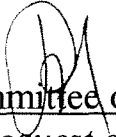


**MINA' BENTE O CHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION**

Bill No. 218 (FC)

Introduced by:


Committee on Calendar
*By request of I Maga'laha
Guåhan in accordance with
the Organic Act of Guam .*

**AN ACT TO CREATE A NEW CHAPTER 88,
DIVISION 9, 5 GCA FOR THE PURPOSE OF
ESTABLISHING THE DEPARTMENT OF
TOURISM AND CULTURE; TO REORGANIZE
AND TO CONSOLIDATE SEVERAL
GOVERNMENT OF GUAM AGENCIES; AND TO
CITE THE ACT AS THE "*CONSOLIDATED TOURISM
AND CULTURE ACT OF 2005.*"**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 88 is added to 5 GCA to read as follows:

"Chapter 88

DEPARTMENT OF TOURISM AND CULTURE

Section 88101 Short Title.

This Act may be cited as the "Consolidated Tourism and Culture Act of 2005".

Section 88102. Legislative Findings.

I Liheslaturan Guåhan finds that it is in the public interest to create a Department of Tourism and Culture (DTC), to consolidate the activities of the

Guam Visitors Bureau, the Department of Chamorro Affairs, the Guam Museum, Guam Council on the Arts and Humanities Agency, Hagatna Restoration and Redevelopment Authority and the Historic Preservation Trust of the Department of Parks and Recreation, and to vest said new department with such powers as have heretofore been exercised by the respective former departments and agencies, or portions thereof.

It is the intent of *I Liheslaturan Guåhan* that this Act shall *not* relieve said departments and agencies of or modify in any way other than as expressly set forth herein any of the respective existing rights, duties or obligations of the departments or agencies and that such respective rights, duties and obligations shall continue uninterrupted, inclusive of, but *not* limited to, any financial obligations of said departments and agencies.

Section 88103. Creation of the Department of Tourism and Culture.

There is created the Department of Tourism and Culture (hereinafter referred to as the "DTC" or "the Department"), a department within the Executive Branch of the government of Guam.

Section 88104. Director and Director Functions.

(a) **Department Head.** The Department of Tourism and Culture shall be headed by a Director of Tourism and Culture (hereafter referred to as "the Secretary") who shall be appointed by *I Maga'lahaen Guåhan* with the advice and consent of *I Liheslaturan Guåhan*. All functions of all officers, employees, and organizational units of the Department are vested in the Director.

(b) **Functions and Delegation Authority.** Except as otherwise provided by this Act, the Director may delegate any of the Director functions to an Administrator. The Director shall have the authority to enter into contracts,

grants, and cooperative agreements, and to enter into agreements with other executive agencies, as may be necessary and proper to carry out the Director's other responsibilities under this Act or otherwise provided by law. The Director shall take reasonable steps to ensure that information systems and databases of the Department are compatible with each other and with appropriate databases of other Departments.

Section 88105. Divisions of the Department.

There are created divisions within the Department of Tourism and Culture known as the Guam Visitors Bureau and the Cultural, Heritage, and the Arts with functions, powers and responsibilities as provided in this Chapter.

Section 88106. Other Officers and functions.

(a) **Officers.** There are the following two (2) officers appointed by *I Maga'lahren Guåhan* to head the respective Division within the Department and shall have direction, authority, and control over it.

- (1) Administrator of the Guam Visitors Bureau
- (2) Administrator of the Cultural, Heritage and the Arts

(b) **Functions vested in the Administrator.** All functions of all officers, employees, and organizational units under the respective Division are vested in the Administrator. The Administrator shall be responsible for:

- (1) Carrying out any and all directions and guidance provided by the Director with regards to the Department;
- (2) Acting, representing, and/or carrying out, as directed by the Director or the identified goals and objectives;

(3) Advising the Director on the impact of the Department's policies, regulations, processes and practice.

(c) **Performance of Specific Functions.** Subject to the provisions of this Act, Administrator of the Division shall perform the functions specified by law for the official's office or prescribed by the Director.

Section 88107. Transfer of responsibilities of the Guam Visitors Bureau to the Department of Tourism and Culture.

Except as provided in this act, all programs, mandates, responsibilities and duties of the Guam Visitors Bureau, as detailed in Division 1, Chapter 9, 12 GCA, or in other laws of Guam, are transferred to the Department of Tourism and Culture, such duties, programs, mandates and responsibilities to be assumed by the division of the Department designated as Guam Visitors Bureau.

Section 88108. Maintenance of effort of federally-funded programs in the Guam Visitors Bureau.

The Department of Tourism and Culture shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently established under the purview of the Guam Visitors Bureau for which federal funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 88109. Transfer of funds and assets of the Guam Visitors Bureau.

