

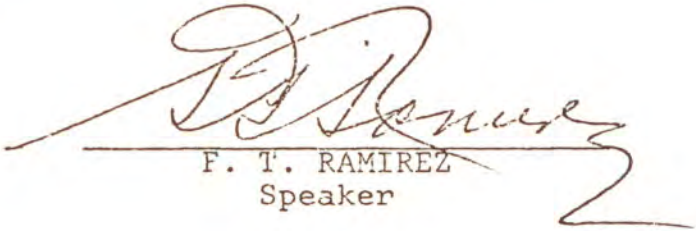
Admin

TWELFTH GUAM LEGISLATURE  
1974 (SECOND) Regular Session

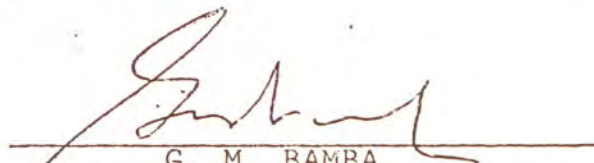
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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

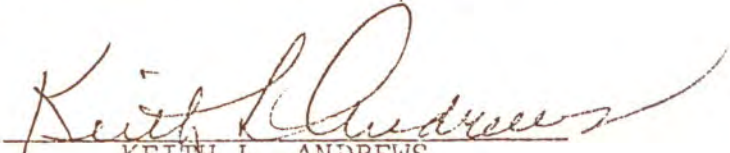
This is to certify that Bill No. 893, "An Act to add a new Title LXV to the Government Code of Guam to create the Guam Educational Telecommunications Corporation, and to define its responsibilities", was on the 23rd day of December, 1974, duly and regularly passed by the Legislature.

  
F. T. RAMIREZ  
Speaker

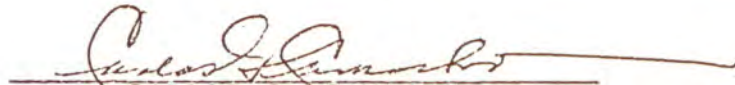
ATTESTED:

  
G. M. BAMBA  
Legislative Secretary

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This Act was received by the Governor this 31<sup>st</sup> day  
of December, 1974 at 3:15 o'clock P.M.

  
KEITH L. ANDREWS  
Attorney General of Guam

APPROVED:

  
CARLOS G. CAMACHO  
Governor of Guam

DATED: JAN 2 1975  
11:20 a.m.

*Public Law*  
*12-194*

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TWELFTH GUAM LEGISLATURE  
1974 (SECOND) Regular Session

Bill No. 893  
Substitute Bill

Introduced by

Committee on Education,  
by request of the  
Governor

AN ACT TO ADD A NEW TITLE LXV TO THE  
GOVERNMENT CODE OF GUAM TO CREATE THE  
GUAM EDUCATIONAL TELECOMMUNICATIONS  
CORPORATION, AND TO DEFINE ITS RESPON-  
SIBILITIES.

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

2 Section 1. A new Title LXV is hereby added to the Govern-  
3 ment Code of Guam to read as follows:

4 "Title LXV

5 Guam Educational Telecommunications Corporation

6 Section 61000. This Title may be cited as the Guam  
7 Educational Telecommunications Act of 1974.

8 Section 61001. There is hereby created a public  
9 Corporation to be known as the 'Guam Educational Tele-  
10 communications Corporation' hereinafter provided.

11 Section 61002. Purposes and authorized activities.

12 (a) It is the purpose of this Act to create a public  
13 Corporation which will present educational television to  
14 the people of Guam and which will involve the people of  
15 Guam in its activities to the maximum extent possible.

16 (b) The Corporation is authorized to own, and be the  
17 licensee of that television facility now having the station  
18 call sign of 'KGTF', and any other like facilities which  
19 the Corporation may hereafter acquire, all for the purpose  
20 of fostering cultural and educational growth for the people  
21 of Guam, through the medium of television and electronic  
22 visual media.

23 (c) The Corporation is authorized to make studies,  
24 cause to be conducted investigations into the needs of the



1 people of Guam, and their desires as it relates to the  
2 productions of the Corporation and programs shown by it.

3 (d) The Corporation is authorized to promulgate  
4 through its facilities such educational and cultural  
5 programming as it determines is proper, and to accept  
6 from any similar educational and cultural television  
7 stations or networks any programming which the Corporation  
8 desires to present on Guam.

