



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
UPISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

JUN 13 1989

The Honorable Ted S. Nelson
Acting Speaker
Twentieth Guam Legislature
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 88, which I have signed into law this date as
Public Law 20-27.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank F. Blas", with a long horizontal stroke extending to the right.

FRANK F. BLAS
Governor of Guam
Acting

Attachment

200305

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 88, "AN ACT TO AMEND §§320 AND 322 OF THE GOVERNMENT CODE REQUIRING ART IN PUBLIC BUILDINGS AND BUILDINGS SUPPORTED BY GOVERNMENT FUNDS," was on the 30th day of May, 1989, duly and regularly passed.



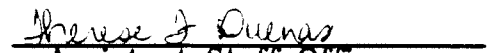
JOE T. (SAN AGUSTIN)
Speaker

Attested:




PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 1 day of June, 1989,
at 4:00 o'clock p.m.



Assistant Staff Officer
Governor's Office

APPROVED:



FRANK F. BLAS
Governor of Guam
Acting

Date: June 13, 1989

Public Law No. 20-27

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 88
As substituted on the Floor
5/30/89.

Introduced by:

E. P. Arriola
J. T. San Agustin
M. C. Ruth

T. S. Nelson
M. Z. Bordallo
J. P. Aguon
J. G. Bamba
D. F. Brooks
H. D. Dierking
E. R. Duenas
E. M. Espaldon
C. T. C. Gutierrez
P. C. Lujan
G. Mailloux
M. D. A. Mambusan
D. Parkinson
F. J. A. Quitugua
E. D. Reyes
F. R. Santos
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO AMEND §§320 AND 322 OF THE
GOVERNMENT CODE REQUIRING ART IN
PUBLIC BUILDINGS AND BUILDINGS
SUPPORTED BY GOVERNMENT FUNDS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. §320 of the Government Code is amended to read:
3 "§320. Purpose. The territory recognizes its responsibility to
4 foster culture and the arts and the necessity for the development of
5 local artists. The Legislature declares it to be a territorial policy that
6 a portion of appropriations for capital expenditures for public
7 buildings be set aside for the acquisition of works of art to be used in
8 such buildings and in any buildings intended for use of the general
9 public to the extent that the construction or improvement of such
10 non-public buildings is supported by either government of Guam funds
11 through tax abatements, rebates, loans, loan guarantees or bond

1 financing or by Federal funds administered by the government of
2 Guam."

3 Section 2. §322 of the Government Code is amended to read:

4 "§322. Arts in public buildings and buildings supported by
5 public funds.

6 (a) Plans for public buildings and buildings supported by
7 government of Guam funds which contain public areas and plans
8 for remodeling or renovation of public buildings or facilities where
9 the total cost of construction, remodeling or renovation exceeds
10 the sum of One Hundred Thousand Dollars (\$100,000) shall
11 contain provisions for the inclusion of works of art, by local
12 artists if available, including, but not limited to sculptures,
13 paintings, murals or objects relating to or consisting of
14 indigenous art as defined in Public Law 15-50. A representation
15 of the final selection shall be published in a newspaper of general
16 circulation for public screening prior to implementation.

17 (b) Before issuance of the occupancy permit for such
18 construction, remodeling or reconstruction the owner of the
19 building must obtain clearance from the Guam Council on Arts and
20 Humanities Agency ("CAHA") that the provisions of this Chapter
21 are being complied with.

22 (c) At least one percent (1%) of the overall construction,
23 remodeling or renovation cost of a building described in
24 subsection (a) of this section shall be reserved for the purposes
25 of the design, construction, mounting, maintenance and
26 replacement, and administration of works of art by CAHA in the
27 public area of such a building. The Director shall ensure that no
28 construction, remodeling or renovating of a public building or
29 building supported by government of Guam funds is granted an
30 occupancy permits without this Chapter being complied with.

31 (d) Such buildings with an overall construction cost of less
32 than One Hundred Thousand Dollars (\$100,000) are exempted from
33 the requirements of the Chapter unless inclusion of works of art

1 in their design and construction is specifically authorized by the
2 owner.

3 (e) The artist who creates these works of art shall be
4 selected as provided in subsection (f) of this section.

