Kumiten Idukasion Tinakhelo', Kottura, Laibirihan Pupbleko siha yan Asunton Famalao'an Committee on Higher Education, Culture, Public Library, and Women's Affairs

COMMISSIONER

FEB 1 0 2015

GUAM COMMISSION DECOLONIZATION

The Honorable Rory J. Respicio

Chairperson

GUAM FIRST COMMISSION

Committee on Rules

I Mina' Trentai Tres Na Liheslatuaran Guahan

33rd Guam Legislature

ADVISOR TO THE PRESIDENT

155 Hesler Place

Hagatna, Guam 96910

Association of Pacific Island Legislatures (APIL)

RE:

Committee Report on Bill No.19133 (COR), as Amended

BOARD MEMBER

Dear Chairperson Respicio:

PACIFIC RESOURCES FOR EDUCATION AND LEARNING (PREL)

Transmitted herewith is the Report of the Committee on Higher Education, Culture, Public Library, and Women's Affairs on Bill 19-33 (COR), as Amended, "An act to amend §852(c) of Chapter 8; Article 2 of Title 1, Guam Code Annotated, relative to arts in buildings and facilities," sponsored by Senator Tina Rose Muna Barnes.

BOARD OF JOVERNORS MEMBER

Committee votes are as follows:

PACIFIC ISLAND
DEVELOPMENT BANK

(PIDB)

(FESTPAC)

TO DO PASS

MEMBER **

TO NOT PASS

FESTIVAL OF THE PACIFIC ARTS

TO REPORT OUT ONLY

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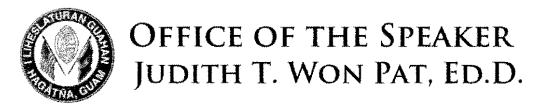
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TO PLACE IN INACTIVE FILE

Senseramente

Judith T. Won Pat, Ed. D.

Speaker, 33rd Guam Legislature



KUMITEN IDUKASION TINAKHELO', KOTTURA, LAIBIRIHAN PUPBLEKO SIHA YAN ASUNTON FAMALAO'AN COMMITTEE ON HIGHER EDUCATION, CULTURE, PUBLIC LIBRARY, AND WOMEN'S AFFAIRS

COMMISSIONER

GUAM COMMISSION

ON DECOLONIZATION

GUAM FIRST COMMISSION

ADVISOR TO THE PRESIDENT

Association of Pacific Island Legislatures (APIL)

COMMITTEE REPORT

BOARD MEMBER

PACIFIC RESOURCES FOR EDUCATION AND LEARNING (PREL)

BOARD OF IOVERNORS MEMBER

Pacific Island Development Bank (PIDB)

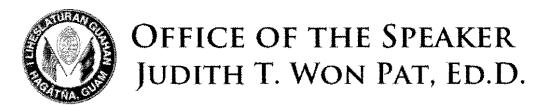
MEMBER

FESTIVAL OF THE PACIFIC ARTS (FESTPAC)

ON

Bill 19-33 (COR), as amended – Sponsored by T.R. Muña Barnes

An act to amend §852(c) of Chapter 8, Article 2 of Title 1, Guam Code Annotated, relative to arts in buildings and facilities.



KUMITEN IDUKASION TINAKHELO', KOTTURA, LAIBIRIHAN PUPBLEKO SIHA YAN ASUNTON FAMALAO'AN COMMITTEE ON HIGHER EDUCATION, CULTURE, PUBLIC LIBRARY, AND WOMEN'S AFFAIRS

COMMISSIONER

February 9, 2015

Guam Commission on Decolonization **MEMORANDUM**

GUAM FIRST COMMISSION

TO:

All Members of the 33rd Guam Legislature

ADVISOR TO THE PRESIDENT

FROM:

Speaker Judith T. Won Pat, Ed.D.

Committee on Higher Education, Culture, Public Library and Women's Affairs

Association of Pacific Island Legislatures

(APIL) SUBJECT:

Committee Report on Bill No. 19-33 (COR), as Amended

BOARD MEMBER

Transmitted herewith for your consideration is the Committee Report on Bill 19-33 (COR), as Amended, "An act to amend §852(c) of Chapter 8, Article 2 of Title 1, Guam Code Annotated, relative to arts in buildings and facilities," sponsored by T.R. Muña Barnes.

PACIFIC RESOURCES FOR EDUCATION AND LEARNING (PREL)

This report includes the following:

BOARD OF JOVERNORS MEMBER

PACIFIC ISLAND
DEVELOPMENT BANK

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 19-33 (COR), as introduced
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 19-33 (COR), as amended
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda

MEMBER

(PIDB)

PACIFIC ARTS (FESTPAC)

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.

Judith T. Won Pat, Ed. D.
Speaker, 33rd Guam Legislature

COMMITTEE VOTING SHEET COMMITTEE ON HIGHER EDUCATION, CULTURE, PUBLIC LIBRARY AND WOMEN'S AFFAIRS

Bill 19-33 (COR),as Amended, "An act to amend §852(c) of Chapter 8, Article 2 of Title 1, Guam Code Annotated, relative to arts in buildings and facilities," sponsored T.R. Muña Barnes

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN DUE TO POTENTIAL CONFLICT	TO PLACE IN INACTIVE FILE
Speaker Judith T. Won Pat, Ed.D., Chairperson	De)	, ,				
Nerissa Underwood, Ph.D. Vice Chairperson	Mu					
Vice Speaker Benjamin J. F. Cruz, Member	7	10)4	day.			
Tina R. Muna-Barnes, Member	AX.	V				
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V. Anthony Ada, Member	() W		A THE STATE OF THE	1	A All Million	
Mary Camacho Torres, Member	Welses					

Committee Report Digest

I. OVERVIEW

The Committee on Higher Education, Culture, Public Library, and Women's Affairs convened a public hearing on, Friday, January 23, 2015 at 1:30 p.m. in *I Liheslatura*'s Public Hearing Room. On the agenda was the consideration on Bill No. 19-33 (COR).

