



MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
TWENTY-NINTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

FILE COPY

December 31, 2008

The Honorable Felix P. Camacho
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 31(ÉC), 253(EC), 256(EC), 370(LS), 371(LS), 379(EC), 390(LS), 394(LS), & 403(LS); and Substitute Bill Nos. 225(LS), 248(LS), 305(EC), 314(EC), 368(LS), 389(LS) & 397(EC) which were passed by *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on December 30, 2008.

Sincerely,

TINA ROSE MUNA BARNES
Senator and Secretary of the Legislature

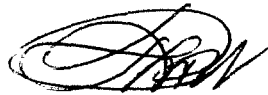
Enclosures (16)

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I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 314 (EC), "AN ACT TO AMEND §76212 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO SPECIFYING THE DEPOSITORY FOR ALL HISTORIC PROPERTIES; TO ADD A NEW SUBSECTION (e) TO §76511 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE PENALTIES FOR FAILURE TO COMPLY WITH A CERTIFICATE OF APPROVAL; AND TO ADD A NEW §76512 TO ESTABLISH AN HISTORIC PRESERVATION ARCHAEOLOGICAL MITIGATION FUND,"** was on the 30th day of December, 2008, duly and regularly passed.



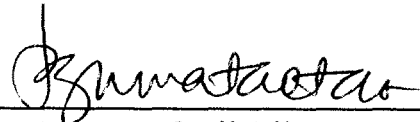
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this 31 day of Dec., 2008, at 3:10 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 314 (EC)

As substituted by the Committee
on Judiciary, Natural Resources,
Infrastructure and Cultural Affairs.

Introduced by:

James V. Espaldon
Tina Rose Muña Barnes
A. B. Palacios, Sr.
J. T. Won Pat, Ed. D.
Ray Tenorio
Frank F. Blas, Jr.
Edward J.B. Calvo
B. J.F. Cruz
Mark Forbes
Judith P. Guthertz, DPA
Frank T. Ishizaki
J. A. Lujan
v. c. pangelinan
R. J. Respicio
Dr. David L.G. Shimizu

AN ACT TO *AMEND* §76212 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO SPECIFYING THE DEPOSITORY FOR ALL HISTORIC PROPERTIES; TO *ADD* A NEW SUBSECTION (e) TO §76511 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE PENALTIES FOR FAILURE TO COMPLY WITH A CERTIFICATE OF APPROVAL; AND TO *ADD* A NEW §76512 TO ESTABLISH AN HISTORIC PRESERVATION ARCHAEOLOGICAL MITIGATION FUND.

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

2 **Section 1. Legislative Statement.** Guam's historic preservation laws will
3 be severely tested in the years to come as our island experiences its next surge in

1 development. A review of the laws across the United States guiding the
2 ownership, repatriation, caretaking, and exhibition of prehistoric and historic
3 properties reveals a wide range of allowable actions, mitigation remedies, and
4 penalties and fines for non-compliance with approved actions. Guam's statute
5 relative to historic preservation has also gone through changes over the twenty (20)
6 years of its existence, and it is situated almost midway between the extremes found
7 in other jurisdictions. It is the intent of these proposed amendments to further
8 highlight the need for vigilance when it comes to the preservation of Guam's
9 culture and history, and to deter, by the imposition of hefty fines and/or terms of
10 imprisonment, the unauthorized destruction of irreplaceable properties that make
11 up Guam's unique place in the world.

12 **Section 2.** §76212 of Title 21, Guam Code Annotated is *amended* to read:

13 **“§76212. Prehistoric *or* Historic Objects; Public Property.** The
14 Department shall, subject to the provisions of this Chapter, determine the
15 disposition of such prehistoric *or* historic properties wheresoever located
16 within the territorial limits of the Island of Guam. Any person who disturbs
17 properties of prehistoric or historic significance *or* removes such properties
18 from their sites without approval or concurrence from the Historic
19 Preservation Office *shall* be guilty of a felony of the third degree.

20 When a private landowner *or* lessee in the territory discovers
21 properties which may be of historic significance on his property, he *shall*
22 report the location of such objects, without disturbing the properties, to the
23 Department.

24 All prehistoric and historic properties *shall* be returned to the people
25 of Guam, with the Guam Museum serving as the depository for said
26 properties.”

1 **Section 3.** A new subsection (e) is *added* to §76511 of Title 21, Guam
2 Code Annotated, to read:

3 “(e) After a Certificate of Approval *or* permitting approval has been
4 issued for a requested action as enumerated in subsection (a), any
5 unauthorized disturbances of prehistoric *or* historic properties *shall* be
6 subject to fines of up to Fifty Thousand Dollars (\$50,000.00) and/or
7 imprisonment of up to three (3) years for each violation.”

8 **Section 4.** A new §76512 is *added* to Title 21, Guam Code Annotated, to
9 read:

10 **“§76512. Historic Preservation Archaeological Mitigation**
11 **Fund, established.** (a) Notwithstanding any other provision of law, there is
12 hereby created, within the Department of Parks and Recreation, the “*Historic*
13 *Preservation Archaeological Mitigation Fund*”, which *shall* be a fund
14 separate and apart from the General Fund and from any other special funds
15 of the government of Guam. Any and all funds generated through fines
16 imposed by the Historic Preservation Office of the Department of Parks and
17 Recreation *shall* be deposited into the Historic Preservation Archaeological
18 Mitigation Fund. The Director of the Department *shall* administer said
19 funds independently from the General Fund, with a minimum requirement of
20 dual signatures for the expenditure of any funds within the authorized
21 guidelines.

22 (b) Expenditures of the Fund *shall* be restricted to the following
23 areas, and for the following purposes:

24 (1) the contracting of archaeological services as determined
25 by the Historic Preservation Office;

26 (2) public education and awareness activities; and

1 (3) the purchase of supplies, materials and equipment to
2 support the activities outlined in Subsections (1) and (2) above.

3 Funds from the Historic Preservation Archaeological Mitigation Fund
4 shall *not* be expended for personnel services, but used *solely* for operations
5 as highlighted above. The Director of the Department of Parks and
6 Recreation *shall* provide to *I Liheslaturan Guåhan* a monthly financial
7 report on the funds generated each month, within ten (10) days following the
8 preceding month.”