5 (f) The Director of CAHA shall develop rules and
6 regulations, pursuant to the Administrative Adjudication Law, for
7 the selection of works of art under this Chapter, and shall open
8 competition for awarding any art contract under this Chapter by:

9 (1) Soliciting proposals from local artists by a project
10 announcement published no less than three (3) times in a
11 local publication of general circulation.

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

TWENTIETH GUAM LEGISLATIVE
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 88

Date: 5/30/89

Resolution No. _____

QUESTION: _____

	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. Bamba	✓			
M. Z. Bordallo	✓			
D. F. Brooks	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
E. M. Espaldon	✓			
C. T. C. Gutierrez	✓			
P. C. Lujan	✓			
G. Mailloux	✓			
M. D. A. Manibusan	✓			
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. A. Quitugua	✓			
E. D. Reyes	✓			
M. C. Ruth	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka				✓
A. R. Unpingco	✓			

20

1



Twentieth Guam Legislature

163 Chalan Santo Papa Street
Agana, Guam 96910

April 12, 1989

Honorable Joe T. San Agustin
Speaker
Twentieth Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

VIA: Chairperson, Committee on Rules

Dear Mr. Speaker:

The Committee on Youth, Senior Citizens, Cultural Affairs and Human Resources and the Committee on General Governmental Operations, to which was jointly referred Bill No. 88, "AN ACT RELATING TO ARTS IN PUBLIC BUILDINGS AND BUILDINGS SUPPORTED BY GOVERNMENT OF GUAM FUNDS, AND AMENDING CHAPTER VII OF TITLE I OF THE GOVERNMENT CODE," has had the same under consideration, and now, wishes to report back the same with the recommendation to do pass as substituted.

The Committee votes are as follows:

Committee on Youth, Senior Citizens,
Cultural Affairs and Human Resources

TO DO PASS	<u>13</u>
NOT TO PASS	<u>0</u>
REPORT OUT	<u>0</u>
INACTIVE FILE	<u>0</u>
ABSTAIN	<u>0</u>

Committee on General Govern-
mental Operations

TO DO PASS	<u>14</u>
NOT TO PASS	<u>0</u>
REPORT OUT	<u>0</u>
INACTIVE FILE	<u>0</u>
ABSTAIN	<u>0</u>

A copy of the Committee Report and supporting documents are enclosed for your perusal.

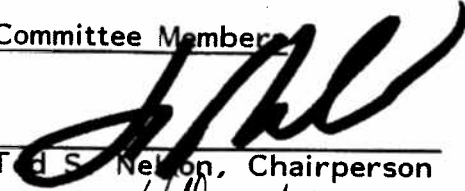

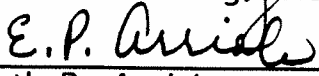

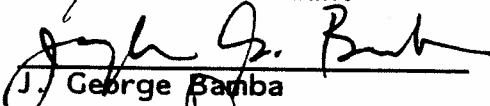

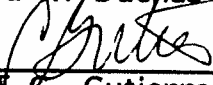

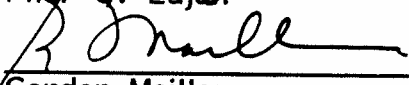

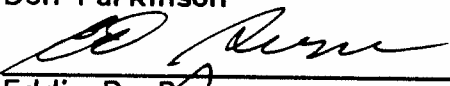
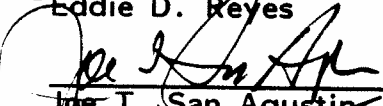
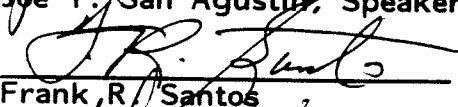
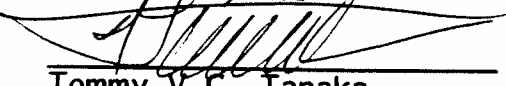
ELIZABETH P. ARRIOLA

TED S. NELSON

Enclosure:

TWENTIETH GUAM LEGISLATURE
COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS

VOTE SHEET ON BILL NO. 88
"An Act relating to Arts in public buildings and buildings supported by Government of Guam funds, and amending Chapter VII of Title of the Government Code."