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on January 15, 2015, and January 20, and 21, 2015 via email. Copies of the hearing notices are appended to the report.

Senators Present

Speaker Judith T. Won Pat Ed.D., Chairperson Senator Tina R. Muña Barnes, Member Senator V. Anthony Ada, Member Senator James V. Espaldon

Appearing before the Committee

Mr. Joseph Cameron, President, Department of Chamorro Affairs Ms. Monica Guzman, Chairperson, Council of Arts and Humanities Agency

II. SUMMARY OF TESTIMONY AND DISCUSSION

Speaker Judith T. Won Pat Ed.D. announced that the testimonies of Bill 19-33 (COR) "An act to amend §852(c) of Chapter 8, Article 2 of Title 1, Guam Code Annotated, relative to arts in buildings and facilities," sponsored by Senator Tina R. Muña Barnes.

Speaker Won Pat Ed.D. also mentioned that testimonies should be addressed to Speaker Judith T. Won Pat Ed.D. and will be accepted via hand delivery at the Speaker's office; Speaker's mailbox at reproduction room of the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or fbtorres@judiwonpat.com or through facsimile at 472-3589.

Speaker Won Pat Ed.D. thanked her colleagues for attending; Senator Tina Rose Muña Barnes, Senator V. Antony Ada, and Senator James V. Espaldon.

^{*}The public hearing was called to order at 1:30 p.m.

Speaker Won Pat Ed.D. called up Mr. Joseph Cameron and Ms. Monica Guzman to testify and mentioned that Senator Muña Barnes, the author of the bill, will give a quick briefing of Bill 19-33.

Senator Barnes thanked Speaker Judith T. Won Pat Ed.D. for allowing her to speak on behalf of Bill 19-33 (COR) which amends Chapter 8, Article 2 of Title 1, Guam Code Annotated, §852(c) relative to the arts and building of facilities. Senator Barnes mentioned the Bill's intent is to temporarily take the funding source already in statute to place the funds to CAHA and specifically give it to FestPac which is going to happen in 2016 to include 27 countries to participate.

Speaker Won Pat Ed.D. thanked Senator Muña Barnes for the short briefing and proceeded with the testimonies of Mr. Cameron, President of Chamorro Affairs and Ms. Guzman, Chairperson of the Council of Arts and Humanities Agencies.

Mr. Cameron mentioned the Department of Chamorro Affairs is the Umbrella entity for CAHA and supports the endeavors of this proposed legislation. He also mentioned that he does have some monies already collected through sponsorship, and that the second to the last paragraph is the meat of the input. Mr. Cameron thanked Senator Muña Barnes for having the time to go over the logistics of how this is going to happen without impacting any way shape of form- the intent of the legislation. Mr. Cameron also mentioned that the delegates, the authorization to use the percent for the arts fund to be not available to FestPac until June 2016 subject the council's review and approval of any of FestPac's grant application to CAHA because that process is already in place. We have to make that very clear in language, FestPac, that these monies are directly impacting our artisans and nothing else. He also mentioned that all agencies are on the same boat and that monies collected from now to June, 1st 2016, are all welcome. He yields for all Senators to pass this particular bill. His written testimony is appended to this committee report.

Speaker Won Pat Ed.D. thanked Mr. Cameron for his testimony and proceeded with the testimony of Ms. Guzman.

Ms. Guzman thanked the senators for their attendance. She mentioned that prior to this bill the board of directors met and recognized the intent for this bill and that CAHA is the lead agency for the Festival. She mentioned that both hats were on, CAHA and FestPac to try to protect the percent of the Arts funding. She also stated, "During the time of the intent, the late Senator Elizabeth Arriola it was her intent at the time to put public art in public places. Through that bill many years ago we were able to do many art pieces that are in government buildings such as the airport, the judicial center. This was stagnant for 15 to 20 years, with the revision of the law by Senator Yamashita back in 2011. CAHA in the last 4 years revived the percent of the arts program with AAA process, with the last years, with the 2 different projects. We feel now that the rules and regulations that we developed in 2011 need to be revised because now we have

gone through the program. We are asking that through the revisions of the rules and regulations, that we will be able to support the FestPac with some type of funding, through the grant process. It currently says that if a builder does not want to have public art that the funds can go in to an account in CAHA specifically for grant applications. What we did was we capped the grants at \$3,000 which is too low. What we want to do is remove that cap, and through that vehicle we can use that to provide for CAHA for FestPac. So that is what I want to do is to allow CAHA through amendment of our rules and regulations, remove the cap for grants, so that we can provide funding for the festival. Her written testimony is appended to the committee report."

Speaker Won Pat Ed.D. yielded to Senator Muña Barnes for any questions.

Senator Barnes asked just for the public consideration, for the actual date of FestPac that will happen in 2016.

Monica Guzman replied, May, 22, 2016 and will end on June 4th, 2016 and it's a 2 week affair. Through the executive branch, mobilized the logistics committee and we are going still see a lot more action from the executive side.

Senator Muña Barnes asked, "The department of Chamorro Affairs along with CAHA will be the event facilitators, is that correct?"

Ms. Guzman replied, CAHA is the lead agency for the festival. CAHA are the acidic members of the council of pacific arts and culture. The council has ownership of the festival, which travels among members of the council of the pacific arts and culture. She thanked the legislature for continuing to look for ways to fund to host the festival. Because of efforts we have 2.7 Million, and in the operations account we have about \$178,000 in that account.

