



DIPATTAMENTON I KAOHAO GUINAHAN CHAMORRO
DEPARTMENT OF CHAMORRO AFFAIRS

Honorable Edward J.B. Caivo
 Governor of Guam

Joseph Artero-Cameron
 President, DCA

Raymond S. Tenorio
 Lieutenant Governor of Guam



February 22, 2016

33-16-1392
 Office of the Speaker
 Judith T. Won Pat, Ed.D

The Honorable Tina Rose Muna-Barnes
 Legislative Secretary
 33rd Guam Legislature
 I Mina'Trentai Tres Na Liheslaturan Guåhan
 155 Hesler Street
 Hagåtña, Guam 96910

Date: 02-23-16
 Time: 10:35 AM
 Received By: *[Signature]*

Subject: Revised Rules and Regulations - Public Law 31-118

Håfa Adai. This correspondence is in reference to Public Law 31-118 which amends §§850, 852 and 853 of Article 2, Chapter 8 of Title 2, Chapter 8 of Title 1, Guam Code Annotated, Relative to Arts in Buildings and Facilities. The Guam Council on the Arts and Humanities Agency (CAHA), a division of the Department of Chamorro Affairs (DCA), is responsible for establishing the rules and regulations as mandated by Public Law 31-118. Public Law 31-118 amended the previous law, Public Law 20-27 known as the Percent for the Arts Program. Basically, public buildings and facilities where the total cost of construction, remodeling or renovation, exceeds the sum of \$100,000 must set aside one percent (1%) of the total cost of overall construction, remodeling or renovation of the building for the acquisition of works of art. The program applied to those buildings supported by either the Government of Guam through tax abatements, rebates, loans, loan guarantees, bond financing or by Federal funds administered by the Government of Guam. Public Law 31-118 expanded the program to include the fostering of culture, arts and the development of the arts beginning with young children, whereas, the developer or owner of these building would have options. The options are to aside one percent (1%) of the total cost of overall construction, remodeling or renovation of the building for the acquisition of works of art or the monies would be deposited into a fund to be established and administered by CAHA. The fund specifically would be used for grants to individuals and organizations for programs geared towards the development of arts that would benefit the community, especially young children and young adults. Funding would directly benefit only those artists whose art work are selected by the selection committee and individuals and organization who are recipients of grants awarded by CAHA through this program.

The current rules and regulations for the Percent for the Arts were adjudicated on March 13, 2013. However, the CAHA Board recognized that the current rules and regulations needed to be strengthened and revised. Stakeholders were asked to submit comments for inclusion in the rules and regulations. A public hearing was held giving the community the opportunity to comment on the revised rules. Public input was then incorporated into the revised document. In adherence to the Administrative Adjudication Law, also known as, the Triple A process, attached is the revised rule and regulations for your perusal and approval. Also attached are copies of Public Law 31 -118 and the Department of Administration's response to the revised rules and regulations

Any questions or concerns can be addressed to Ms. Jackie Balbas, CAHA Program Coordinator. She can be contacted at 300-1205 or via email at jacqueline.balbas@caha.guam.gov.

Si Yu'os Ma'åse for your prompt attention to this matter.

Senseramente,

Joseph Artero-Cameron

Joseph Artero Cameron
 President, Department of Chamorro Affairs

Cc: Speaker, 33rd Guam Legislature

Attachments

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

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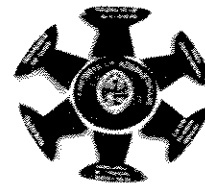


Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

Department of Administration
(DIPATTAMENTON ATEMENSTRASION)

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Anthony C. Blaz
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RECEIVED
2/15/16
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DEPARTMENT OF CHAMORRO AFFAIRS
P.O. BOX 2900
HAGATÑA, GUAM 96922
2/12/16

February 11, 2016

To: President of the Department of Chamorro Affairs (DCA)
From: Acting Director of Administration (DOA)
Subject: Request to Review Revised Rules and Regulations - Public Law 31-118

Hafa Adai! This is in response to your request for review of the revision of your department's rules and regulations as required by Public Law 31-118.

First and foremost, I must apologize for the delay in responding to your request. As you know, we recently lost not only our director, but a member of our Department of Administration family to an untimely passing. We thank you for understanding.

Upon review of the revision of the rules and regulations, it seems that everything is in order and there are no further changes needed as most of the language mandated by law have been addressed and clarified in detail within the policy.

Therefore, I hereby approve your updated version of the DCA Rules and Regulations and recommend submission to the Legislative Secretary of the 33rd Guam Legislature.

Sensiramente,

KATHRINE KAKIGI

RULES AND REGULATIONS FOR ART IN PUBLIC BUILDINGS AND BUILDINGS
SUPPORTED BY FEDERAL AND GOVERNMENT OF GUAM FUNDS IN THE
TERRITORY OF GUAM AND THE PERCENT FOR THE ARTS ENHANCEMENT GRANT
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CHAPTER I. THE LAW

Public Law 20-27, Chapter 8 of Title 1 of the Guam Code Annotated, relative to "Arts in Public Buildings and Facilities" as amended by Public Law 31-118 amending subsections 850, 852 and 853 of the Guam Code Annotated.

CHAPTER II. PURPOSE

P.L. 31-118 Section 1 Subsection 850

The government of Guam recognizes its responsibility to foster culture and arts and the necessity for the development of the arts beginning with our young children and throughout the community. I Liheslatura (the legislature) declares it to be policy that a portion of appropriations for capital expenditures for public buildings be set aside either for the acquisition of works of art, art education programs or performances to be used in such buildings and in any buildings intended for use of the general public to the extent that the construction or improvement of such non-public buildings is supported by either federal or government of Guam tax incentives or other subsidy arrangement; or the funds may be given to the Guam Council on the Arts and Humanities Agency for the purpose of fostering culture and various disciplines of the arts for the development of local artists, children and the community as a whole.

CHAPTER III. DEFINITIONS

- A. Definitions as it apply to Art in Public Buildings and buildings supported by the Federal and Government of Guam Funds in the Territory of Guam.
1. "Art and Arts" means the graphic arts and other arts having aesthetic value that is to the public as defined by P.L. 20-27.
 2. "Artist" means one who produces or aids in the production of art.
 3. "Public Building" or "Public Facility": a building or facility owned by the government of Guam or any of its instrumentalities.
 4. "Non-Public Buildings": Buildings that are supported by either government of Guam funds through tax abatements, rebates, loans, loan guarantee or bond financing or by Federal funds administered by the Government of Guam.
 5. "Department" means the Department of Public Works or that agency of the government which supervises the design of a public building or facility.
 6. "Public Area" means that part of a public building or facility to which the public is generally admitted during certain hours of the day. Public area does not include any office space to which the public generally has no access.
 7. "Local Artists" mean artists who are residents of Guam for at least 6 months and pay taxes on Guam.