<u>Committee Members</u>	<u>To do</u> <u>Pass</u>	<u>Not to</u> <u>Pass</u>	<u>Abstain</u>	<u>Other</u>
 Ted S. Nelson, Chairperson	✓			
 Herminia D. Dierking, Vice-Chairperson	✓			
 Elizabeth P. Arriola	✓			
 Madeleine Z. Bordallo	✓			
 J. George Bamba	✓			
 Edward R. Duenas	✓			
 Carl T.C. Gutierrez	✓			
 Pilar C. Lujan	✓			
 Gordon Mailloux	✓			
 Don Parkinson	✓			
 Eddie D. Reyes	✓			
 Joe T. San Agustin, Speaker	✓			
 Frank R. Santos	✓			
 Tommy V.C. Tanaka	✓			

VOTE SHEET
THE COMMITTEE ON YOUTH, SENIOR CITIZENS,
CULTURAL AFFAIRS AND HUMAN RESOURCES

On Bill No. 88 (COR) As substituted by the Author
AN ACT RELATING TO ARTS IN PUBLIC BUILDINGS AND BUILDINGS
SUPPORTED BY GOVERNMENT OF GUAM FUNDS, AND AMENDING
CHAPTER VII OF TITLE I OF THE GOVERNMENT CODE.

Chairperson:	To Pass	Not To Pass	Report Out	Inactive File
<u>Elizabeth P. Arriola</u> Elizabeth P. Arriola	✓			
Members:				
<u>Frank R. Santos</u> Frank R. Santos	✓			
<u>J. George Bamba</u> J. George Bamba	✓			
<u>Madeleine Bordallo</u> Madeleine Bordallo	✓			
<u>Herminia Dierking</u> Herminia Dierking	✓			
<u>Edward Duenas</u> Edward Duenas	✓			
<u>Ernesto Espaldon</u> Ernesto Espaldon	✓			
<u>Pilar C. Lujan</u> Pilar C. Lujan	✓			
<u>Gordon Mailoux</u> Gordon Mailoux	✓			
<u>Ted S. Nelson</u> Ted S. Nelson	✓			
<u>Edward D. Reyes</u> Edward D. Reyes	✓			
<u>Martha C. Ruth</u> Martha C. Ruth	nr			
<u>Joe T. San Agustin</u> Joe T. San Agustin	✓			

**COMMITTEE REPORT
OF
COMMITTEE ON YOUTH, SENIOR CITIZENS,
CULTURAL AFFAIRS AND HUMAN RESOURCES
ON BILL NO. 88 (COR)**

**AN ACT RELATING TO ARTS IN PUBLIC BUILDINGS AND
BUILDINGS SUPPORTED BY GOVERNMENT OF GUAM FUNDS, AND
AMENDING CHAPTER VII OF TITLE I OF THE GOVERNMENT CODE.**

PREFACE

A public hearing on Bill No. 88 (COR) was held by the Committee on Youth, Senior Citizens, Cultural Affairs and Human Resources on Thursday, March 2, 1989, at the Legislative session hall.

Present at the hearing were the Chairperson Senator Elizabeth P. Arriola, and committee members Senators Gordon Mailloux, Edward R. Duenas, J. George Bamba, and Martha Ruth.

BACKGROUND

Public Law 15-50 requires that a certain percentage of Government appropriations for capital expenditure be allocated towards the commissioning or purchasing of art for display in public buildings and facilities. The Percent For Art concept is to aesthetically enhance the public environment with artistic works by local artists. Public Law 15-50 applies only to Government of Guam buildings. The program, however, is rarely implemented because it lacks an authority and compliance provision.

Bill No. 88 (COR) proposes to include the Percent For Art Program to non-Government buildings supported by Government of Guam funds through tax rebates, loans, loan guarantees or bond financing.

TESTIMONIES

Three persons testified in person and written testimony was submitted by Mr. Marvin Montvel-Cohen. All were in support of the intent of the Bill.

Mr. Montvel-Cohen, Program Director of the Isla Center for the Arts, UOG, recommended that the composition of the selection panel consist of at least two practicing artists from the community.

