

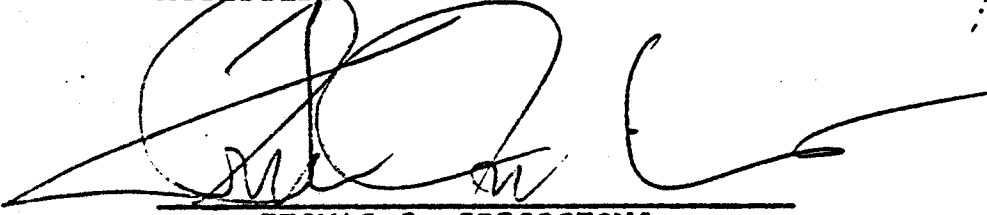
SIXTEENTH GUAM LEGISLATURE
1982 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 788, "An Act creating the Insular Arts Council and recognizing it as the State Arts Agency for Guam", was on the 6th day of December 1982, duly and regularly passed.

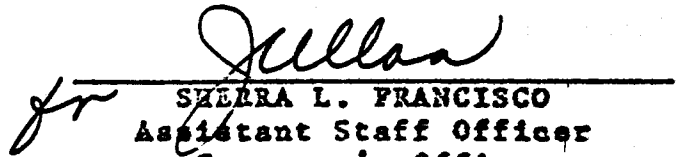

THOMAS V.C. TANAKA
Speaker

ATTESTED:

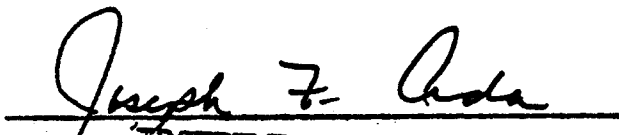


THOMAS C. CRISOSTOMO
Senator and Legislative Secretary

This Act was received by the Governor this 14th day of
December, 1982, at 3:00 o'clock P. M.


SIERRA L. FRANCISCO
Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Acting Governor

DATED: DEC 23 1982

P.L. 16-122

SIXTEENTH GUAM LEGISLATURE
1982 (SECOND) Regular Session

Bill No. 788
(As Substituted by the Committee
on Health, Welfare & Cultural
Affairs)

Introduced by: C. A. Kasperbauer

AN ACT CREATING THE GUAM COUNCIL ON THE ARTS
AND HUMANITIES AND RECOGNIZING IT AS THE STATE
ARTS AGENCY FOR GUAM.

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

2 Section 1. Subsection B. of Section 4106 of the Government
3 Code is amended by adding a new item to read:

4 "Director of the Guam Council on
5 the Arts and Humanities \$34,000".

6 Section 2. A new Section 5123 is added to the Government
7 Code to read:

8 "Section 5123. Council on the Arts and Humanities.
9 There is within the Executive Branch of the government of
10 Guam the 'Guam Council on the Arts and Humanities'. The
11 chief administrative officer of the Council shall be the
12 Director who shall be appointed by the governing board
13 with the approval of the Governor and with the advice and
14 consent of the Legislature."

15 Section 3. A new Title XLVIX is added to the Government
16 Code to read:

17 "TITLE XLVIX

18 Guam Council on the Arts and Humanities

19 Section 65000. Legislative Findings. Citizens of
20 Guam lack the opportunity to view, enjoy or participate in
21 living theatrical performances, musical concerts, operas,
22 dance and ballet materials, art exhibits, examples of fine

1 architecture and the performing and fine arts. The territory
2 desires to foster the opportunity for participation in arts
3 and humanities programs designed to benefit citizens of all
4 ages and from every community. It is the policy of the
5 government of Guam to stimulate the economic growth of the
6 territory through cultural activities. Therefore, it is in
7 the best interest of the territory to provide more
8 opportunities for professional training and practice of the
9 arts and humanities. Further, it is the policy of the
10 territory to join with the arts and humanities to insure
11 that their role in the life of the community will grow
12 and play a more significant part in the welfare and
13 educational experience of the citizens. Coordinating and
14 encouraging schools, organizations and individuals in their
15 several artistic and cultural activities is in the best
16 interest of the territory of Guam. Finally, the territory
17 desires to make prompt application for federal funds in
18 support of the arts and humanities and hereby establishes
19 an agency for application and expenditure of those funds.