The balance of all funds appropriated to the Guam Visitors Bureau, and all balances held in revolving funds, and all funds available to the Guam Visitors Bureau shall be transferred to the Department of Tourism and

Culture. All real property under the management of the Guam Visitors Bureau shall be transferred to the management of the Department of Tourism and Culture. All supplies, equipment and all material assets of the Guam Visitors Bureau shall be transferred to the Department of Tourism and Culture.

Section 88110. Transfer of responsibilities of the Department of Chamorro Affairs to the Department of Tourism and Culture.

Except as provided in this act, all programs, mandates, responsibilities and duties of the Department of Chamorro Affairs, as detailed in Chapter 87, Division 8, Title 5 of the Guam Code Annotated or in other laws of Guam, are transferred to the Department of Tourism and Culture and shall be placed with the Cultural, Heritage and the Arts, such duties, programs, mandates and responsibilities to be assumed by the division of the Department designated as the Cultural, Heritage and the Arts.

Section 88111. Maintenance of effort of federally-funded programs in the Department of Chamorro Affairs.

The Department of Tourism and Culture shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently established under the purview of the Department of Chamorro Affairs for which federal funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 88112. Transfer of funds and assets of the Department of Chamorro Affairs.

The balance of all funds appropriated to the Department of Chamorro Affairs, and all balances held in revolving funds, and all funds available to the

Department of Chamorro Affairs shall be transferred to the Department of Tourism and Culture. All real property under the management of the Department of Chamorro Affairs shall be transferred to the management of the Department of Tourism and Culture. All supplies, equipment and all material assets of the Department of Chamorro Affairs shall be transferred to the Department of Tourism and Culture.

Section 88113. Transfer of responsibilities of the Guam Council on the Arts and Humanities Agency to the Department of Tourism and Culture.

Except as provided in this act, all programs, mandates, responsibilities and duties of the Guam Council on the Arts and Humanities Agency, as detailed in Chapter 85, Division 8, Title 5 of the Guam Code Annotated or in other laws of Guam, are transferred to the Department of Tourism and Culture and shall be placed with the Cultural, Heritage and the Arts, such duties, programs, mandates and responsibilities to be assumed by the division of the Department designated as the Cultural, Heritage and the Arts.

Section 88114. Maintenance of effort of federally-funded programs in the Council on the Arts and Humanities.

The Department of Tourism and Culture shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently established under the purview of the Guam Council on the Arts and Humanities Agency for which federal funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 88115. Transfer of funds and assets of the Guam Council on the Arts and Humanities Agency.

The balance of all funds appropriated to the Guam Council on the Arts and Humanities Agency, and all balances held in revolving funds, and all funds available to the Guam Council on the Arts and Humanities Agency shall be transferred to the Department of Tourism and Culture. All real property under the management of the Guam Council on the Arts and Humanities Agency shall be transferred to the management of the Department of Tourism and Culture. All supplies, equipment and all material assets of the Guam Council on the Arts and Humanities Agency shall be transferred to the Department of Tourism and Culture.

Section 88116. Transfer of responsibilities of the Hagatna Restoration and Redevelopment Authority to the Department of Tourism and Culture.

Except as provided in this act, all programs, mandates, responsibilities and duties of the Hagatna Restoration and Redevelopment Authority, as detailed in Chapter 79, Division 2, Title 21 of the Guam Code Annotated or in other laws of Guam, are transferred to the Department of Tourism and Culture and shall be placed with the Cultural, Heritage and the Arts, such duties, programs, mandates and responsibilities to be assumed by the division of the Department designated as the Cultural, Heritage and the Arts.

Section 88117. Maintenance of effort of federally-funded programs in the Hagatna Restoration and Redevelopment Authority.

The Department of Tourism and Culture shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently

established under the purview of the Hagatna Restoration and Redevelopment Authority for which federal funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 88118. Transfer of funds and assets of the Hagatna Restoration and Redevelopment Authority.

The balance of all funds appropriated to the Hagatna Restoration and Redevelopment Authority, and all balances held in revolving funds, and all funds available to the Hagatna Restoration and Redevelopment Authority shall be transferred to the Department of Tourism and Culture. All real property under the management of the Hagatna Restoration and Redevelopment Authority shall be transferred to the management of the Department of Tourism and Culture. All supplies, equipment and all material assets of the Hagatna Restoration and Redevelopment Authority shall be transferred to the Department of Tourism and Culture.

Section 88119. Transfer of responsibilities of the Guam Museum to the Department of Tourism and Culture.