Guam Visual Arts Guild President LeRoy Barco and CAHA Director Alberto A. Lamorena V, offered numerous amendments that will straighten and define the roles and responsibility of CAHA relating to the administration of the "Art in Buildings".

Territorial Librarian Frank San Agustin testified that the "PFA" Program will give the local artists the opportunity to exhibit their art work in Government buildings and buildings supported by Government of Guam funds.

FINDINGS

A similar proposal was introduced in the Eighteenth and Nineteenth Guam Legislature where it was both reported out by the Committee with recommendation for passage.

The Bill would require at least one percent of the overall construction, remodeling or renovation cost of a public building or building supported by Government of Guam funds be reserved for the design, construction, mounting and administration of works of art in the public area of the building.

All building permits should be forwarded to CAHA for approval to ensure that the statutory mandates are met.

SECTION BY SECTION ANALYSIS OF BILL NO. 88 (COR) AS SUBSTITUTED

- Section 1 Declares the purpose of the Bill. It is to be as public policy for inclusion of works of art in public buildings and buildings supported by Government of Guam funds.
- Section 2, Subsection (a) reduces the amount from \$250,000 to \$100,000 of project cost for inclusion of works of art programs in buildings; assure preference consideration for local artists.
- Subsection (b) mandates that before a building permit is granted, the builder must first obtain clearance from CAHA.
- Subsection (c) sets the percentage amount to be reserved for the works of art. The Director of Public Works is

mandated in enforcing the law.

Subsection (d) contains exclusionary clause.

Subsection (e) mandates compliance of the act in the selection of the artist.

Subsection (f) assures open competition for awarding art contracts.

1. This section establishes the means for selecting proposals from local artists.

2. This section mandates the Director of CAHA to appoint a selection committee of five (5) members to review artwork proposals. The Director of CAHA is the final arbiter regarding the use of artwork and artist selection panel recommendations.

3. This selection designates the Director of CAHA as the contracting officer for any art contract executed pursuant to law.

Subsection (g) requires the Director of CAHA and the selection panel to develop policies and guidelines for the selection of the works of art.

Subsection (h) provides for the disposition of the "PFA" monies reserved or completed artwork where the builder and CAHA are unable to reach agreement as to their use.

COMMITTEE RECOMMENDATIONS

The Committee on Youth, Senior Citizens, Cultural Affairs and Human Resources to which was referred Bill No. 88 "AN ACT RELATING TO ARTS IN PUBLIC BUILDINGS SUPPORTED BY GOVERNMENT OF GUAM FUNDS, AND AMENDING CHAPTER VII OF TITLE I OF THE GOVERNMENT CODE" has had the same under consideration, and now wishes to report back the same with the recommendation TO DO PASS.

ATTACHMENTS

1. Guam Visual Arts Guild Testimony
2. LeRoy G. Barco Testimony
3. territorial Librarian Testimony
4. CAHA Testimony
5. Isla Center For The Arts, UOG Testimony

● ●

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 88 (COR)
Substituted by Author

Introduced By:

E.P. ARRIOLA
J.T. SAN AGUSTIN
M.C. RUTH

T.S. N. [Signature]
M.C. R. [Signature]

**AN ACT RELATING TO ARTS IN PUBLIC
BUILDINGS AND BUILDINGS SUPPORTED BY
GOVERNMENT OF GUAM FUNDS, AND AMENDING
CHAPTER VII OF TITLE I OF THE GOVERNMENT
CODE.**

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

Section 1. Section 320 of Chapter VII of Title I of the Government Code is Amended to read:

"§320. PURPOSE. The Territory recognizes its responsibility to foster culture and the arts and the necessity for the development of local artists. The Legislature declares it to be a Territorial Policy that a portion of appropriations for capital expenditures for public buildings be set aside for the acquisition of works of art to be used in those [for public] buildings [and other facilities]. The Legislature further declares that this same policy applies under the standards of this Chapter to the construction or improvements of any buildings intended for use of the general public to the extent that such construction or remodeling improvement is supported by Government of Guam funds through tax rebates, loans, loan guarantees or bond financing."