20 Section 65001. Purposes of the Council. The purposes
21 and the charge of the Guam Council on the Arts and
22 Humanities are:

23 (a) To stimulate and encourage the study and
24 presentation of the performing and fine arts and public
25 interest and participation therein.

26 (b) To help develop and sustain existing independent
27 institutions of the arts by providing technical assistance
28 in strengthening administrative and fund-raising techniques.

29 (c) To provide for the exhibition of art works in
30 public buildings; to administer the art bank purchases and
31 to make policies therefor.

1 (d) To bring highest quality in arts to the
2 territory, to promote the opportunity for people to
3 experience, enjoy and profit from the arts and humanities.

4 (e) To join or contract with private patrons,
5 individual artists, and ensembles and with institutions,
6 local sponsoring organizations and professional
7 organizations.

8 (f) To enter into contracts to provide grants, loans
9 or advances to individuals, organizations or institutions--
10 public or private--engaged in artistic, humanistic and
11 cultural programs.

12 (g) To accept gifts, contributions and bequest of
13 funds or artifacts and property.

14 (h) To serve as sole government agency for
15 administering any state plan of the National Endowment
16 for the Arts and/or Humanities.

17 (i) To make applications for federal funds from the
18 National Endowment for the Arts and Humanities or to any
19 office or agency of the United States for participation
20 in or receipt of aid from federal programs.

21 (j) To receive requests for grants and to make grants
22 to institutions, individuals, and agencies of government
23 in furtherance of the arts and humanities.

24 (k) To administer and disburse funds.

25 (l) To expend appropriations made by the Legislature
26 for arts and humanities programs.

27 Section 65002. Governing Board. (a) The Council
28 shall be governed by a governing board as hereafter
29 constituted and provided.

30 (b) Composition. The governing board shall consist
31 of eleven (11) members to be appointed by the Governor

1 with the advice and consent of the Legislature. The
2 Governor, when making initial appointments, shall designate
3 six (6) members to serve for two (2) year terms and
4 five (5) members to serve for four (4) year terms.
5 Subsequent appointments shall be for terms of four (4)
6 years except that when a vacancy occurs, it shall be filled
7 by appointment of the Governor with the advice and consent
8 of the Legislature for the remainder of the vacating
9 member's term. No person shall serve more than one
10 four-year appointment without interruption.

11 (c) Qualifications. Members of the governing board
12 shall be appointed from among male and female residents of
13 Guam, selected at-large, who have recognized the professional
14 interest and experience in or who are widely known for their
15 interest in the arts and humanities. The governing board
16 shall have at least one (1) member to represent the follow-
17 ing areas: performing arts, visual arts, literature and
18 folk arts.

19 (d) Disqualifications. While serving in office, no
20 member of the governing board or any of its committees,
21 panels or advisory groups shall be eligible to receive in
22 his or her own name a grant, loan or other form of
23 assistance from the Council.

24 (e) Meetings. The governing board shall meet at least
25 monthly, at such times and in such places in Guam as the
26 governing board establishes (or by the chairperson when the
27 Board does not act), to transact such business as the
28 governing board determines. A quorum of the governing board
29 shall consist of a majority of members duly appointed and
30 qualified. The chairperson shall be counted for a quorum
31 but shall vote only in case of a tie. Members of the
32 governing board shall serve without compensation, but each

1 member shall be reimbursed for expenses incurred in the
2 performance of official duties.

3 (f) Officers. The governing board shall elect from
4 among its members a chairperson and a vice-chairperson,
5 both to serve in those capacities no longer than the term
6 of office as a governing board member. The chairperson
7 shall preside at all meetings of the governing board, shall
8 act as the spokesperson of the governing board and perform
9 such other duties as the governing board shall direct. The
10 vice-chairperson shall succeed to the duties of the chair-
11 person in the absence or inability of the chairperson. From
12 among its members, the governing board shall annually select
13 a secretary of the governing board and any other officers
14 which the governing board may deem necessary.