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8. *“Contracting Agency”*: The owner of the building identified including either governmental or non-governmental.

B. Definitions as it apply to the Percent for the Arts Enhancement Grant Program.

1. “Agency” means Guam Council on the Arts and Humanities Agency, government of Guam (CAHA).
2. “Director” means Director of the Guam Council on the Arts and Humanities Agency.
3. “Board” means the council on the Arts and Humanities Agency Board, government of Guam.
4. “Fund” means the Percent for the Arts Enhancement Grant Fund.
5. “Grantee” means an applicant who is awarded a grant.
6. “Grant” means an approved award of funds from the Percent for the Arts Enhancement Grant Program.
7. “Government of Guam funds” means any funds received from a legislative appropriation, the Guam Visitors Bureau or from an autonomous agency.
8. “Government” means the government of Guam.

CHAPTER IV. HOW IT WORKS

A. Art in Public Buildings and buildings supported by the Federal and Government of Guam Funds. (P.L. 31-118 Section 2 subsection 852)

1. Plans for public buildings and buildings supported by federal or government of Guam subsidy which contain public areas, and plans for remodeling or renovation of public buildings or facilities where the total cost of construction, remodeling or renovation exceeds the sum of One Hundred Thousand Dollars (\$100,000) shall contain provisions for the inclusion of works of art by local artists if available, including, but not limited to, sculptures, paintings, murals or objects relating to or consisting of native arts.
2. The owner of the building shall also have the option of allotting at least one percent (1%) of the overall construction, remodeling or renovation cost of a building to the Guam Council on the Arts and Humanities Agency (CAHA) in lieu of the inclusion of works of art.
3. If artwork plans are selected, an announcement of selected art or artists shall be published in a newspaper of general circulation after the final art is submitted for installation and/or in the online version of the newspaper. The published announcement must state that the selected art may be viewed on the CAHA website or on the Owner’s website.

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4. Before issuance of the occupancy permit for such construction, remodeling or reconstruction the owner of the building must obtain clearance from the Guam Council on the Arts and Humanities Agency (CAHA) that the provisions of this Chapter are being complied with.
5. 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 purpose 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.

The Director 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.

6. Such buildings with an overall construction cost of less than One Hundred Thousand Dollars (\$100,000) are exempted from the requirements of this Chapter unless inclusion of works of art in their design and construction is specifically authorized by the owner.
7. The artist who creates these works of art shall be selected as provided in Subsection (f) of this section.
8. The Director of CAHA shall develop rules and regulations, pursuant to the Administrative Adjudication Law, for the selection of works of art under this Chapter and shall open competition for awarding any art contract under this Chapter by:
 - a. Soliciting proposals from local artists by a project announcement published no less than three (3) times in a local publication or general circulation in print and online versions;
 - b. Appointing a selection committee consisting of a minimum of five (5) and up to a maximum of nine (9) members to review all proposals and report to the Director the results of its deliberations regarding the proposed art contract. Such committee shall include a representative of the building's owner or of the agency or department involved; the project architect; the interior designer of the building; the municipal mayor from the project site or a designated representative OR The Executive Director of the Mayor's Council or a designated representative; at least two (2) practicing artists from Guam; a representative from the Business Community; a representative from the either the University of Guam, Guam Community College or the Guam Department of Education; and a representative of the Guam Council on the Arts and Humanities Agency (CAHA).
 - c. The final decision regarding the use of art work and the selection committee's recommendations shall made by the Director of CAHA, who shall be the contracting officer for any art contract executed pursuant to this Chapter.

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9. *The Director of CAHA shall include in the CAHA rules and regulations, pursuant to the Administrative Adjudication Law, procedures for the acceptance of funds as stated in this Section.*
- a. *An account shall be established which shall be maintained separate and apart from other funds of the government of Guam, shall be kept in a separate bank account and shall not be subject to transfer authority of I Maga'alahen Guahan. Funds shall remain in such account and expended by CAHA for the purpose mandated in this Section. Said Fund shall be examined and reported upon as required by the law by the Director of CAHA who shall serve as the certifying officer of said Fund.*
 - b. *On the first (1st) day of each fiscal quarter, the CAHA Director shall provide to I Maga'Lahen Guahan and the Speaker of I Liheslaturan Guahan and post on the CAHA website, a detailed report of how funds were allocated and utilized.*

10. *Enforcement*

- a. *CAHA shall identify public buildings in non-compliance with this Section and send written notices within ten (10) working days. Upon receipt of the notice, recipients have two (2) weeks (fourteen (14) calendar days) to acknowledge in writing, receipt. Recipients will be given up to one (1) fiscal year to comply with Section.*
- b. *The Guam Economic Development Authority (GEDA) shall ensure that current Qualifying Certificate (QC) program beneficiaries are in compliance with this Section.*
- c. *For monitoring purposes, GEDA shall provide to CAHA a list of past and current QC recipients. CAHA will determine whether former QC recipients complied with Subsections (a) and (c), and notify them in writing if non-compliance was determined. Upon receipt of the notice, recipients have two (2) weeks (fourteen (14) calendar days) to acknowledge, in writing, receipt. Recipients will be given up go one (1) fiscal year to comply with this section.*
- d. *CAHA shall provide to the Department of Revenue and Taxation a list of QC recipients who fail to comply with this Section. The Department of Revenue and Taxation shall refuse to grant renewal of business license for current and past QC recipients in noncompliance, until the CAHA Director issues a written confirmation of compliance.*

11. *P.L. 31-118 Section 3 subsection 853 - Inclusion of Chamorro Artistry or Guam History Elements in Government Building: Government of Guam Buildings and Structures*

All government of Guam building and structures shall contain elements of either Guam History or of Chamorro artistry costing up to a maximum of three percent (3%) of the

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aggregate of the architectural and engineering , the construction or the renovation budgets therefore. Such elements may be made part of the internal or external physical structure of the building or structure and may be within the main part of the building or structure or separated from the main part. In complying with the provision of this Section, a contractor for the government agency constructing the building or structure may consult with CAHA as to the various types of Chamorro or historic Guam artistic elements. The Department of Public Works (Department) shall monitor noncompliance with this Section during its plans approval process, unless such plans are exempted in accordance with Subsection (b) of this Section. If the Department determines that a non-exempted project does not comply with this Section, it shall refuse to issue either a building permit or an occupancy permit (as the case requires) for such project until compliance.