Senator Muña Barnes mentioned that the FestPac was held in the Solomon Islands and it is hard to beat. Senator Muña Barnes mentioned that we have a big task ahead of us with very little time, and that our colleagues need to work closely with the lead agency which is CAHA through the Department of Chamorro Affairs to make sure we have the necessary resources needed. Also to make very clear the intent of this legislation is not take away from the legislation that was passed by the late Senator Bell Arriola, and to make sure that there is a provision. That was the commitment we made to the Pacific Region. And that was the commitment we made. Is there anything you want to add to that?

Ms. Guzman added that the commitment was made to the entire Pacific. We want to welcome the 2700 delegates, and we want to treat our brothers and sisters of the Pacific. Further to the funding, the corporate sponsorship, the legislative appropriations, and fundraising events that will occur between now and May 22, CAHA has been taking a seriously look at applying for grants from the Department of Interior requesting the Governor's Office to follow up on that request. We do believe that the Department of Interior gave \$350,000 to American Samoa when they hosted the festival back in 2008. So we already went ahead and submitted through their

technical grants application. We are also looking at the Guam Trades Academy to do some training grant through the National Endowment through the arts to assist in the construction and training to build the traditional huts, and we are also looking at grant that will have long term impact such as Nippa Huts, with the Nippa leaves. That is one to apply for grant so that we can plant, hunt and weave. We are trying to look for grants that will help us with the festival as well with longer terms of our community.

Speaker Won Pat Ed.D. announced that Therese Arriola, Chairperson 2016 of the FESTPAC Planning Committee has submitted testimony in favor of Bill 19-33

Speaker Won Pat Ed.D. asked Senator Tony Ada and Senator Espaldon if there are any questions.

Senator Espaldon mentioned that he appreciates what needs to be done in a big way. You say that you support the bill, but then say that in a letter that an amendment is not necessary. I am trying to figure out, the first point, the valid reason that CAHA manages the official FESTPAC account for programming which is a big expense project. You say that you support this measure but in this letter you say this amendment is not needed to existing law. Can you just clarify that?

Mr. Cameron mentioned that the working session was basically just discussing this, but the very last sentence that this particular with taking money away for the percent for the art, it can't be like NGO's come in and rob our account. It has a sunset provision. And for that reason that if we follow the grant application process that we put in black and white legally that the FestPac activity which is directed to artisans who are participatory of this Olympic of culture that we will showcase here, we felt comfortable with the sunset provision.

Ms. Guzman added and thanked Senator Espaldon for the coordination of the FestPac committee. You are right because as a council we are conflicted because we support funding the festival and at the same time we now need to protect the artists after being in limbo for 20 years is now at the point where artist are getting excited about it earning money for their work where an artist earned \$9,000. We need motivation for artists who are struggling, and we want as a council to support that. We are asking the opportunity to go through the provisions and regulations.

Senator Espaldon mentioned that he understands all the efforts and that \$13 Million and right now you have \$2.7 Million. Is that including corporate sponsorship or is that a separate account?

Ms. Guzman replied that at this point there estimated to be about \$13 Million and \$2M of that has to come from corporate sponsorship. We are almost half way there at \$700,000 with the corporate sponsorship. We figured \$5 million in government appropriation and the remainder 6 Million will be an in-kind as far as cash.

Senator Espaldon replied so in terms of cash we are looking at \$7 Million and \$2 Million to be raised privately. So roughly you are talking the difference between the \$6 Million and the 2.5 M?

Ms. Guzman replied, "\$3 Million!"

Senator Espaldon mentioned, so the \$3M to cover it all. In terms of the construction to be renovated between now and June of next year, do you have an idea of what the total construction cost of what the buildup is going to be that way we can expect what the percent will be that will then be place into CAHA? Because that will then give us an idea of how much more in terms of appropriations or any other methods or channels that we may have to provide any assistance to you. Any idea?

Mr. Cameron mentioned that he has been meeting with government entities that have capital improvement projects actually being scheduled. We looked at the Department of Education, because they are putting \$100 M in renovations for their schools. We looked for opportunities at the airport for capital improvements. We started discussions with GHURA on their public spaces. We also looked at GRMC and GCC who is doing some capital outlay.

Senator Espladon mentioned that he appreciates that very much. I am sure we do not have a total figure but it seems encouraging. So I believe the question I need to ask, by law, if there is construction that 1% for the arts can go directly to the artists or if they don't adorn their building with local artwork then that 1% goes to CAHA. Is that correct?

Ms. Guzman mentioned that you are exactly right going directly to the artist that working with the council we are doing a public call out with the architect and the developer to make sure all the walls and all the spaces meet the requirements and the second option is for the funding to go into grant fund where people can go and apply for grants to do art.

Senator Espaldon mentioned I can imagine that all the capital projects you mentioned are going to happen like the GCC campus you named given the 50/50 split of that 1% is going through the artists that you are going to be working with and some may not opt to that so it goes into the fund. Do you feel like all those projects, like D.O.E if there's is 100 Million that 1 Million will be set aside for the arts that potentially can be used to buy art or to CAHA or both ways? Do you feel comfortable that you will meet the 3 Million extra from the government side of that funding?

Ms. Guzman replied, not strictly for the percentage of the arts program. The funding will not be available; the \$3 Million will not be available before June 2016. For example the Guam Community College, there is \$400,000 for the percent of the arts, we talked to them in 2013 and it's not going to happen until the end of this year. The airport has \$700 Million for expansion, right now they are still in the design phase at 30% and that is not going to happen until after the festival. So we don't believe, the reality, there may be just a little bit that might be available before 2016 but I don't think the percent funding will have met the \$3 Million.