15 Section 65003. Powers. The governing board shall have
16 those powers necessary to carry out the duties imposed on it
17 by this Title, including, but not limited to, the power:

18 (a) To prepare and submit an annual budget to the
19 Governor and the Legislature which reflects the needs of the
20 territory, to apply for and to accept for the arts and
21 humanities on behalf of the territory, any federal funds
22 granted by Act of Congress or by executive order for all or
23 any of the purposes of this Title, the Council being the
24 sole and official agency of the territory to apply for,
25 receive and disburse funds from the National Endowment
26 for the Arts and Humanities; to apply for and to accept
27 (with or without qualifications or limitations), and expend
28 any gifts, donations, or bequests for all or any of the
29 purposes of this Title; to accept and expend such funds
30 as may be appropriated to it.

31 (b) To hire personnel and consultants for the staff
32 of the Council; to formulate policies, to adopt such

1 reasonable by-laws, rules, regulations, operating guidelines
2 and procedures consistent with the purposes and process of
3 this Title and with law, and to effectuate the provisions
4 of this Title; to hold hearings, enter into contracts, make
5 and sign agreements and perform any acts which may be
6 necessary, desirable or proper to carry out the purposes
7 of this Title.

8 (c) To appoint committees, panels, and commissions in
9 furtherance of its duties; to request from any department,
10 division, board, bureau, commission, council or other agency
11 of the territory such reasonable assistance and data as will
12 enable it to properly carry out its powers and duties under
13 this Title; to advise, to coordinate, to consult with, and
14 enter into agreements and arrangements with foundations,
15 charitable and community institutions, business, private
16 individuals, local, state and federal departments and
17 agencies on means by which to coordinate, assist and
18 effectuate the powers and duties under this Title; to
19 establish grant application criteria and procedure and to
20 award prizes and direct grants to individuals and organiza-
21 tions in accordance with the criteria and procedure
22 established.

23 (d) To act as advisor to the Governor concerning the
24 arts and humanities.

25 Section 65004. Director. The Director shall be the
26 chief administrative officer of the Council. The Director
27 shall carry out the policies established by the governing
28 board and shall employ, supervise and discharge such
29 professional, administrative, technical, consultative, and
30 other personnel as may be necessary to implement the
31 policies established by the Council. The Director shall be
32 knowledgeable in the arts and humanities by reason of

1 education and expertise and shall have demonstrated
2 proficiency in administration of programs relating to the
3 arts and humanities.

4 Section 65005. Censorship. In carrying out their
5 duties and powers under this Title, neither the Council nor
6 its staff shall by action directly or indirectly interfere
7 with or infringe on the freedom of artistic expression, nor
8 shall they take any action or make any recommendations that
9 might be interpreted to be a form of censorship.

10 Section 65006. Annual Report. Within ninety (90) days
11 following the close of the fiscal year of the territory,
12 the Council shall transmit its annual report of activities
13 to the Governor and the Legislature which report shall widely
14 be distributed by the Council to the arts community and to
15 the public.

16 Section 65007. Staff. In order to effect a transition,
17 the staff employed by the Insular Arts Council on the
18 effective date of this Title may remain in their positions
19 as unclassified personnel for ninety (90) days. During the
20 ninety (90) day period, if they qualify, they may become
21 classified employees in accordance with law and the rules
22 of the Civil Service Commission.

23 Section 65008. Funding. The Governor shall establish
24 a revolving fund for the Council on the Arts and Humanities.
25 The Council may then deposit in the revolving fund income
26 generated from gallery commissions, season tickets and other
27 fund-raising activities to be used to further art projects.
28 Individual accounts may be opened under the revolving fund
29 for specific projects.

30 Section 65009. Severability. In the event any section,
31 subsection, sentence, clause or phrase of this Title shall
32 be declared or adjudged invalid or unconstitutional, such

1 adjudication shall in no manner affect the other sections,
2 subsections, sentences, clauses, or phrases of this Title,
3 which shall remain of phrase so declared or adjudged invalid
4 or unconstitutional were not originally a part thereof."

5 Section 4. This Act shall expire by its own terms on
6 January 1, 1985, provided that legislation may be enacted earlier
7 than 1985 causing this Section to be of no effect.

8 Section 5. The provisions of this Act shall take effect on
9 January 1, 1983.