12. *Exceptions to Applicability*

Buildings and structures constructed for use as shelters for utility facilities or utility operations are not subject to Subsection (a) of this Section.

13. *Compliance*

Government of Guam agencies found in noncompliance of this Section shall be given up to one (1) fiscal year to comply. CAHA shall ensure compliance with this Section. Penalties for noncompliance will be determined by the CAHA Board.

14. *Government Lease Spaces*

Government of Guam agencies leasing space are not exempt from this Section, and if found in noncompliance will be given up to one (1) fiscal year to comply. CAHA shall ensure compliance with this Section.

15. SELECTION COMMITTEE

The Selection Committee shall determine the scope, direction, and particular needs of each project. Original Verbiage: The Selection Committee shall include a minimum of five (5) members and up to a maximum of nine (9) members as follows:

- a. A representative of the building's owner or of the agency or department involved.
- b. The project architect.
- c. The interior designer of the building.
- d. The Executive Director of the Mayor's Council or a designated representative OR the Municipal Mayor from the project or a designated representative.
- e. At least two (2) practicing artists from Guam.

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- f. A representative from the business community.
- g. A representative from the University of Guam, Guam Community College or the Guam Department of Education.
- h. A representative of the Guam Council on the Arts and Humanities Agency (CAHA).

Voting: Each member of the selection committee will have one vote. The majority vote shall determine selection. The Committee then makes recommendations to the Director of CAHA or his designee who makes the final decision.

16. SELECTION PROCEDURE

The Building Owner shall tour the site of the project and designate the various areas where artwork is to be placed. The Selection Committee shall then consider the particular needs of the project including budget, appropriate art forms and mediums and the location based on the building owner's input.

17. Selection Method

Open Competition: The Selection Committee shall solicit artwork samples from artists by a project announcement published no less than three (3) times in a local publication of general circulation.

The selection process may be in two stages whereby a limited number of finalists, selected from the competition will be asked to submit more detailed proposals. Each of the finalists will be paid a fee for the final commissioned work as approved by the Selection Committee.

18. Criteria for Selection

- a. Style and Nature: Works of art that compliment the environment where the art work is to be displayed. The size of the artwork must also be compatible to the size of the location designated.
- b. Quality: The inherent quality of the artwork is the most important criterion for selection.
- c. Media: All visual art forms will be considered along with objects relating to or consisting of indigenous art. The artwork can be either portable or permanently fixed. If the artwork is to be permanently placed the Selection Committee will decide if the location identified is structurally capable of maintaining the artwork in terms of relative maintenance of repair costs.

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- d. Permanence: Due consideration will be given to structural and surface soundness and to permanence in terms of relative excessive maintenance or repair costs.
- e. Existing works of art or art specifically commissioned works are eligible.

19. BUDGET

The selection Committee shall identify the funds available for the project and approve expenditures. The funds will be dispersed as specified by P.L. 31-118.

20. USE OF FUNDS

- a. Funds identified may be used for:
 - 1. For the purchase of existing artwork selected or commissioned by the Selection Committee.
 - 2. Design: Artist's professional design fee.
 - 3. Construction: The actual work and materials put into the creation of the artwork.
 - 4. Mounting: Expenses for the purposes of affixing the artwork onto the location specified.
 - 5. Maintenance: Expenses incurred towards the mechanical maintenance of the artwork for up to one year after installation. After one year, this becomes the owner of the building's responsibility.
 - 6. Replacement: Artwork that are to be replaced due to irreparable damage.
 - 7. Administration: Expenses to cover any administrative costs incurred by the Selection Committee of CAHA in the selection of artwork. Those costs include but are not limited to hiring of contractual staff, advertisements, supplies and professional services. At least one percent (1%) of the identified funds will be awarded to the Guam Council on the Arts and Humanities Agency for the purposes of contracting administrative staff to coordinate and maintain the program. Administrative costs are subject to the discretion of the CAHA Board.
 - 8. Plaques and Labels identifying the art work.
 - 9. Frames, mats and pedestals necessary for the presentation of the artwork.
 - 10. Waterworks and electrical and mechanical devices, equipment and site work which are integral parts of the work of art.

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11. Reproductions of up to 50 high quality limited edition prints, numbered and signed by the artist. Exclusively used for exhibition purposes and will not be for sale. (Subject to the approval by the Selection Committee and to copyright agreements with the artists.)
12. Funds may also be used to purchase art to be included in the Guam Art Bank managed by CAHA, its maintenance and repair when deemed necessary by CAHA

a. FUNDS IDENTIFIED MAY NOT BE USED FOR:

1. Reproductions, by mechanical or other means, of original works of art, unless mechanical means of reproductions are an integral part of the creative process. (Subject to approval by the selection Committee as mentioned on section (K) on USE ON FUND: Funds Identified May be used for)
2. Decorative, ornamental, or functional elements which are designed by the building architect or consultants engaged by the architect, as opposed to an artist commissioned for this purpose.
3. Those elements generally considered to be components of a landscape architectural design.
4. Art objects which are mass produced or of a standard commercial design, such as playground sculpture or fountains.
5. Directional, or other functional elements, such as super graphics, signage, color coding, maps, etc., except where these elements are an integral part of the original work of art.
6. Those items which are required to fulfill the basic purpose of the contracting agency. Examples would be works of art in the collection of a state museum, or works of art fulfilling an interpretive or educational role in a college or university art museum or gallery.
7. Preparation of the site necessary to receive the work of art.
8. Energy and water costs of operation of electrical and mechanical systems.
9. Art exhibitions and educational activities.
10. In connection with the works of art after delivery: registration, dedication, unveiling, insurance and security.
11. Architectural services.

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12. Artistic staff salaries, equipment and supplies employed by the building owner.

21. WHO IS ELIGIBLE

Selection preference may be given to local artists who have resided in Guam for at least 6 months prior to the first public announcement of the specific project; who pay taxes in Guam; and are registered with CAHA. Selection preference may be given to local artists.