9 (e) The Corporation is authorized to affiliate  
10 itself with any educational and cultural television  
11 station or network which would aid its functions on Guam,  
12 including, but not limited to such entities as the Public  
13 Broadcasting Service, and any educational satellite  
14 service which may be available.

15 (f) The Corporation is authorized to obtain land  
16 belonging to the government of Guam as required to carry  
17 out its purposes and objectives, under such terms and  
18 tenure as the Legislature may prescribe by appropriate  
19 legislation.

20 (g) The Corporation at no time may be authorized to  
21 broadcast commercially.

22 Section 61003. General powers, termination date.  
23 The Corporation shall have, and may exercise, the following  
24 general powers in carrying on the activities specified in  
25 Section 61002 of this Title:

26 (a) To have perpetual succession, unless sooner  
27 terminated by law.

28 (b) To adopt, alter, and use a corporate seal, which  
29 shall be judicially noticed.

30 (c) To adopt, amend and repeal by-laws and other  
31 rules, regulations and directives governing the conduct



1 of its business, and the performance of the powers and  
2 duties granted to or imposed upon it by law. No rule  
3 affecting the general public, as opposed to its employees,  
4 shall become effective without first complying with the  
5 Administrative Adjudication Act.

6 (d) To sue and be sued in its corporated name.

7 (e) To determine the character of and the necessity  
8 for its obligations and expenditures and the manner in  
9 which they shall be incurred, allowed and paid, subject  
10 to any limitation contained in any appropriation bill  
11 passed for the Corporation and the conditions or qualifi-  
12 cations in any grant or gift received by the Corporation.

13 (f) To acquire, in any lawful manner, any property,  
14 real, personal or mixed, tangible or intangible, and to  
15 hold, maintain, use and operate the same, and to sell,  
16 lease, encumber or otherwise dispose of the same, when-  
17 ever any of the foregoing transactions are deemed necessary  
18 or appropriate to the conduct of the activities authorized  
19 by this Title, and on such terms and conditions as may be  
20 prescribed by the Corporation.

21 (g) To enter into and perform such contracts, leases,  
22 grant agreements, cooperative agreements, or other trans-  
23 actions with any agency or instrumentality of the United  
24 States, or with any state, territory, or possession, or any  
25 political subdivision thereof, or with any person, firm,  
26 association or corporation, public or private, as may be  
27 deemed necessary or appropriate to the conduct of the  
28 activities authorized by this Title, and on such terms  
29 and conditions as may be prescribed by the Corporation.

30 (h) To execute all instruments necessary or appro-  
31 priate in the exercise of any of its functions.



1 (i) To directly employ or contract, with regard to  
2 the provisions of the Personnel and Compensation Laws,  
3 for the services of such clerical, technical, production,  
4 and other employees as may be necessary for the conduct of  
5 the Corporation, to delegate to them such powers and to  
6 prescribe for them such duties as may be deemed appro-  
7 priate by the Corporation or as may be set by law, to  
8 fix and pay such compensation to them for their services  
9 as the Corporation may determine with regard to the  
10 provisions of the government of Guam Personnel and  
11 Compensation Laws, to require bonds from such of them as  
12 the Corporation may designate, and to remove and discharge  
13 such employees and other clerical, technical and pro-  
14 duction personnel, likewise with regard to the provisions  
15 of personnel laws and regulations.

16 (j) To accept gifts, donations of services, or of  
17 property of any description in aid of any of the activities  
18 authorized by this Title.

19 (k) To take steps to solicit gifts, donation of  
20 services or of property from the general public, from  
21 corporations and from any other source found by the  
22 Corporation in aid of its authorized activities, and to  
23 make this source of financing a major source of funds for  
24 the Corporation as soon as is possible.

25 (l) To request from the Legislature annual appro-  
26 priations, and any necessary supplements thereto, said  
27 appropriations shall not exceed fifty percent (50%) of  
28 the total budget to sustain the Corporation and its  
29 authorized activities. Any appropriation authorized by  
30 this subsection shall be contingent upon the Corporation's  
31 having matching funds available in the amount requested



1 at the ratio of one to one. Said appropriation shall be  
2 in addition to the funds sought from non-governmental  
3 sources, or from federal grants or assistance, or from  
4 any assistance which might be received from quasi-  
5 governmental sources other than the government of Guam.

