

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

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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.~~