22. RESPONSIBILITIES

- a. Guam Council on the Arts and Humanities Agency in consultation with the various Government agencies and departments needed to comply with the law and the building owner shall:
 1. Be responsible for the selection of the commissioning of artist for, reviewing the design, execution and placement of, and acceptance, of works of art in consultation with the selection committee.
 2. Appoint the selection committee.
 3. Assist the contracting agency in contract negotiation with the artists.
 4. In consultation with the contracting agency, CAHA may transfer works of art between public buildings, whenever, in its judgment, the transfer will be to the benefit of the citizens of Guam. This section only pertains to Government agencies and departments.
 5. Handle public information aspects of the project. All expenses incurred will be the responsibility of the contracting agency.
 6. Identify and carry necessary maintenance procedures (for up to one year after installation), and maintain accurate records of the collection in partnership with the contracting agency.
- b. The Contracting Agency Shall:
 1. Notify the Guam Council on the Arts and Humanities Agency upon Legislative approval of construction/renovation projects which costs over \$100,000. If the contracting agency in this instance must notify CAHA upon approval of support by either government of Guam funds through tax abatements, rebates, loans, loan guarantees or bonds financing or by Federal Funds administered by the government of Guam.
 2. Notify the Guam Council on the Arts Humanities Agency of the Project details.

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3. Consult with CAHA and Selection committee on the determination of budget and selection procedures.
 4. Contract with and pay for the architect for administrative and/or design services to be rendered in connection with the commissioning of works of art.
 5. See that payment is made for all costs, professional fees, purchases and commissions in accordance with the Guam Law, these rules and CAHA standards.
 6. Provide project coordination to assure timelines of completion.
 7. Be responsible for inventory and security of the work; and with advice and consent of the Guam Council on the Arts and Humanities Agency for maintenance and repair.
 8. Assist CAHA with public information aspects of the project, with assistance and approval from CAHA.
 9. The Guam Council on the Arts and Humanities Agency and the selection Committee must be informed of any changes in the proposed plans, costs, construction completion date or scope of the project before these changes are implemented.
- c. The Architect Shall:
1. Recommend to the Guam Council on the Arts and Humanities Agency and the contracting agency specific sites for works of art and the scale and type of work thought to be most appropriate.
 2. Act as a member of the selection committee.
 3. Work closely with the artist where required, provide engineering and technical assistance to the artist if requested from the contracting agency.
 4. Assure that all service requirements for the work of art met in the design documents and that the work may be installed with relative ease.
- d. The Artist shall:
1. Be commissioned by the contracting agency (Defined as both governmental and private developments) with approval of the Director of the Guam Council on the Arts and Humanities Agency to execute and complete the work in a timely and professional manner. Be in close contact with the contracting agency before and during installation, and transfer title of an existing work of art to the agency for incorporation in its building inventory.

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2. Deal personally with the other parties in all phases of the negotiations. However, the artist (s) may, at their option designate their dealers or agents to represent them in certain aspects of the project.
3. Copyright: The artist retains those rights concerning the reproduction and of the original artwork for commercial purposes unless specified in the original contract agreed upon by the artist and the contracting agency.
4. Maintain a close working relationship with the architect and contracting agency on commissioned pieces.
5. The artist shall submit all artwork professionally framed (when appropriate) and ready for installation as per the specifications issued by the selection committee. For art works that will require a more complicated than average installation process the artist shall make themselves available for consultation before or at the time of installation.
6. Upon completion of the work (s) or purchased, the artist shall submit to the Guam Council on the Arts and Humanities Agency a detailed description of the work (s) with instructions on its care and maintenance, high resolution digital files, scans and two 8 X 10 glossy photos. The description form shall be submitted concurrently with the final invoice.
7. All plans, drawings, and other materials related to a proposed work of art are the property of the Guam Council on the Arts and Humanities Agency until the final work is installed, at which time such preparatory materials revert to the artist.

23. SCOPE AND NATURE EXPENDITURES

While no more than 1% can be dedicated from capital construction appropriations, it is possible that a dollar total greater than 1% can be expended for art in a project if funds are generated from other sources (i.e., governmental or private funds). The 1% figure is a minimum.

If 1% of total funds appropriated for a particular project is not required for that project, such un-required amounts can be: a) used to acquire art for existing government buildings; b) transferred to another construction project, or both, as determined by the Guam Council on the Arts and Humanities Agency, in consultation with the contracting agency. If the contracting agency is a non public building the contracting agency may use these funds to purchase art pieces that will be donated to the people of the territory of Guam; these funds can also be used to fund art related projects, such as workshops or performances, although these expenditures must be approved by the Guam Council on the Arts and Humanities Agency.

Administrative costs of any particular project may be funded through the 1% appropriation and will be limited to the following area:

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- a. Supplies and services connected with public information, and artists' prospect for specific projects.
- b. Selection committee per diem, and artist professional fees.
- c. Contractual Services.

24. GENERAL PRINCIPLES AND PROCEDURES

Integration of Art and Architecture: So that artists and architects can gain from each others' design insights and, thereby produce a more integrated solution, all parties should strive for engagement of the artist as soon as possible after the approval of the architect's schematic design phase.

Freedom of Expression: Because of the bold attempt to meld together the imaginations and talents of so many individuals and groups, freedom to reach creative solutions must always be maintained. The artists, on their part, must be sensitive to the unique qualities of public art and the guidelines and parameters which, of necessity, may have been agreed upon.

Exhibitions and Educational Aspects: To serve the public more fully the contracting agencies should consider undertaking the following, funded with monies other than those made available under the Act:

- a. Exhibition of sketches and scale models created in open competitions.
- b. Involvement of students and art instructors in workshops with artists creating works.
- c. Tours of those sites which exhibit many works, conducted by trained docents.
- d. Use of State educational and other facilities by the artist in developing concepts and creating the work, so that the people of the territory of Guam can better understand the creative process. Such facilities might studio space, foundries, machine, welding and woodworking shops, printing and photographic facilities.
- e. Filming or Videotaping the creation and installation of the work.

The Guam Council on the Arts and Humanities Agency is available to provide consultative assistance with these matters.

Accessibility of Information: All parties will strive to publicize widely all aspects of the program. All meetings of the Selection Committee are open to the public.

Community Support and advice: While firmly committed to the principle of selection of artists by the selection Committee, the Selection Committee welcomes advice from the interested public.