6 (m) To construct, equip, operate and maintain facili-  
7 ties necessary for the creation, production and transmission  
8 of programs of the type authorized to be shown by the  
9 Corporation. This shall specifically include the power to  
10 hold, in its own name, the FCC licenses required for the  
11 operation of Educational TV Station KGTF, now owned and  
12 operated by the government of Guam.

13 (n) To create, produce, write, direct and transmit  
14 educational and cultural television programming over the  
15 facilities of the Corporation.

16 (o) To settle and adjust, claims held by it against  
17 other persons or parties and by other persons or parties  
18 against the Corporation.

19 (p) To take such action and carry on any other  
20 operations and do all that may be necessary or appro-  
21 priate to carry out the powers and duties herein or  
22 hereafter specifically granted to or imposed upon the  
23 Corporation.

24 Section 61004. The Corporation shall be governed by  
25 a Board of Trustees, who shall consist of seven (7) members  
26 of the general public, none of whom shall be an employee  
27 of the government of Guam, who shall be appointed by the  
28 Governor with the advice of and consent of the Legislature.  
29 The membership representing the general public shall serve  
30 for a term of four (4) years, provided, however, that in  
31 making the first appointments, the Governor shall designate



1 three (3) persons to serve a one-year term, two persons  
2 to serve a three-year term and two persons to serve a  
3 four-year term. If a member appointed under this subsection  
4 shall, during his term of office, permanently depart from  
5 the island, resign or otherwise be unable to fulfill the  
6 responsibilities of the position, the Governor shall  
7 appoint a new member to fill the unexpired term in the  
8 same manner as prescribed for appointment to a new term.  
9 All members of the Board shall serve for the term specified  
10 or until their successors are appointed and qualified.

11 Section 61005. Duties of the Board. All functions  
12 and powers of the Corporation shall be vested in and be  
13 exercised by and under the direction of the Board of  
14 Trustees, which shall be composed of seven members as  
15 specified in Section 61004, above. The Governor shall  
16 appoint one member to be chairman.

17 Section 61006. Director of the Facility. Subject to  
18 the advice and consent of the Legislature, the Governor  
19 of Guam, upon the recommendation of the Board, shall  
20 appoint a Director of the Facility, who shall be respon-  
21 sible to the Board for the day-to-day operation of the  
22 Corporation and shall administer its programs, policies  
23 and the Facility used for and in the production and  
24 transmission of the Corporation's programs. The Director  
25 shall serve a fixed term as specified by the Board, or  
26 until his successor has been appointed and qualified. The  
27 Board shall fix policy and procedure applicable if the  
28 Director is unable, for any reason, to complete his term.  
29 The Director shall not participate in any decision of the  
30 Board relative to the fixing of his term, his salary, nor  
31 on any matter affecting his tenure in office, nor shall



1 he vote thereon.

2 Section 61007. Salary and expenses. The Director  
3 shall be paid a salary and such other allowances and  
4 emoluments as the Board may approve. The salaries of the  
5 other employees of the Corporation shall be determined by  
6 the Board upon the recommendation of the Director in  
7 accordance with the provisions of Title V of the Government  
8 Code of Guam.

9 Section 61008. Qualifications for Trustees. The Board  
10 members appointed from the general public shall be U.S.  
11 Citizens, and who have resided on Guam for at least six  
12 months immediately preceding their appointment, who have  
13 demonstrated their interest in public television, and  
14 who have no direct or indirect interest in commercial  
15 broadcasting on Guam.

16 Section 61009. Board, misc. provisions. (a) The  
17 Board shall be responsible for the management,  
18 administration, policies and direction of the Corporation  
19 and shall exercise supervision through the Director.

20 (b) The Board shall meet in regular session at least  
21 once each month, commencing during the fourth month follow-  
22 ing the enactment of this Act, and in special session as  
23 often as it may deem necessary. Meetings of the Board shall  
24 be open, except for matters pertaining to the hiring and  
25 dismissal of any employee, or Director, of the Corporation.

26 (c) A majority of the Board shall constitute a quorum  
27 for the transaction of business. The Board shall act by  
28 a vote of at least four (4) of its members.

29 (d) The Board members shall receive no salary for  
30 their services on the Board, provided, however, that they  
31 may be paid a reasonable per diem not to exceed Twenty



1 Dollars (\$20) for attendance at meetings of the Board  
2 and reasonable travel allowances for time spent on official  
3 business of the Corporation, except that the Director shall  
4 not be paid any sums under this clause.