Section 2. Section 322 of Chapter VII of Title I of the Government Code is amended to read:

§322. Arts in public buildings and buildings supported by Government of Guam Funds.

- a. Plans for [public] buildings [and facilities] supported by Government of Guam funds which contain [substantial] public areas and plans for remodeling or renovation of [public areas of public buildings or facilities] such buildings where the total cost of construction, remodeling or renovation exceeds the sum of [Two Hundred Fifty Thousand Dollars (\$250,000)] 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 depicting indigenous [native] art.
- b. [The Department, before preparing plans and specifications, shall consult the Insular Arts Council] before issuance of the building permit for construction, the builder must obtain clearance from the Guam Council on Arts and Humanities Agency regarding inclusion of works of art.
- c. At least one percent (1%) of the overall construction, remodeling or renovation cost of a building [or facility approved by the Legislature will] as described in Subsection (a) of this section shall be reserved for the [following] purposes [:] of the design, construction, mounting, maintenance and or replacement, and administration of works of art by CAHA in the public area of [a public building or facility] the building. The Director of the Department of Public Works shall ensure that no

construction, remodeling or renovating of a public building or building supported by Government of Guam funds is commenced without compliance with this chapter.

- d. [Public buildings and facilities] buildings with an overall construction cost of less than [Two Hundred Fifty Thousand Dollars (\$250,000)] One Hundred Thousand Dollars (\$100,000) are exempted from the requirements of this [Act] Chapter unless inclusion of works of art in their design and construction is specifically authorized by the [Department] builder.
- e. The [local] artist who [executes] creates these works of art shall be selected [by the architect for the Department after consultation with the Insular Arts Council of Guam and the principal user of the public building or facility.] as provided by Subsection (f) of this section.
- f. The Director of the Guam Council on the Arts and Humanities Agency shall establish and open competition for awarding any art contract by:
 1. Soliciting proposals from local artists by means of a project announcement published no fewer than three (3) times in a local general circulation publication.
 2. Appointing a selection committee consisting of five (5) members to review all proposals and report to the Director the results of committee deliberations regarding the art contract. The committee shall include the client or his representative, the project architect, the village commissioner of the project site, and at least two (2) practicing artists from the community. The final arbiter of matters regarding the use of artwork and artist selection committee

recommendations shall be the Director of CAHA.

3. Notwithstanding the provisions of Public Law 16-124, the Director of the Guam Council on the Arts and Humanities shall be the contracting officer for any art contract executed pursuant to this Chapter.
- g. The Director of CAHA and the selection committee shall develop policies and guidelines for the selection of the works of art.
- h. If a builder/owner is unable to reach agreement with CAHA as to the use of the monies reserved for artwork in a building or subsequently to installation wishes to remove the artwork, those monies or artwork shall be used by CAHA in other Government buildings, whether under design or construction or completed, or may be used to defray costs of transportation and upkeep of works of art for exhibition in public facilities.

JAN 04 '89

Bill No. 88 (car)

Introduced By:

E.P. Arriola *epa*
J.T. San Agustin
M.C. Ruth

AN ACT RELATING TO ARTS IN
PUBLIC BUILDINGS AND FACILITIES:
AMENDING CHAPTER VII OF TITLE I
OF THE GOVERNMENT CODE.

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

2 Section 1. Section 320 of Chapter VII of Title I of the Government
3 Code is amended to read:

4
5 "§320. Purpose. The Territory recognizes its responsibility to
6 foster culture and the arts and the necessity for the development of
7 local artists. The Legislature declares it to be a territorial policy
8 that a portion of appropriations for capital expenditures be set aside
9 for the acquisition of works of art to be used for public buildings and
10 other facilities. The Legislature urges and encourages that this same
11 policy be applied under the standards of this Chapter to the construction
12 or improvements of any buildings intended for use of the general public
13 if such construction or remodeling improvement is indirectly supported
14 by government of Guam funds through tax rebates, loans, loan guarantees
15 or bond financing."

16 Section 2. Section 322 of Chapter VII of Title I of the Government
17 Code is amended to read:

"§322. Arts in Public Buildings and Facilities.