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Conflict of Interest: All procedures will be conducted and all decisions will be made free of any conflict of interest. The Guam Council on the Arts and Humanities Agency will ensure that members of the Selection Committee and the Contracting Agency are not related in any way to the artists submitting portfolios either through kin and/or Business relations.

Dedication: If a dedication or "Unveiling" of work is desired, arrangements shall be the responsibility of the contracting agency in consultation with the Guam Council on the Arts and Humanities Agency.

25. DOCUMENTATION

Documentation:

- A. Identification: The Guam Council on the Arts and Humanities Agency will assist the contracting agency with identification of artwork for inclusion in labels identifying the work, which are securely affixed, unobtrusive, and well designed; and in a catalog or brochure prepared and published by the contracting agency. Included should be the name of the artist; if any; medium; and year completed.
- B. Registration: The Contracting agency shall maintain accurate inventory records. Copies will be filed with the Guam Council on the Arts and Humanities Agency.
- C. Publications: As Collections grow, contracting agencies are encouraged to publish informative folders and booklets on works of art. The Guam Council on the Arts and Humanities Agency is available to assist with editorial and technical assistance.

CHAPTER V. HOW IT WORKS – The Percent for the Arts Enhancement Grant Program. (P.L. 31-118 Section 2 subsection 852)

Public Law 31-118 establishes the fund. It mandates the Guam Council on the Arts and Humanities Agency to set up the eligibility requirements governing usage of the fund. 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 arts for the development of local artists, our children and the community as a whole.

CHAPTER VI. Purpose of Grants

The Percent for the Arts Enhancement Grant Program is a program separate of CAHA's Annual Grant Program. Percent for the Arts Enhancement Grants are available to enhance cultural and artistic learning opportunities for our youth and youth organizations. Funds will be awarded to assist in areas of cultural and artistic development. Grant applications will be reviewed and administered according to existing CAHA grant review procedures. These projects must demonstrate that they are vital to long term learning and development, and support the continued fostering of the arts and cultural education process for the youth.

RULES AND REGULATIONS FOR ART IN PUBLIC BUILDINGS AND BUILDINGS
SUPPORTED BY FEDERAL AND GOVERNMENT OF GUAM FUNDS IN THE
TERRITORY OF GUAM AND THE PERCENT FOR THE ARTS ENHANCEMENT GRANT
PROGRAM

CHAPTER VII. Eligibility

A. Organizations

1. If the applicant is an organization, it must be registered with the government of Guam as a nonprofit organization, or be a bona fide Guam school program, sanctioned by the school's principal and endorsed by the Director of Education, school master or Superintendent of Parochial schools.
2. Organizations that apply for a grant must be in compliance with all applicable laws and regulations.

B. Individuals

1. If the applicant is an individual, he or she must be a permanent resident of Guam.
2. If the applicant is an individual under the age of eighteen years of age, their parent or legal guardian will be able to apply on the minor's behalf.

CHAPTER VIII. Grant Criteria

Percent for the Arts Enhancement Grants will be awarded only to individuals or non-profit organizations.

CHAPTER IX. Application Process

A. Step One: Submission.

1. To qualify for a grant, an application must be filled out and submitted to the Agency - CAHA along with the following information:

A nonprofit organization requesting funds must provide a copy of its articles of incorporation of other proof of registration as a nonprofit organization with the government of Guam. A requesting school must submit a letter from the school's principal and the Director of Education, school master or Superintendent of Parochial Schools, endorsing the organization.

2. Grant applications which do not comply with the requirements of Step One shall not be considered complete and eligible for certification.

B. Step Two: Certification.

The Director will certify the grant application as to its completeness. If the application is not complete, the Agency will send a notification to the applicant either via email or by certified mail informing them of the application's status and that proper adjustment need to be made within 15 days of notification. The Director will certify the grant application as to its completeness. If the grant application is not complete, the Agency will mail a non-certification form to the grant applicant for proper adjustment.

RULES AND REGULATIONS FOR ART IN PUBLIC BUILDINGS AND BUILDINGS
SUPPORTED BY FEDERAL AND GOVERNMENT OF GUAM FUNDS IN THE
TERRITORY OF GUAM AND THE PERCENT FOR THE ARTS ENHANCEMENT GRANT
PROGRAM

C. Step Three: Consideration.

1. A certified grant application shall be submitted by the Director to the Board for consideration during the next grant review cycle for the Percent for the Arts Enhancement Program. Applications will be reviewed and considered by the Board on an annual basis, every September of a calendar year.
2. The Board shall approve grant applications in accordance with the purposes stated in Chapter VI of these regulations. Grant applications will be reviewed and administered according to existing CAHA grant review procedures.
3. The Board will not consider any grant application unless Steps One and Two have been completed.

CHAPTER X. Disbursement of Funds

- A. The Director shall manage the Fund and the Agency's certifying officer shall be the Fund's certifying officer.
- B. Upon Board approval of the application, the Agency shall process the necessary paperwork for the grant.
- C. Within thirty days after completion of project/program, the grantee shall provide the Director with a report and an accurate expenses report reflecting the expenditure of all government of Guam funds.

CHAPTER XI. Misuse of Funds

- A. Any person who willfully misuses a grant received under these regulations shall be guilty of a petty misdemeanor and subject to a fine not to exceed \$500.
- B. If the grantee is delinquent in submitting the detailed narrative and expenditure report required by Chapter X, Section C, the Agency shall send a written notice, certified mail, return receipt requested, to the grantee giving the grantee fifteen days from the date of receipt of the notice to submit the report. Grantees failure to comply may be deemed a violation of said chapter.
- C. If the grantee breaches any provision of the grant agreement or grantee fails to complete the grant project, grantee shall return immediately any all funds previously received from the grantor for which grantor has made written demand.

CHAPTER XI. Grant Limitations

- A. Only one grant from the Fund can be awarded per organization program or individual per year.
- B. All grants awarded through the Agency are contingent upon the availability of funds and final approval by the governor.

RULES AND REGULATIONS FOR ART IN PUBLIC BUILDINGS AND BUILDINGS SUPPORTED BY FEDERAL AND GOVERNMENT OF GUAM FUNDS IN THE TERRITORY OF GUAM AND THE PERCENT FOR THE ARTS ENHANCEMENT GRANT PROGRAM

CHAPTER XII. Recording Requirements

Reporting Requirements – Art in Public Buildings and Buildings Supported by Federal and Government of Guam Funds in the Territory of Guam and the Percent for the Arts Enhancement Grants Program.