Except as provided in this act, all programs, mandates, responsibilities and duties of the Guam Council on the Arts and Humanities Agency, as detailed in Chapter 83, Division 8, Title 5 of the Guam Code Annotated or in other laws of Guam, are transferred to the Department of Tourism and Culture and shall be placed with the Cultural, Heritage and the Arts, such duties, programs, mandates and responsibilities to be assumed by the division of the Department designated as the Cultural, Heritage and the Arts.

Section 88120. Maintenance of effort of federally-funded programs in the Guam Museum.

The Department of Tourism and Culture shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently established under the purview of the Guam Museum for which federal funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 88121. Transfer of funds and assets of the Guam Museum.

The balance of all funds appropriated to the Guam Museum, and all balances held in revolving funds, and all funds available to the Guam Museum shall be transferred to the Department of Tourism and Culture. All real property under the management of the Guam Museum shall be transferred to the management of the Department of Tourism and Culture. All supplies, equipment and all material assets of the Guam Museum shall be transferred to the Department of Tourism and Culture.

Section 88122. Transfer of responsibilities of the Guam Historic Resources Division to the Department of Tourism and Culture.

The Guam Historic Resources Division of the Department of Parks and Recreation as detailed in Chapter 76, Division 2, Title 21 of the Guam Code Annotated or in other laws of Guam, and all mandates, programs and activities of said program, whether federally or locally funded, are transferred herein to the Department of Tourism and Culture and shall be placed within the Cultural, Heritage and the Arts. Such duties, programs, mandates and responsibilities are to be assumed by the division of the Department

designated as the Cultural, Heritage and the Arts. The Department of Tourism and Culture shall maintain all efforts and be responsible for all activities, reporting or other requirements pursuant to federal assistance. All assets and the balance of any appropriations to the Guam Historic Resources Division of the Department of Parks and Recreation shall be transferred to the Department of Tourism and Culture.

Section 88123. Transfer of responsibilities of the Guam Preservation Trust to the Department of Tourism and Culture.

The Guam Preservation Trust, as detailed in Article 6, Chapter 76, Division 2, Title 21 of the Guam Code Annotated and all mandates, programs and activities of said program, whether federally or locally funded, are transferred herein to the Department of Tourism and Culture and shall be placed within the Cultural, Heritage and the Arts. Such duties, programs, mandates and responsibilities are to be assumed by the division of the Department designated as the Cultural, Heritage, and the Arts. The Department of Tourism and Culture shall maintain all efforts and be responsible for all activities, reporting or other requirements pursuant to federal assistance. All assets and the balance of any appropriations to the Guam Preservation Trust shall be transferred to the Department of Tourism and Culture.

Section 88124. Transfer of responsibilities of the Chamorro Village, *I Sengsong Chamorro*, to the Department of Tourism and Culture.

The Chamorro Village, *I Sengsong Chamorro*, and all personnel, duties and responsibilities are transferred herein to the Department of Tourism and Culture and shall be placed within the Cultural, Heritage and the Arts. Such

duties, programs, mandates and responsibilities are to be assumed by the division of the Department designated as the Cultural, Heritage, and the Arts. The Department of Tourism and Culture shall maintain all efforts and be responsible for all activities, reporting or other requirements pursuant to federal assistance. All assets and the balance of any appropriations to the Chamorro Village, *I Sengsong Chamorro*, shall be transferred to the Department of Tourism and Culture.

Section 88125. Internal Structure.

The Director of Tourism and Culture shall organize and arrange the work of the Department of Tourism and Culture, and may establish such programs or offices as necessary within the Divisions of the Department of Tourism and Culture established in Section 88104 of this Chapter.

Section 88126. Effective dates and transition period.

This act shall be effective one hundred twenty (120) days after its enactment into law. During this one hundred twenty (120) day transition period, the directors of such departments or agencies affected by this act shall undertake such activity as is necessary to effect the smooth transfer of employees, assets and funding pursuant to the provisions of this chapter.

Section 88127. References.

Upon the effective date of this act, all references in the laws of Guam and the rules and regulations of the government of Guam to the Guam Visitors Bureau, the Chamorro Affairs, the Guam Museum, Guam Council on the Arts and Humanities Agency, the Guam Historic Resource Division of the Department of Parks and Recreation, or the Guam Preservation Trust and all references to the directors of each, shall be construed as referring to the

Department of Tourism and Culture and the Director of Tourism and Culture respectively.

Section 88128. Repealer Clause.

Except as provided in this Act, nothing herein shall be construed as amending or repealing any provision, section or part of the Guam Code Annotated. Section 50103(p) of Chapter 50, Division 2 of Title 12 of the Guam Code Annotated is hereby *repealed*.

Section 88129. 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.”