5 Section 61010. Corporate use of funds. The Corporation  
6 is authorized to use its funds, from whatever source  
7 derived, in the exercise of its corporate powers and  
8 functions.

9 Section 61011. Annual reports and audits. The  
10 Corporation shall submit to the Governor and the  
11 Legislature a detailed annual report of activities and  
12 an audited annual financial report. For this purpose, it  
13 shall also submit to the Governor and the Legislature,  
14 such other special reports as they may require from time  
15 to time. The Corporation's books shall likewise be subject  
16 to annual legislative audit as prescribed by law.

17 Section 61012. The Corporation shall utilize the  
18 Office of the Attorney General as its legal counsel,  
19 unless the Attorney General, in writing, authorizes the  
20 Corporation to utilize private counsel.

21 Section 61013. Guam Education Telecommunication  
22 Facility. (a) The Facility shall consist of the production  
23 and broadcasting equipment necessary to artistically  
24 produce and project television programs. It shall be  
25 staffed by responsible professional and technical  
26 employees whose combined efforts will result in meaningful  
27 and entertaining television fare.

28 (b) The Facility shall be organized under the  
29 Director.

30 (c) It shall consistently strive to stay abreast of  
31 the state of the art and maintain the highest possible



1 levels of programming, concept design and production. It  
2 shall study and recommend to the Corporation such expansion,  
3 modification, extension or other change necessary to serve  
4 its stated goals and to best serve the needs of all of the  
5 people on Guam.

6 Section 61014. Property transfer. All property,  
7 facilities, equipment, supplies, records and files exclu-  
8 sively used, issued or pertaining to the television pro-  
9 duction section of the Learning Resources Center of the  
10 Department of Education or of the University of Guam and  
11 which are now installed or contemplated at the Learning  
12 Resources Center or at the University of Guam and relate  
13 to the design and function of the Facility are hereby  
14 transferred to the Corporation for its use. The Facility  
15 shall maintain and operate such equipment, in conjunction  
16 with its own or similarly acquired equipment as directed by  
17 the Corporation to serve the educational telecommunications  
18 needs of the Department of Education, the University of  
19 Guam and the general public. The funding for services  
20 provided the Department of Education and the University  
21 of Guam shall be provided by the Legislature.

22 Section 61015. Use and design of the Facility. The  
23 Facility, under the Director, shall be responsible for  
24 carrying out the purposes of the Corporation as provided  
25 by law and as directed by the Board of Trustees. The  
26 Director shall establish such divisions as he deems  
27 necessary for the proper operation of the Facility,  
28 including but not limited to Administration, Programming,  
29 Production and Engineering, Each division shall undertake  
30 the tasks and functions assigned to it by the Director.

31 Section 61016. Employees. (a) The Director shall



1 establish, after approval of the Board, the conditions of  
2 entry to, maintenance in and dismissal from employment in  
3 the Corporation not in conflict with the provisions of the  
4 Civil Service Commission. Employees shall be provided  
5 Workmen's Compensation coverage, Health Insurance, but  
6 shall not be members of the Guam Retirement Fund.

7 (b) The Director shall be responsible for recruitment  
8 of all employees of the Corporation.

9 Section 61017. Effective date. (a) This Act shall  
10 become effective July 1, 1975. Within three months after  
11 the enactment of this Act, the Governor shall make the  
12 required appointments of Board members, and an orderly  
13 transition shall be commenced to transfer the Facility,  
14 Television Station KGTF, and personnel from the present  
15 organization under Executive Order No. 70-6, dated March  
16 24, 1970, to that established by this Act.

17 (b) The Governor and the Corporation shall take all  
18 steps necessary to transfer the Federal Communications  
19 Commission license for Station KGTF from the present holder  
20 to the Corporation.

21 (c) All employees working exclusively in areas which  
22 will become the responsibility of the Corporation upon its  
23 establishment shall be transferred to the Corporation  
24 without loss of pay or benefits, and shall remain with  
25 the Corporation for a period of not less than six months,  
26 unless the Corporation determines that removal is necessary  
27 for acts or omissions during their tenure with the  
28 Corporation.

29 (d) Upon assumption by the Corporation of the full  
30 duties transferred to it by the present management of  
31 Station KGTF by this Act, all prior memoranda, Executive



1

Orders and Director's orders which are in conflict with

2

this Act are hereby superseded and repealed."