On the first (1st) day of each fiscal quarter the CAHA Director shall provide I Maga'lahaen Guahan and the Speaker of I Liheslaturan Guahan and post on the CAHA website a detailed report of how the funds were allocated and utilized.

A. The quarterly report for the Art in Public Buildings and Buildings Supported by Federal and Government of Guam Funds in the Territory of Guam shall include the following information concerning the use of the Fund:

1. The number and names of projects.
2. The amount allocated towards the program per project.
3. Other pertinent data concerning management of the fund.

B. The quarterly report for the Percent for the Arts Grants Enhancement Program shall include the following information concerning the use of the Fund:

1. The number and names of applicants.
2. The number, names of grantees and amounts of grants awarded.
3. Other pertinent data concerning management of the fund.

Furthermore, the Guam Council on the Arts and Humanities Agency shall annually make a public report on all Art in Public Buildings and Buildings Projects Supported by Federal and Government of Guam Funds in the Territory of Guam and the Percent for the Arts Enhancement Grants Programs of the previous year.

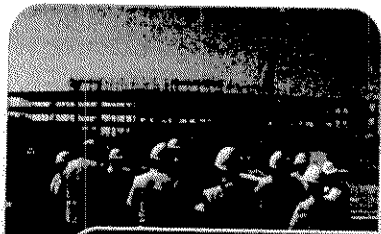
CHAPTER XIII. SEVERABILITY P.L. 31-118 Section 4

If any provisions 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 provision or applications of this Law which can be given effect without the invalid provision or applications and to this end the provisions of this Law are severable.

IN CONCLUSION

Guam's 1% Program is dedicated to encouraging and supporting the creation and showcasing of art of the highest quality by contemporary and traditional artists, in all artistic disciplines, where the people of the Territory of Guam can appreciate. In so doing, the Territory of Guam is building a significant art collection of historic value for its people. Furthermore, it will enrich the lives of our children, local artists and the community as a whole.

SELECTION PROCEDURE



The Selection Committee tours site of project and designates the various areas where artwork is to be placed. Consideration of particular needs of the project includes budget, appropriate art forms and the location and medium of art form.



SOLICITATION OF ARTWORK
The committee solicits artwork by a project announcement published no less than three (3) times in a local publication of general circulation.



The Selection Committee then reviews all proposals and portfolios submitted. Each member of the panel shall have one vote and a simple majority decide the outcome.



GUAM COUNCIL ON THE ARTS & HUMANITIES AGENCY
Kahan I Kutturán Guahan

Office Location: Terlaje Professional Bldg., 1st Floor, 194 Hernan Cortez Ave., Hagåtña
 Mailing Address: P.O. Box 2950, Hagåtña, Guam 96932
 Tel. (671) 300-1204-8 Fax. (671) 300-1209
 Email: info@caha.guam.gov Website: www.guamcaha.org

Percent for the Arts - Arts Enhancement Grant Application

All applications must be typed or computer generated. Supplemental information is limited to one page only. Please double-check all information to ensure that it is correct.

I. GENERAL INFORMATION:

A.	Applicant/Organization Name:		
	SSN or TIN:		
	Mailing Address:		
	City:	Guam	Zip Code:
B.	Are you a U.S. Citizen?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Are you under eighteen years of age?		
	Are you a permanent resident of Guam?		
	How long have you resided in the Territory of Guam?		
C.	Name of Parent or Legal Guardian (Only if applicant is a minor):		
	Authorizing Official (Organizations only):		
D.	Contact Phone Number (s):		
E.	Type of Grant - Artistic Discipline:		
F.	Project Title:		
G.	Start Date:		End Date:
H.	Individuals to Benefit (#):		Artist(s) Involved (#):
	Youths to Benefit (#):		
I.	Provider of Services (Organizations Only):		
	Name:		
	Mailing Address:		
	City:	State:	Zip Code:
J.	Grant Amount Requested: \$		

II. PROJECT DESCRIPTION: Describe as briefly as possible the proposed artistic project and its purpose. What do you plan to do? When? Where? How is project to be accomplished? By whom? If applicable, where performance, exhibition, demonstration, activity or event to be held? Identify community involvement and who is to be served by project. How funds to be spent and what are anticipated professional or creative results of project?

CAHA USE ONLY:	Date Received:
Application Number:	Project Type:
Applicant Status:	Type of Activity:
Applicant Institution:	Previous Funding: \$
Applicant Discipline:	Grant Amount Requested: \$
Program:	Grant Award: \$
Panel:	Grant Award Date:
Project Discipline:	Progress Report Due:
International Activity:	GR: PR:

Organizations Only As verification of non-profit status, all applicants must submit the organization's Certificate of Incorporation and a copy of their Internal Revenue Service 501 (c)(3) Federal Tax Exempt Status for GCAHA files.

Does the organization have an annual audit?
If yes, please forward a copy for GCAHA Files and review.

Please give a brief description of the organization and the service it provides.
Describe the organization's plans for the next two (2) years.

Year organization established:

Date of Incorporation:

Does the organization have a membership or subscription program?
If so, briefly describe number of members/subscribers, benefits, fees, etc.

III. PROJECT BUDGET

*Note: Please attach a detailed budget breakdown reflecting how the figures were derived.

		PROJECT BUDGET
A.	Personnel – Artistic	\$ _____
B.	Personnel – Administrative	\$ _____
C.	Personnel – Technical	\$ _____
D.	Outside Artistic Fees & Services	\$ _____
E.	Outside Other Fees & Services	\$ _____
F.	Studio & Space Rental	\$ _____
G.	Travel & Per Diem	\$ _____
H.	Marketing & Promotion	\$ _____
I.	Remaining Operating Expenses	\$ _____
J.	In-Kind Contributions	\$ _____
TOTAL Project Budget		\$ _____

Legal Assurances

In the event that a grant is awarded as a result of this application, *the following terms and conditions shall be complied with* as signified by the applicant's signature. This application shall become a part of the legally binding contract between the applicant and the Guam Council on the Arts and Humanities Agency.