Senator Espaldon mentioned that he is looking at the law and he understands the intent and its good, but it is not very clear. If there is a contract that has already been bid out, even if it does not start this year when the funds does gets transferred into CAHA, is it upon completion?

Ms. Guzman replied, in our experience in the last 2 years, it is the developer that issues the checks to the artists. We help administer the program. If they desire not to avail themselves of art. It will have to come to us and it will have to be before the occupancy permit. The key thing is DPW cannot offer them an occupancy permit without Joseph's signature.

Senator Espaldon mentioned if the project is approved already and it's on the drawing board and the groundbreaking is already going on, but you don't get the occupancy permit until 2 years down the road. Or a year after FestPac, can the funds be remunerated back to any appropriations that may be given to you. When does collection take place, I could imagine that it can be at the end be done with all the venues. \$100 Million project, technically the transfer happens right there and then. Or the commitment to transfer is already happening right there and then.

Mr. Cameron replied, it is the process, driven from soft cost to construction cost. For example, you have a \$100 Million sitting in the bank from the restoration and the rebuilding of our schools. The soft cost will be the architectural and engineering design. The percent of the arts is not the soft cost but the hard cost which is the actual building construction. Out of the \$100 Million, by the time the soft cost were extracted and the lowest bidder comes in for that particular project. That particular number is actually the award of the lowest bidder and then we start calculating from there, the percent.

Ms. Guzman replied Senator I like the way you are going with that for example we need to look at each project by project. For example, GCC has \$400,000 which represents 4 different projects. Instead of just one, with President Ookada we discussed the idea of mixing it to have a larger amount. Her funding is from grants and it is all dependent on the funding source, and that is a good discussion to have early in the percent discussions.

Senator Espaldon mentioned this is just for discussions and clarifications; I do not have any further discussions. Madame Speaker I have no more questions.

Speaker Won Pat Ed.D. mentioned when Okkodo high school was completed, and was given an occupancy permit they had presented a check to FESTPAC, but they also had presented to the school for their art programs, and they also presented a check to Rigalu foundation. Does that one percent encompass the 3 checks?

Ms. Guzman replied, because they have given it to the Art program and Rigalu. The Rigalu foundation went to a performing arts event. So that's how they were able to receive funding.

Speaker Won Pat Ed.D. So for your rules and regulations, are their specific rules to let these developers know where their monies are going to after being deposited to CAHA.

Mr. Cameron pointed out that there is a packet; we can forward that packet that enumerates what you talked about. If we felt that they are going to be participatory then that packet enumerates all those statements.

Speaker Won Pat Ed.D. replied, "I would like to receive that packet so we can give to other members as well. How much have you receive so far since the implementation of this law."

Ms. Guzman replied, "The way this works, for example the Guam Museum it's about \$280,000 that went directly to artist. Same thing with the CCU building, that went to the artists. There is no real money that goes to CAHA, it goes directly to the artists. CCU and Guam Museum issued those checks directly to the artists."

Speaker Won Pat Ed.D. asked, what about the money you got for Ookodo?

Ms. Guzman mentioned that she likes to acknowledge Mr. Carlos Camacho and he told us that the 1% represents the \$130,000. But they were at the completion of that project, so in discussions with Mr. Camacho nd former Senator Yaline Yamashita that was how the funding will go back to Ookodo for their art program. He also indicated \$54,000 to go back to FestPac, and then the Rigalu funding.

Speaker Won Pat Ed.D. replied that is why I am asking that, because there is 2 \$1 Million projects that is going to be on going for D.O.E. What is the exact number is that the \$100 Million or is that the \$500,000 a year for debt service. Will you be receiving that upon completion?

Ms. Guzman replied, "It will be the developer. We work with the contractor because they are the ones who get the occupancy permit."

Speaker Won Pat Ed.D. mentioned because of the lateness of receiving these monies, I wonder if language can be incorporated to realize the project, so that some of the monies can be in the front end instead of after. Because some of construction won't happen until after the FestPac.

Ms. Cameron, replied, the key component is upon the awarding of the lowest bidder, and then when they say they are going to spend "X" amount of dollars, they are going to brick and motor will be that amount that would be sanctioned to that I percent. That number won't be until the award is awarded. And we know what exactly what amount of dollars is actually required.

Senator Espaldon mentioned it does require the occupancy permit. In reality this is I hope monies does come in. If a builder comes in, then we hope that theories go to CAHA. It is not a guaranteed that the monies will go to CAHA, because the developers go to local artists but their artwork or having something go into in FestPac. So it is not a guaranteed that the 1 percent will go into anything.

Speaker Won Pat Ed.D. replied, "That is why I don't want is false hopes for FestPac."

Senator Muña Barnes mentioned based on the intent it's the awarding of the 1 percent that it will go through to FestPac, through the grant application then the grant application. The way it is written because CAHA wants to protect the program they had concerns. Because of the options the 1% if it passes to the body that 1 percent will go directly to CAHA. At the recommendations so it goes directly CAHA.

Speaker Won Pat Ed.D. mentioned I know that with FestPac you work closely with the artists and the artisans. Have you been working with your committee to be looking for any feedback on how the impact will be individually? What is the greater benefit in terms of their art, and not the individual?

Mr. Cameron replied, in our meetings, there was a great deliberation to actualize what will cost them. They need money, which impacts their discipline. So with that being said I don't want any missed opportunities between now and July. I am not looking at \$3 Million, any amount is better than 0. I believe that there are smaller projects that will evolve that will help out. Any amount will be greatly appreciated.