0 (a) Plans for public buildings and facilities
1 which contain substantial public areas and plans for
2 remodeling or renovation of public areas of public
3 buildings or facilities where the total cost of con-
4 struction, remodeling or renovation exceeds the sum of
5 Two Hundred Fifty Thousand Dollars (\$250,000) shall
6 contain provisions for the inclusion of works of art,
7 including, but not limited to sculptures, paintings,
8 murals or objects relating to native art.

9 (b) The department before preparing plans and
0 specifications shall consult the the [Insular Arts
1 Council] Guam Council on the Arts and Humanities Agency
2 regarding inclusion of works of art.

3 (c) At least one percent (1%) of the overall
4 construction, remodeling or renovation cost of a build-
5 ing or facility approved by the Legislature [will] shall
6 be reserved for the [following] purposes[:] of the
7 design, construction, mounting and administration of
8 works of art in the public area of a public building or
9 facility. The Director of the Department of Public
0 Works shall ensure that no construction, remodeling or
1 renovating of a public building or facility is commenced
2 without compliance with this Chapter.

(d) Public buildings and facilities with an overall construction cost of less than Two Hundred Fifty Thousand Dollars (\$250,000) are exempted from the requirements of this [Act] Chapter unless inclusion of works of art in their design and construction is specifically authorized by the department.

(e) The local artist who [executes] creates these works of art shall be selected [by the architect for the department after consultation with the Insular Arts Council of Guam and the principal user of the public building or facility.] as provided by subsection (f) of this section.

(f) The Director of the Guam Council on the Arts and Humanities Agency shall establish an open competition for awarding any art contract by:

(1) Soliciting proposals from local artists by means of a project announcement published no fewer than three (3) times in a general circulation publication.

(2) Appointing a selection committee to review all proposals and recommend to the Director the candidate to be awarded the art contract. The

committee shall include the client or his representative and the project architect.

(3) Notwithstanding any provision in Public Law 16-124 to the contrary, the Director of the Guam Council on the Arts and Humanities shall be the contracting officer for any art contract executed pursuant to this Chapter.

0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7

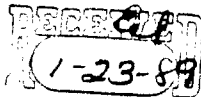
SENATOR HERMINIA D. DIERKING
CHAIRPERSON, COMMITTEE ON RULES

TWENTIETH GUAM LEGISLATURE

163 Chalan Santo Papa

Agana, Guam 96910

(671) 472-3438/39



January 19, 1989

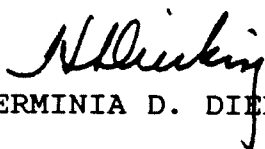
MEMORANDUM

To: Chairperson, Committee on Youth, Human Resources, Senior
Citizens and Cultural Affairs
Chairperson, Committee on General Governmental Operations

From: Chairperson, Committee on Rules

Subject: Referral on Bill No. 88

The above mentioned bill is referred to your Committees subject to ratification by the Committee on Rules at its next meeting.


HERMINIA D. DIERKING

attachment



Guam Visual Arts Guild

March 2, 1989

Dear Senator Arriola,

Thank you for your invitation to the Guam Visual Arts Guild to testify on Bill 88, "AN ACT RELATING TO ARTS IN PUBLIC BUILDINGS AND FACILITIES: AMENDING CHAPTER VII OF TITLE I OF THE GOVERNMENT CODE."

A poll of our total membership was not feasible in the time available, however, three members of the current board of directors and two past presidents did meet to consider Bill 88. Our Ad Hoc review committee consisted of:

LeRoy Barco, President, Freelance Photographer

Steve Lander, Treasurer, Architect

Vivian Chargualaf, Board Member, Freelance Artist

Judy Flores, Past President, Folk Arts Director, GCAHA

Bob Koontz, Past President, Foremost Marketing Director

We feel that our conclusions are representative of the members' views.

Our conclusion is that the Guam Visual Arts Guild supports Bill 88 and its purposes. We believe it will enhance the daily life of the people of Guam by beautifying the public spaces of the buildings for which the people provide construction funds. It will let the people share the artistic vision of Guam artists and encourage those artists to invest their "Guam vision" in artwork that may never exist without the passage of this bill.