1. The **grant** cannot be assigned to a different project or transferred *without prior written approval* of GCAHA.
2. The **grantee** shall submit to GCAHA the dates, times and locations of the project to take place for on-site review by GCAHA. If applicable, the grantee is requested to provide free admission to projects/events for review.
3. The **grantee** shall submit the completed **Final Project Report** form summarizing the project and expenditures to GCAHA within fifteen (15) days of the project's completion. The final 25% of the grant award will be made upon approval by GCAHA of the Final Project Report.
4. If applicable, the **grantee** agrees to keep attendance and participation records of the project herein.
5. The financial accounts shall be subject to audit by appropriate agencies of the Territory of Guam and /or the Federal Government. The **grantee** shall be responsible for the safe keeping and identification of records maintained to account for funds awarded herein. Said records must be kept in the grantee's files for a period of three (3) years after completion of the project.
6. Credit is to be given to the **Guam Council on the Arts and Humanities Agency, Department of Chamorro Affairs, Government of Guam, Office of the Governor**, and the **National Endowment for the Arts** in all brochures, press releases, programs, publications, tickets, and other printed materials. When no printed matter is utilized, *verbal credit* shall be given prior to each performance or presentation.

It is mutually agreed that all parties shall comply with the Fair Labor Standards under Section 5(l) and Section 7(g) of the National Foundation on the Arts and Humanities Act of 1965; Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; The Americans with Disabilities Act of 1990; and OMB Circular A-102, Attachment G. "Standards for Subgrantee Financial Management Systems." See pages 15-16, NEA's Summary of Selected Regulations for Subgrantees.

Authorizing Signature

I, the undersigned, do certify that the information contained within this application including all attachments and supporting materials is correct and true to the best of my knowledge. Please note that if applicant is under eighteen years of age, then all documents must be signed by a parent or legal guardian. By affixing their signature, the parent or legal guardian enters into a binding contract on behalf of said minor with the Guam Council on the Arts and Humanities Agency, Department of Chamorro Affairs.

Applicant Signature: _____
Name (Please Print): _____
Parent or Legal Guardian: _____
Date of Application: _____
Fiscal Officer/Second Responsible: _____
Contact with Organization: _____
Date of Application: _____

CHECKLIST

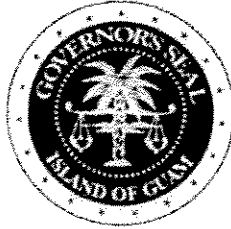
INDIVIDUALS (Did you include the following?)

- 1. Detailed budget breakdown (cash expense, in-kind contribution & cash income)
- 2. Resume / Biography
- 3. Three letter (s) of personal recommendation and/or letters of support
- 4. Samples of artwork (i.e., photographs, cd, etc.)

ORGANIZATIONS (Did you include the following?)

- 1. Detailed budget breakdown (cash expense, in-kind contribution & cash income)
- 2. Recent annual audit
- 3. Copy of your organization's Certificate of Incorporation and IRS letter granting Federal Tax Exempt Status
- 4. Articles of Incorporation / By-Laws

****NOTE: Grant Applications submitted without the required documents will not be accepted.**



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

October 4, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-9604
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 10/4/11
Time 4:00 PM
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Substitute Bill No. 240-31 (COR) "AN ACT TO AMEND §§850, 852 AND 853 OF ARTICLE 2, CHAPTER 8 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ARTS IN BUILDINGS AND FACILITIES", which was signed into law on September 30, 2011 as Public Law 31-118.

Senseramente,


EDDIE BAZA CALVO

2011 OCT - 5 PM 09
JWW

Attachment: copy of Bill

964

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

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

This is to certify that Substitute Bill No. 240-31 (COR), "AN ACT TO AMEND §§850, 852 AND 853 OF ARTICLE 2, CHAPTER 8 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ARTS IN BUILDINGS AND FACILITIES," was on the 19th day of September, 2011, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



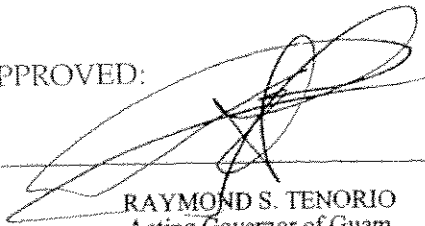
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 20th day of Sep, 2011, at 4:10 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

SEP 30 2011

Date: _____

Public Law No. 31-118

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

Bill No. 240-31 (COR)

As substituted by the Committee on Youth,
Cultural Affairs, Procurement, General Government Operations
and Public Broadcasting, and the Author.

Introduced by:

Aline A. Yamashita, Ph.D.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §§850, 852 AND 853 OF ARTICLE
2, CHAPTER 8 OF TITLE 1, GUAM CODE
ANNOTATED, RELATIVE TO ARTS IN BUILDINGS
AND FACILITIES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §850 of Article 2, Chapter 8 of Title 1, Guam Code Annotated,
is hereby *amended* to read as follows:

“§ 850. Purpose.

1 The government of Guam recognizes its responsibility to foster
2 culture and the arts and the necessity for the development of the arts,
3 beginning with our young children and throughout the community. *I*
4 *Liheslatura* (the Legislature) declares it to be policy that a portion of
5 appropriations for capital expenditures for public buildings be set aside for
6 the acquisition of works of art to be used in such buildings and in any
7 buildings intended for use of the general public to the extent that the
8 construction or improvement of such non-public buildings is supported by
9 either federal or government of Guam tax incentives or other subsidy
10 arrangement.”

11 **Section 2.** §852 of Article 2, Chapter 8 of Title 1, Guam Code Annotated,
12 is hereby *amended* to read as follows:

13 “§ 852. **Arts in Public Buildings and Buildings Supported by**
14 **Public Funds.**

15 (a) Plans for public buildings and buildings supported by federal or
16 government of Guam subsidy which contain public areas, and plans for
17 remodeling or renovation of public buildings or facilities where the total cost
18 of construction, remodeling or renovation exceeds the sum of One Hundred
19 Thousand Dollars (\$100,000) *shall* contain provisions for the inclusion of
20 works of art, by local artists if available, including, but *not* limited to,
21 sculptures, paintings, murals or objects relating to or consisting of native art
22 as defined in §851 of this Chapter. The owner of the building *shall* also
23 have the option of allotting *at least* one percent (1%) of the overall
24 construction, remodeling or renovation cost of a building to the Guam
25 Council on the Arts and Humanities Agency (CAHA) in lieu of the inclusion
26 of works of art. If artwork plans are selected, however, a representation of
27 the final selection *shall* be published in a newspaper of general circulation

1 and/or the online version of the newspaper for public screening prior to
2 implementation.