Senator Espaldon mentioned the responsibilities to artist and to FestPac; there is a tension. The long term, it is to impact the artist. When this bill gets enacted, all monies goes into go to CAHA to FestPac. In preparation, there will be great exposure to tourism and that gives opportunities for local artists to showcase their wares. However, if those opportunities depend on grants that come to CAHA, to provide for materials; what opportunities do they have to sell it to FestPac? I can see the tension between the interest you both have to protect and I am not sure where to go with that.

Ms. Guzman replied I want to thank you and have to acknowledge that we have short term festival pride in our people. There is the long term for the artist incentive and motivation. We have a lot of young people who are creating art. Young artist are using that cultural pride that is culturally sensitive. We hope to find some type of blend where we can do both.

Mr. Cameron mentioned I do believe the percent of the arts mean that the full amount of the arts funds to make available will be subject to council approval. Clearly we need the need for artist and for FestPac.

Senator Espaldon replied, "I appreciate that."

Speaker Won Pat Ed.D. mentioned I appreciate all the discussion, the dialogue needs to continue. We need to bring in these contractors of how they feel that the front end whatever their projects are. A 25 year debt obligation to the government for \$500,000 a year or the \$14 Million and maybe there can be some discussions. Because of where we are at, modifications to expire, as it relates to what their legal opportunity.

Mr. Cameron replied in regards to bond governance to what legal authorities for upfront or in segmented payments out and what that will be.

Speaker Won Pat Ed.D. asked, "When is the date where you will complete the rules and regulations, should we wait until you have completed?" Can you give us a date, so we can work closely to make and amendments.

Ms. Guzman replied, the whole process is standing agenda item. We've been talking about revising all of this beginning January, and looking for March, April for the whole AAA process.

Speaker Won Pat Ed.D. asked if there are other questions? Speaker mentioned, "We are exploring other options to make this completed. We can meet the needs for everybody not only the short term but the long term."

III. FINDINGS AND RECOMMENDATIONS

The Committee on Higher Education, Culture, Public Library, and Women's Affairs to which was referred Bill 19-33 (COR) "An act to amend Chapter 8, Article 2 of Title 1, Guam Code Annotated, §852(c) relative to the arts and building of facilities" does hereby report out Bill 19 (COR), as Amended with the recommendation TO REPORT ONLY.

2015 JM -9 PM 2: 50 W

I MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN 2015 (FIRST) Regular Session

BILL NO. 19-33 (COR)

Introduced by:

T.R. MUNA BARNES

AN ACT TO AMEND §852(c) 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. Legislative Intent. I Liheslaturan Guåhan finds that in
- 3 2016, Guam will host the Festival of the Pacific Arts (FestPac), a region-
- 4 wide festival celebrating the various arts and cultures of the Pacific. I
- 5 Liheslaturan Guåhan further finds that as the host of FestPac 2016, Guam
- 6 will choose what kinds of events to highlight, although traditional
- 7 performances, arts and craft displays and demonstrations, music and story-
- 8 telling are often part of the many activities available for participants.
- 9 Hosting the Pacific wide festival represents an important and exciting
- 10 opportunity to highlight cultural identity and heritage among a diverse group
- 11 of Pacific islanders and adequate funding is necessary to a successful event.
- Section 2. § 852(c) of Chapter 8, Article 2 of Title 1, Guam Code
 - Annotated, is hereby amended to read as follows:

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1 "§ 852. Arts in Public Buildings and Buildings Supported by Public Funds.

(c) At least one percent (1%) of the overall construction, remodeling or renovation cost of a building described in subsection (a) of this section shall be reserved for the purposes of the design, construction, mounting, maintenance and replacement, and administration of works of art by CAHA in the public area of such a building or the owner *shall* give the amount to CAHA. Notwithstanding any other provision of law, all funds derived pursuant to this section *shall* be transferred by CAHA to the Guam FESTPAC & Folklife Festival Account until June 1, 2016.

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

The Director of the Department of Public Works_shall ensure that no construction, remodeling or renovating of a public building or building supported by government of Guam funds is granted an occupancy permit without this Chapter being complied with.

I MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN 2015 (FIRST) Regular Session

BILL NO. 19-33 (COR)

As Amended by the Committee on Higher Education, Culture, Public Library and Women's Affairs

Introduced by:

T.R. MUNA BARNES

AN ACT TO AMEND §852(c) 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. Legislative Intent. I Liheslaturan Guåhan finds that in 3 2016, Guam will host the Festival of the Pacific Arts (FestPac), a regionwide festival celebrating the various arts and cultures of the Pacific. I 4 Liheslaturan Guåhan further finds that as the host of FestPac 2016, Guam 5 will choose what kinds of events to highlight, although traditional 6 performances, arts and craft displays and demonstrations, music and story-7 telling are often part of the many activities available for participants. 8 Hosting the Pacific wide festival represents an important and exciting 9 opportunity to highlight cultural identity and heritage among a diverse group 10 11 of Pacific islanders and adequate funding is necessary to a successful event.

1	Section 2. § 852(c) of Chapter 8, Article 2 of Title 1, Guam Code
)	Annotated is hereby amended to read as follows:

"§ 852. Arts in Public Buildings and Buildings Supported by
 Public Funds.

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(c) At least one percent (1%) of the overall construction, remodeling or renovation cost of a building described in subsection (a) of this section shall be reserved for the purposes of the design, maintenance construction, mounting, and replacement, administration of works of art by CAHA in the public area of such a building or the owner shall give the amount to CAHA. Notwithstanding any other provision of law, all funds derived pursuant to this section shall be transferred by CAHA to the Guam FESTPAC & Folklife Festival Account until June 1, 2016. Notwithstanding any rules or regulations governing the Arts in Public Buildings and Facilities, FESTPAC shall be exempted from the number of grants the organization may receive per year and the maximum amount of the grant(s) the organization may receive. The aforementioned exemption shall sunset on June 30, 2016.