We do believe, however, Bill 88 can^{be} enhanced as follows:

1. Restrict its effect to buildings only, not "buildings and facilities."
2. Include buildings that benefit from Government of Guam financial assistance, to the extent of such assistance, on an equal basis with those built using capital expenditures appropriations.
3. Strengthen the involvement and responsibility of GCAHA in administering the legislative mandate.
4. Provide for public guidelines relating to the administration of the "Art in Public Buildings Program."
5. Provide for the disposition of "Art Set-Aside" monies and/or completed artwork in those cases where builders/architects are unable to reach agreement with GCAHA as to their use.

I am enclosing a copy of Bill 88, annotated with our suggested revisions, a line-by-line commentary explaining our reasoning in suggesting those changes, and a personal statement about Bill 88.

Thank you again for sponsoring a measure which will be extremely important in fostering and preserving the art and artistic vision of Guam,


LeRoy G. Barco

President, Guam Visual Arts Guild



JUN 04

Bill No. 88 (car)

Introduced By:

E.P. Arriola
J.T. San Agustin
M.C. Ruth

AN ACT RELATING TO ARTS IN
PUBLIC BUILDINGS AND ~~FACILITIES~~; BUILDINGS SUPPORTED BY
AMENDING CHAPTER VII OF TITLE I GOVERNMENT OF GUAM FUNDS:
OF THE GOVERNMENT CODE.

with Guam Visual Arts Guild Annotations

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

Section 1. Section 320 of Chapter VII of Title I of the Government 2

Code is amended to read: 3

"§320. Purpose. The Territory recognizes its responsibility to 5

foster culture and the arts and the necessity for the development of 6

local artists. The Legislature declares it to be a territorial policy 7

that a portion of appropriations for capital expenditures ^{for public buildings} be set aside 8

for the acquisition of works of art to be used ^{in those} ~~for public buildings and~~ 9

~~other facilities.~~ The Legislature further declares 10

applies ~~policy to be applied~~ under the standards of this Chapter to the construction 11

or improvements of any buildings intended for use of the general public 12

to the extent that 13

if such construction or remodeling improvement is indirectly supported 14

by government of Guam funds through tax rebates, loans, loan guarantees 15

or bond financing." 15

Section 2. Section 322 of Chapter VII of Title I of the Government 16

Code is amended to read: 17

§322. Arts in Public Buildings and Facilities.

Buildings Supported by Government of Guam Funds.

(a) ~~Plans for public buildings and facilities~~ and buildings supported by Government of Guam funds which contain ~~substantial~~ public areas and plans for remodeling or renovation of ^{such buildings} ~~public areas of public buildings or facilities~~ where the total cost of construction, remodeling or renovation exceeds the sum of Two Hundred Fifty Thousand Dollars (\$250,000) 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 ^{indigenous} ~~native~~ art.

(b) ~~The department before preparing plans and construction, the builder must obtain clearance from the specifications shall consult the the~~ [Insular Arts director of the Council] Guam Council on the Arts and Humanities Agency regarding inclusion of works of art. Builders are encouraged to consult with GCANA during planning phases regarding inclusion of works of art in their projects.

(c) At least one percent (1%) of the overall construction, remodeling or renovation cost of a building ^{as described in subsection (a) of this section} ~~ing or facility approved by the Legislature~~ [will] shall be reserved for the [following] purposes[:] of the design, construction, mounting ^{,maintenance and/or replacement} and administration of works of art in the public area of ^{the building.} ~~a public building or facility.~~

The Director of the Department of Public Works shall ensure that no construction, remodeling or renovating of a public building or facility is commenced without compliance with this Chapter.

(d) ~~Public~~^B buildings and facilities with an overall construction cost of less than Two Hundred Fifty Thousand Dollars (\$250,000) are exempted from the requirements of this [Act] Chapter unless inclusion of works of art in their design and construction is specifically authorized by the ^{builder.} ~~department.~~

(e) The ~~local~~ artist who [executes] creates these works of art shall be selected [by the architect for the department after consultation with the Insular Arts Council of Guam and the principal user of the public building or facility.] as provided by subsection (f) of this section.

