



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

2009 MAR -5 AM 9:42

04 MAR 2009

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

30-09-0299
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date 3/4/09
Time 9:40
Received by [Signature]

Dear Speaker Won Pat:

Transmitted herewith is 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" which was signed into law on January 30, 2009 as Public Law 29-147.

Sinseru yan Magåhet,

[Signature of Felix P. Camacho]

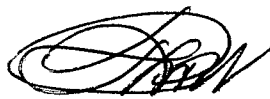
FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

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

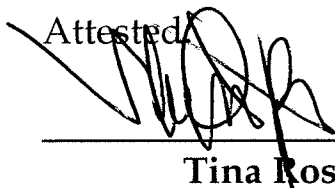
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

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 30<sup>th</sup> day of December, 2008, duly and regularly passed.



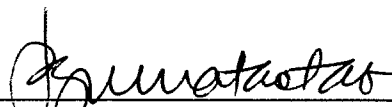
**Judith T. Won Pat, Ed. D.**  
**Speaker**

Attested:



**Tina Rose Muña Barnes**  
**Senator and Secretary of the Legislature**

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



**Assistant Staff Officer**  
**Maga'lahaen's Office**

APPROVED:



**FELIX P. CAMACHO**  
***I Maga'lahaen Guåhan***

Date: 30 JAN 2009

Public Law No. 29-147

***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.”