

July 13, 2011

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J.F. Cruz

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Senseramente,

Chris Carillo
Office of the Vice-Speaker, Senator Benjamin J.F.Cruz
Chairman,Committee on Youth, Cultural Affairs,Procurement,
General Government Operations, and Public Broadcasting

I Mina'Trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910
Phone: (671) 477-2520/1
Fax: (671) 477-2522
Web Address: <http://www.senatorbjcruz.com>
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July 13, 2011

MEMORANDUM

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PUBLIC HEARING AGENDA

July 15, 2011

©Public Hearing Notices were sent via E-mail to All Senators and Media on July 8th, 2011 & July 13th, 2011. ©

9:00 A.M. Public Hearing Room

- **Bill No. 186-31 (LS)**- J.T. Won Pat, Ed.D. / T.R. Muna-Barnes- "An act to add a new §43119 to Chapter 43 of Title 5 Guam Code Annotated, relative to protecting the rights of persons to petition a public board, public commission, or public corporation of the government of Guam for redress of grievances by establish a grievance policy, rules, and procedures."
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I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

2011 JUN 14 PM 3:05
[Signature]

BILL NO. 240-31 (cor)

Introduced by:

A.A. YAMASHITA, PhD *[Signature]*

**AN ACT TO AMEND §850, §852 & §853 ALL OF CHAPTER 8,
ARTICLE 2 OF TITLE 1, GUAM CODE ANNOTATED,
RELATIVE TO ARTS IN BUILDINGS AND FACILITIES.**

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

2 **Section 1. § 850 of Chapter 8, Article 2 of Title 1, Guam Code Annotated, is**
3 **hereby amended to read as follows:**

4 **“§ 850. Purpose.**

5 The ~~territory~~ government of Guam recognizes its responsibility to foster culture
6 and the arts and the necessity for the development of ~~local artists~~ the arts, beginning with
7 our young children and throughout the community. The Legislature declares it to be a
8 ~~territorial~~-policy that a portion of appropriations for capital expenditures for public
9 buildings be set aside for the acquisition of works of art to be used in such buildings and
10 in any buildings intended for use of the general public to the extent that the construction
11 or improvement of such non-public buildings is supported by either government of Guam
12 funds through tax abatements, rebates, loans, loan guarantees or bond financing or by
13 Federal funds administered by the government of Guam.

14 **Section 2. § 852 of Chapter 8, Article 2 of Title 1, Guam Code Annotated, is**
15 **hereby amended to read as follows:**

16 **“§ 852. Arts in Public Buildings and Buildings Supported by Public**

1 **Funds.**

2 (a) Plans for public buildings and buildings supported by government of Guam
3 funds which contain public areas and plans for remodeling or renovation of public
4 buildings or facilities where the total cost of construction, remodeling or
5 renovation exceeds the sum of One Hundred Thousand Dollars (\$100,000) shall
6 contain provisions for the inclusion of works of art, by local artists if available,
7 including, but not limited to sculptures, paintings, murals or objects relating to or
8 consisting of indigenous art as defined in ~~Public Law 15-50~~ § 851 of this Chapter.

9 The owner of the building shall also have the option of allotting at least one
10 percent (1%) of the overall construction, remodeling or renovation cost of a
11 building to the Guam Council on the Arts and Humanities (CAHA) in lieu of the
12 inclusion of works of art. If artwork plans are selected, however, a representation
13 of the final selection shall be published in a newspaper of general circulation
14 and/or the online version of the newspaper for public screening prior to
15 implementation.

16 (b) Before issuance of the occupancy permit for such construction, remodeling or
17 reconstruction the owner of the building must obtain clearance from the Guam
18 Council on Arts and Humanities Agency (~~CAHA~~) that the provisions of this
19 Chapter are being complied with.

20 (c) At least one percent (1%) of the overall construction, remodeling or
21 renovation cost of a building described in subsection (a) of this section shall be
22 reserved for the purposes of the design, construction, mounting, maintenance and

1 replacement, and administration of works of art by CAHA in the public area of
2 such a building or the owner shall give the amount to CAHA.

3 The Director of CAHA shall include in CAHA rules and regulations,
4 pursuant to the Administrative Adjudication Law, for the disposition of funds to
5 meet the purpose of fostering culture and the arts for the development of local
6 artists, our children and the community as a whole.

7 The Director of the Department of Public Works shall ensure that no
8 construction, remodeling or renovating of a public building or building supported
9 by government of Guam funds is granted an occupancy permit(s) without this
10 Chapter being complied with.

11 (d) Such buildings with an overall construction cost of less than One Hundred
12 Thousand Dollars (\$100,000) are exempted from the requirements of the Chapter
13 unless inclusion of works of art in their design and construction is specifically
14 authorized by the owner.

15 (e) The artist who creates these works of art shall be selected as provided in
16 subsection (f) of this section.

17 (f) The Director of CAHA shall develop rules and regulations, pursuant to the
18 Administrative Adjudication Law, for the selection of works of art under this
19 Chapter, and shall open competition for awarding any art contract
20 under this Chapter by:

21 (1) Soliciting proposals from local artists by a project announcement
22 published no less than three (3) times in a local publication of general
23 circulation in print and online versions.

1 (2) Appointing a selection committee consisting of five (5) members to
2 review all proposals and report to the Director the results of its
3 deliberations regarding the proposed art contract. Such committee shall
4 include a representative of the building's owner or of the agency or
5 department involved, the project architect, the municipal commissioner
6 from the project site, and at least two (2) practicing artists from Guam.
7 The final decision regarding the use of art work and the selection
8 committee's recommendations shall be by the Director of CAHA, who
9 shall be the contracting officer for any art contract executed pursuant to
10 this Chapter.

11 **§ 853. Inclusion of Chamorro Artistry or Guam History Elements in**
12 **Government Buildings.**

13 (a) All government of Guam buildings and structures ~~constructed or renovated~~
14 ~~after the enactment of this section~~ shall contain elements of either Guam history
15 or of Chamorro artistry costing up to a maximum of three percent (3%) of the
16 aggregate of the architectural and engineering, the construction or the renovation
17 budgets therefore. Such elements may be made part of the internal or external
18 physical structure of the building or structure and may be within the main part of
19 the building or structure or separated from the main part. In complying with the
20 provisions of this sSection, a contractor for the government agency constructing
21 the building or structure may consult with ~~the Guam Council on the Arts and~~
22 ~~Humanities~~ (CAHA) as to the various types of Chamorro or historic Guam artistic
23 elements. The Department of Public Works (the Department) shall monitor

1 noncompliance with this Section during its plans approval process, unless such
2 plans are exempted in accordance with subsection (b) of this Section. If the
3 Department determines that a non-exempted project does not comply with this
4 Section, it shall refuse to issue either a building permit or an occupancy permit (as
5 the case requires) for such project until compliance.

6 (b) Exceptions to applicability. Buildings and structures constructed for use as
7 shelters for utility facilities or utility operations are not subject to subsection (a) of
8 this Section. ~~Exceptions to the requirements of this Section may be granted by~~
9 ~~the Governor of Guam, based on reasonable justification. Any government of~~
10 ~~Guam construction projects which have commenced prior to the implementation~~
11 ~~of this Section may be exempted from its provisions as determined by the~~
12 ~~Department.~~