The Director of CAHA shall include in CAHA rules and regulations, pursuant to the Administrative Adjudication Law, for the

disposition of funds to meet the purpose of fostering culture and the arts for the development of local artists, our children and the community as a whole.

The Director of the Department of Public Works_shall ensure that no construction, remodeling or renovating of a public building or building supported by government of Guam funds is granted an occupancy permit without this Chapter being complied with.

COMMITTEE ON EDUCATION, PUBLIC LIBRARY & WOMEN'S AFFAIRS SIGN-IN SHEET PUBLIC HEARING

January 23, 2015 1:30 p.m.

Bill 19-33 (COR) T.R. Muña Barnes

An act to amend §852(c) of Chapter 8, Article 2 of Title 1, Guam Code Annotated, relative to arts in buildings and facilities.

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
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Bill 19-33 (COR) T.R. Muña Barnes

An act to amend §852(c) of Chapter 8, Article 2 of Title 1, Guam Code Annotated, relative to arts in buildings and facilities. Page / of-/



January 23, 2015

Speaker Judith T. Won Pat. Ed.D. Chairperson Committee on Higher Education, Cultural Affairs, Public Libraries, and Women's Affairs 33rd Guam Legislature Hagatna, Guam 96910

Buenas yan Hafa Adai Madam Speaker:

On behalf of the 2016 Guam Festival of the Pacific Arts Planning Committee (Festpac Committee), we extend our sincere appreciation to you and your Committee for inviting us to testify on Bill 19-33 (COR): An act to amend §852(c) of Chapter 8, Article 2 of Title 1, Guam Code Annotated, relative to arts in buildings and facilities. We also take this opportunity to thank Senator Tina Muna Barnes for introducing Bill 19-33 as a means of funding.

As you are aware, the Festpac Committee approved a Festival budget of \$13 Million (\$5 Million Government of Guam Appropriations; \$6 Million In-kind Contributions and \$2 Million Corporate Sponsorships and Fundraisers). Bill 19-33 is a measure that will assist the Guam Festpac Committee in reaching the \$5 Million needed from the Government of Guam to implement the 2016 Festival set to take place. May 22 - June 4, 2016. I am pleased to report that as of the GVB January 22, 2015 Board Meeting, all Government of Guam Appropriations earmarked for the 2016 Festival deposited into the GVB Festpac 2016 Trust Account, beginning from FY2012 - FY2014 has been received in full. The FY2015 Festpace appropriations receivable is on track, \$42,500 of \$200,000 appropriation received thus far. Today the GVB Festpac Trust Account balance is \$2,609,774,14 (inclusive of interest earned). Attached is an official GVB breakdown of the GVB Festpac Trust Account.

The 2016 Guam Festival of the Pacific Arts Planning Committee is IN FAVOR of Bill 19-33 and look forward to the passage of Bill 19-33 by the 33rd Guam Legislature.

Un Dankalu na Saina Ma'ase,

neaut

2016 FestPac Planning Committee

Cc: Festpac Committee Members

2016 PestPac Coordinating Committee: Guam Coancil on the Arts and Humanities 194 Hernen Cortes Avenue, Terlaje Building, Ist floor, Hagatin, Guam 96910 671.300-1204-8 | Facsimile: 671-300-1209 | www.guamitstpac2016.com



FESTPAC Trust Account

\$1,589,612.28 Balance as of 1/7/2015

\$ 1,075,714.00	FY 2012 Appropriation Received & Deposited
\$ 88,020.34	Guam Tourism Council Re-appropriation to FESTPAC transferred to FESTPAC Trust Account deposited
\$ 200,000.00	FY 2013 Appropriation Received & Deposited
\$ 1,200,000.00	FY 2014 Appropriation Received & Deposited
\$ 42,500.00	FY 2015 Appropriation Received & Deposited
\$ 3,540.40	Interest earned October 2012 - December 2014
\$ (0.60)	Service Charge October 2012 , December 2013, January 2014, November 2014
\$ 2,609,774.14	

\$ 1,075,714.00	FY 2012 Appropriation
\$ 1,075,714.00	FY 2012 Appropriation Received
\$ -	FY 2012 Balance
\$ 200,000.00	FY 2013 Appropriation
\$ 200,000.00	FY 2013 Appropriation received
\$ -	FY 2013 Balance
\$ 1,200,000.00	FY 2014 Appropriation (Amended per P.L. 32-181 from \$200,000 to \$1,200,000)
\$ 1,200,000.00	FY 2014 Appropriation received
\$ -	FY 2014 Balance
\$ 200,000.00	FY 2015 Appropriation
\$ 42,500.00	FY 2015 Appropriation received
\$ 157,500.00	FY 2015 Balance

\$ 2,763,734.34 TOTAL APPROPRIATION

\$ 2,606,234.34 TOTAL APPROPRIATION RECEIVED





DIPÅTTAMENTON I KAOHAO GUINAHAN CHAMORRO DEPARTMENT OF CHAMORRO AFFAIRS

Honorable Edward J.B. Calvo Covernor of Guars

Invepti Artero Cameron , President, DCA

Reymond S.Tomnic Linguisting Covernor of Chair



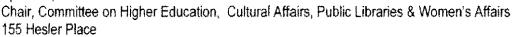


January 21, 2015



The Honorable Judith T. Won Pat, Eh.D.