3 (b) Before issuance of the occupancy permit for such construction,
4 remodeling or reconstruction the owner of the building must obtain
5 clearance from the Guam Council on the Arts and Humanities Agency that
6 the provisions of this Chapter are being complied with.

7 (c) *At least* one percent (1%) of the overall construction,
8 remodeling or renovation cost of a building described in Subsection (a) of
9 this Section *shall* be reserved for the purposes of the design, construction,
10 mounting, maintenance and replacement, and administration of works of art
11 by CAHA in the public area of such a building, or the owner *shall* give the
12 amount to CAHA.

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

17 The Director of Public Works *shall* ensure that no construction,
18 remodeling or renovating of a public building, or building supported by
19 government of Guam funds, is granted an occupancy permit without this
20 Chapter being complied with.

21 (d) Such buildings with an overall construction cost of *less than*
22 One Hundred Thousand Dollars (\$100,000) are exempted from the
23 requirements of the Chapter *unless* inclusion of works of art in their design
24 and construction is specifically authorized by the owner.

25 (e) The artist who creates these works of art *shall* be selected as
26 provided in Subsection (f) of this Section.

1 (f) The Director of CAHA *shall* develop rules and regulations,
2 pursuant to the Administrative Adjudication Law, for the selection of works
3 of art under this Chapter, and *shall* open competition for awarding any art
4 contract under this Chapter by:

5 (1) soliciting proposals from local artists by a project
6 announcement published *no less than* three (3) times in a local
7 publication of general circulation in print and online versions; and

8 (2) appointing a selection committee consisting of five (5)
9 members to review all proposals and report to the Director the results
10 of its deliberations regarding the proposed art contract. Such
11 committee *shall* include a representative of the building's owner or of
12 the agency or department involved, the project architect, the
13 municipal commissioner from the project site, and *at least* two (2)
14 practicing artists from Guam. The final decision regarding the use of
15 art work and the selection committee's recommendations *shall* be by
16 the Director of CAHA, who *shall* be the contracting officer for any art
17 contract executed pursuant to this Chapter.

18 (g) The Director of CAHA *shall* include in CAHA rules and
19 regulations, pursuant to the Administrative Adjudication Law, procedures
20 for the acceptance of funds as stated in this Section.

21 (1) An account *shall* be established which *shall* be
22 maintained separate and apart from other funds of the government of
23 Guam, *shall* be kept in a separate bank account, and *shall not* be
24 subject to any transfer authority of *I Maga'láhen Guåhan*. Funds
25 *shall* remain in such account and expended by CAHA for the purposes
26 mandated in this Section. Said Fund *shall* be examined and reported

1 upon as required by law by the Director of CAHA who will serve as
2 the certifying officer of said Fund.

3 (2) On the first (1st) day of each fiscal quarter, the CAHA
4 Director *shall* provide to *I Maga'lahaen Guåhan* and the Speaker of *I*
5 *LiheSlaturan Guåhan*, and post on the CAHA website, a detailed
6 report of how funds were allocated and utilized.

7 (h) **Enforcement.**

8 (1) CAHA *shall* identify public buildings in non-compliance
9 with this Section and send written notices within ten (10) working
10 days. Upon receipt of the notice, recipients have two (2) weeks
11 (fourteen (14) calendar days) to acknowledge, in writing, receipt.
12 Recipients will be given *up to* one (1) fiscal year to comply with this
13 Section.

14 (2) The Guam Economic Development Authority (GEDA)
15 *shall* ensure that current Qualifying Certificate (QC) program
16 beneficiaries are in compliance with this Section.

17 (3) For monitoring purposes, GEDA *shall* provide to CAHA
18 a list of past and current QC recipients. CAHA will determine
19 whether former QC recipients complied with Subsections (a) and (c),
20 and notify them in writing if non-compliance was determined. Upon
21 receipt of the notice, recipients have two (2) weeks (fourteen (14)
22 calendar days) to acknowledge, in writing, receipt. Recipients will be
23 given *up to* one (1) fiscal year to comply with this Section.

24 (4) CAHA *shall* provide to the Department of Revenue and
25 Taxation a list of QC recipients who fail to comply with this Section.
26 The Department of Revenue and Taxation *shall* refuse to grant
27 renewal of business licenses for current and past QC recipients in

1 noncompliance, until the CAHA Director issues a written
2 confirmation of compliance.”

3 **Section 3.** §853 of Article 2, Chapter 8 of Title 1, Guam Code Annotated,
4 is hereby *amended* to read as follows:

5 “§ 853. **Inclusion of Chamorro Artistry or Guam History**
6 **Elements in Government Buildings.**

7 (a) **Government of Guam Buildings and Structures.** All
8 government of Guam buildings and structures *shall* contain elements of
9 either Guam history or of *Chamorro* artistry costing up to a maximum of
10 three percent (3%) of the aggregate of the architectural and engineering, the
11 construction or the renovation budgets therefore. Such elements may be
12 made part of the internal or external physical structure of the building or
13 structure and may be within the main part of the building or structure or
14 separated from the main part. In complying with the provisions of this
15 Section, a contractor for the government agency constructing the building or
16 structure may consult with CAHA as to the various types of *Chamorro* or
17 historic Guam artistic elements. The Department of Public Works
18 (Department) *shall* monitor noncompliance with this Section during its plans
19 approval process, *unless* such plans are exempted in accordance with
20 Subsection (b) of this Section. If the Department determines that a non-
21 exempted project does *not* comply with this Section, it *shall* refuse to issue
22 either a building permit or an occupancy permit (as the case requires) for
23 such project until compliance.

24 (b) **Exceptions to Applicability.** Buildings and structures
25 constructed for use as shelters for utility facilities, or utility operations, are
26 *not* subject to Subsection (a) of this Section.

1 (c) **Compliance.** Government of Guam agencies found in non-
2 compliance of this Section *shall* be given up to one (1) fiscal year to comply.
3 CAHA *shall* ensure compliance with this Section.

4 (d) **Government Leased Spaces.** Government of Guam agencies
5 leasing spaces are *not* exempt from this Section, and if found in non-
6 compliance will be given up to one (1) fiscal year to comply. CAHA *shall*
7 ensure compliance with this Section.”

8 **Section 4. Severability.** *If* any provision of this Law or its application to
9 any person or circumstance is found to be invalid or contrary to law, such
10 invalidity *shall not* affect other provisions or applications of this Law which can be
11 given effect without the invalid provisions or application, and to this end the
12 provisions of this Law are severable.