Speaker , I Mina' Trentai Tres Na Liheslatural Guahan



Hagatna, Guam 96910

Subject:

Testimony regarding Bill No. 19-33 (COR)



Håfa Adail In reference to Bill No. 19-33 (COR), an act to amend §852(c) of Chapter 8, Article 2 of Title 1, Guam Code Annotated, relative to Arts in Buildings and Facilities, the Council held a working session to GUAM discuss the proposed legislation. CAHA Chair Monica Guzman was unable to attend the working session. MUSEUM however she provided her comments to the group. During the session, the Council recognized the intent of the legislation, but raised several valid issues:



- The amendment is not necessary, as CAHA manages the official FESTPAC account and is responsible for programming which is a big expense of the project;
- CAHA is the lead government agency for the Festival;



- The Percent for the Arts is a separate issue that has clear guidelines separate from and beyond the short-term needs of FESTPAC:
- The FESTPAC accounts management is already in place, managed by CAHA, with disbursal authorized by the FESTPAC committee;



- If Percent money is needed for FESTPAC, the process in the existing legislation needs to be followed and that the request to dedicate a portion of the funds would have to be directed to the owners of the project and oversight panel; for their approval and concurrence;
- That the bill compromises CAHA's mission as a Council to provide opportunities for artists and artisans to create works of art in public spaces and share with the community:
- That the bill sets a precedent moving forward as well for other large events and programs to tap into the Percent for the Arts Program as a funding source;
- That the bill deviates from the original intent of the Percent for the Arts program and by reallocating Percent for the Arts funding now, there is a risk of future raids of the funds;
- That the Percent for the Arts is more long term, while the Festival is a short term endeavor.

After many years of the program being in limbo, the Council's consensus is that the fund needs to be protected for the artists. However, the Council acknowledges the significance of FestPac, as it will bring global attention to Guam and promote aconomic growth through the arts.

"Department of Chamorro Affairs is an Equal Opportunity Provider and Employer"

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The Council sees room for compromise. With the Council currently in the process of revising the Percent for the Arts' guidelines, an option supporting Festpac could be included subject to the Council's review and approval. Lastly, with FestPac being only 18 months away, the Council felt that with the guidelines going through the revision process, the timeframe from now until May 2016 was not adequate time enough for the implementation and execution of many of the Percent for the Arts projects.

The Council requests an amendment to this proposed legislation that delegates the authorization and use of the Percent of the Arts funds be made available to FestPac until June 1, 2016 subject to the Council's review and approval of FestPac's grant application to CAHA.

Mås Rikuetdo,

Monica Okada Guzman

Chairperson

Guam Council on the Arts and Humanities

Joseph Artero Cameron

President

Department of Chamorro Affairs

grouph alus Carrens

Cc: Senator Tina Muna Barnes, Legislative Secretary & Assistant Majority Whip, 33rd Guam Legislature Chris Duenas, Special Assistant, External Affairs, Office of the Governor, Sandra Miller, Legal Counsel, Office of the Governor Michael Perez, Legal Counsel, Office of the Governor Members, CAHA Board

COMMITTEE ON RULES

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I Mina trentai Tres na Liheslaturan Guähan • The 33rd Guam Legislature

155 Hesler Place, Hagaina, Guan 96910 • www.guandegislature.com

E-mail: roryforguani@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator Rory J. Respicto CHAIRPERSON MAIORITY LEADER

February 6, 2015

Memorandum

Senator

Thomas C. Ada Vice Chairperson Assistant Majority Leader

To:

Rennae Meno

Clerk of the Legislature

Speaker

Judith T.P. Won Pat, Ed.D.

Member

From:

Senator Rory J. Respicio

Majority Leader & Rules Chair

Vice-Speaker Benjamin J.F. Cruz

Member

Subject:

Hafa Adai!

Fiscal Notes

Legislative Secretary Tina Rose Muna Barnes

Member

Senator Dennis G. Rodriguez, Jr. Member .

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

Senator

Frank Blas Aguon, Jr. Member

Senator

Michael F.Q. San Nicolas Member

Senator Nerissa Bretania Underwood

. . . Member

V. Anthony Ada MINORITY LEADER

Mary C. Toites minority member

FISCAL NOTES:

Bill No. 16-33(COR) Bill No. 19-33(COR)

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

Si Yu'os ma'ase'!

Bureau of Budget & Management Research Fiscal Note of Bill No. 19-33 (COR)

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Bureau of Budget and Management Research Comments on Bill No. 19-33 (COR)

The proposed legislation is aimed at amending §852(c) of Chapter 8, Article 2 of Title 1, Guam Code Annotated, to add regulation that reads: "Notwithstanding any other provision of law, all funds derived pursuant to this section shall be transferred by CAHA to the Guam FESTPAC & Folklife Festival Account until June 1, 2016."

The intent of the proposed legislation is to create a source of suitable funding for the Festival of the Pacific Arts (FestPac), a region-wide festival celebrating the various arts and cultures of the Pacific that Guam will be hosting in 2016. The aforementioned chapter of Title 1 GCA mandates at least one percent (1%) of the overall construction, remodeling, or renovation cost of a public building or building supported by federal or government of Guam subsidy which contains public areas shall be reserved for the purpose of the design, construction, mounting, maintenance and replacement, and administration of works of art by CAHA in the public area of such building, or the owner shall give the amount to CAHA.

Should the Bill be enacted, the proposed amendment obligates CAHA to transfer revenues to the Guam FESTPAC & Folklife Festival Account until June 1, 2016 as reserves to fund their event. The proposed legislation may deviate from the original intent of the Percent for the Arts Program's long-term obligations and set precedent for future short-term large events and programs to tap into Percent for the Arts Program funds. Insofar that funds be redirected to the aforementioned event, it would direct funds from the program thereby impacting local artisans who participate in the program.

Lastly, per the Bureau's discussion with CAHA, recent projects have not yielded much, if any, payments to the agency as contractors, such as for the GPA-GWA complex in Mangilao, have opted to purchase art work directly in lieu of payments to CAHA. As such, the amount to be generated by the proposed legislation may be nominal at best.

'Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature 55 Hesler Place, Hagåtha, Guam 96910 • www.guamlegislature.com E-mail: noryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator Rory J. Respicio CHAIRPERSON

MAJORITY LEADER

January 12, 2015

Senator Thomas C. Ada VICE CHAIRPERSON

ASSISTANT MAJORITY LEADER

Speaker Judith T.P. Won Pat, Ed.D. Member

> Vice-Speaker Benjamin J.F. Cruz Member

Legislative Secretary Tina Rose Muna Barnes Member

Senator Dennis G. Rodriguez, Jr. Member

> Senator Frank Blas Aguon, Jr. Member

Senator Michael F.Q. San Nicolas Member

Senator Nerissa Bretania Underwood Mamber

> V. Anthony Ada MINORITY LEADER

Mary C. Torres MINORITY MEMBER

MEMORANDUM

Rennae Meno To:

Clerk of the Legislature

Attorney Therese M. Terlaje Legislative Legal Counsel

Senator Thomas C. Ada From:

Acting Chairperson of the Committee on Rules

Subject: Referral of Bill No. 19-33(COR)

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 19-33(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 Tres na Liheslaturan Guåhan.

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

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Tres Na Liheslaturan Received Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
19-33 (COR)	T. R. Muña Barnes	AN ACT TO AMEND §852(c) OF CHAPTER 8, ARTICLE 2 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ARTS IN BUILDINGS AND FACILITIES.	2:50 p.m.	01/12/14	Committee on Higher Education, Culture, Public Libraries, and Women Affairs			



Carl Sanchez <carlsanchez@judiwonpat.com>

1st Public Hearing Notice

1 message

Carl Sanchez <carlsanchez@judiwonpat.com> To: phnotice@guamlegislature.org

Thu, Jan 15, 2015 at 10:00 AM

January 15, 2015

To:

Members of the 33rd Guam Legislature, Media, and

Stakeholders

From: Committee on Higher Education, Cultural Affairs, Public Libraries, and Women's Affairs

Subject: First Notice of Public Hearing

The Committee on Higher Education, Cultural Affairs, Public Libraries, and Women's Affairs will conduct a public hearing on Friday, January 23, 2015 at 1:30 p.m. in the Public Hearing Room of the Guam Legislature Building on the following:

Bill No. 19-33 (COR) T.R. Muña Barnes

An act to amend §852(c) of Chapter 8, Article 2 of Title 1, Guam Code Annotated, relative to arts in buildings and facilities.

Testimonies should be addressed to Speaker Judith T. Won Pat, Ed.D. and will be accepted via hand delivery at the Speaker's office; Speaker's mailbox at reproduction room of the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or fbtorres@judiwonpat.com or through facsimile at 472-3589. Bill No. 19-33 (COR) is available for review at www.guamlegislature.com.

The Guam Legislature complies with provisions of the Americans with Disabilities Act

(ADA). Individuals requiring special accommodations or services should contact Mr. Ed Pocaigue at 472-3586/7/8 or by email at edpociague@judiwonpat.com

> Carl C. Sanchez, MPA Staff Assistant Office of Speaker Judith T. Won Pat Ed.D. Hagatna, Guam 96910 Tel: (671) 472-3586 Fax: (671) 472-3589

bill 19-33 first notice.pdf 183K



Frank Torres <fbtorres@judiwonpat.com>

2nd Public Hearing Notice

Frank Torres <fbtorres@judiwonpat.com>
To: phnotice <phnotice@guamlegislature.org>

Wed, Jan 21, 2015 at 1:29 PM

January 21, 2015

MEMORANDUM

To:

Members of the 33rd Guam Legislature

Media

Stakeholders

From:

Committee on Higher Education, Cultural Affairs, Public Libraries, and Women's Affairs

Subject: Second Notice of Public Hearing

The Committee on Higher Education, Cultural Affairs, Public Libraries, and Women's Affairs will conduct a public hearing on Friday, January 23, 2015 at 1:30 p.m. in the Public Hearing Room of the Guam Legislature Building on the following:

Bill 19-33 (COR) T.R. Muña Barnes

An act to amend §852(c) of Chapter 8, Article 2 of Title 1, Guam Code Annotated, relative to arts in buildings and facilities.

Testimonies should be addressed to Speaker Judith T. Won Pat, Ed.D. and will be accepted via hand delivery at the Speaker's office; Speaker's mailbox at reproduction room of the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or fbtorres@judiwonpat.com or through facsimile at 472-3589. Bill 19-33 (COR) on the agenda is available for review at www.guamlegislature.com.

The Guam Legislature complies with provisions of the Americans with Disabilities Act (ADA). Individuals requiring special accommodations or services should contact Mr. Ed Pocaigue at 472-3586/7/8 or by email at edpocaigue@judiwonpat.com

Sent from my iPad

Listserv: <u>phnotice@guamlegislature.org</u> Updated as of January 9, 2015

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jon.calvo@mail.house.gov
jontalk@gmail.com
jpmanuel@gmail.com

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Listserv: <u>phnotice@guamlegislature.org</u> Updated as of January 9, 2015

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AGENDA Judith T. Won Pat, Ed.D. Speaker

Public Hearing January 23, 2015, 1:30 p.m. Public Hearing Room

The Committee on Higher Education, Cultural Affairs, Public Libraries, and Women's Affairs will conduct a public hearing on Friday, January 23, 2014 at 2000 p.m. in the Public Hearing Room of the Guam Legislature Building on the following:

Bill 19-33 (COR) T.R. Muña Barnes

An act to amend §852(c) of Chapter 8, Article 2 of Title 1, Guam Code Annotated, relative to arts in buildings and facilities.