(f) The Director of the Guam Council on the Arts and Humanities Agency shall establish an open competition for awarding any art contract by:

(1) Soliciting proposals from local artists by means of a project announcement published no fewer than three (3) times in a ^{local} general circulation publication.

(2) Appointing a selection committee to review all proposals and ^{report} ~~recommend~~ to the Director results of committee deliberations and recommendations regarding the ~~candidate to be awarded~~ the art contract. The

committee shall include the client or his representative and the project architect.

1
2

(3) Notwithstanding any provision in Public Law 16-124 to the contrary, the Director of the Guam Council on the Arts and Humanities shall be the contracting officer for any art contract executed pursuant to this Chapter.

3
4
5
6
7

(g) The director of GCANA shall develop and maintain planning and artist selection committee guidelines available to all interested parties. The final arbiter of matters regarding the use of artwork and artist selection committee recommendations shall be the director of GCANA.

(h) If a builder/owner is unable to reach agreement with GCANA as to the use of the monies reserved for Artwork in a building or subsequently to installation wishes to remove the Artwork, those monies or Artwork shall be used by GCANA in other buildings affected by this chapter for the purposes listed in subsection (o) of this section.

Guam Visual Arts Guild
Proposed Revisions for Bill 88
Line-By-Line Commentary

title	replace "FACILITIES" with BUILDINGS SUPPORTED BY GOVERNMENT OF GUAM FUNDS	Remove facilities, include non-public buildings
pg1 ln8	insert for public buildings after "expenditures"	Increase clarity and specificity
pg1 ln9	replace "for public" with in those	of language
pg1 ln9/10	delete "and other facilities"	Remove facilities
pg1 ln10	replace "urges and encourages" with further declares	Include non-public buildings
pg1 ln11	replace "be applied" with applies	Include non-public buildings
pg1 ln13	replace "if" with to the extent that	Limit effect to extent of government subsidy
pg2 ln1	replace "and Facilities" with Buildings Supported by Government of Guam Funds	Remove facilities, include non-public buildings
pg2 ln2	replace "and Facilities" with buildings supported by Government of Guam funds	Remove facilities, include non-public buildings
pg2 ln3	delete "substantial"	Remove ambiguity
pg2 ln4	replace "public areas of public buildings or facilities" with such buildings	Remove ambiguity, remove facilities, include non-public buildings
pg2 ln9	insert by local artists, if available before "including"	Assure consideration of local artists
pg2 ln10	replace "native" with indigenous	More appropriate wording
pg2 ln11/12	replace all before "[Insular" with Before issuance of the building permit for construction, the builder must obtain clearance from the director of the	Remove ambiguity, define roles and responsibilities
pg2 ln14	add at end of sentence Builders are encouraged to consult GCANA during planning phases regarding inclusion of works of art in their project.	Notifies builders of advisability of consultation with GCAHA during planning

- pg2 ln17 replace "or facility approved by the Legislature" with **as described in subsection (a) of this section** Remove facilities, include non-public buildings, simplify reference
- pg2 ln19 add after "mounting" **, maintenance and/or replacement** include important purpose
- pg2 ln20 replace "a public building or facility" with **the building** Remove facilities, include non-public buildings, simplify reference
- pg2 ln24 replace "facility" with **building supported by Government of Guam funds** Remove facilities, include non-public buildings
- pg3 ln1 replace "Public buildings and facilities" with **Buildings** Remove facilities, include non-public buildings
- pg3 ln6 replace "department" with **builder** Include non-public buildings
- pg3 ln7 delete "local" Assure open competition
- pg3 ln18 add **local** before "general" Assure local artist notification
- pg3 ln22 replace "recommend" with **report** Clarifies roles and responsibilities
- pg3 ln23 replace "candidate to be awarded" with **results of committee deliberations and recommendations regarding** Clarifies roles and responsibilities
- pg4 add subsection (g) **The director of GCAHA shall develop and maintain planning and artist selection committee guidelines available to all interested parties. The final arbiter of matters regarding the use of artwork and artist selection committee recommendations shall be the director of GCAHA.** Provides for guidelines for builders/architects and artist selection committee, fixes authority and responsibility
- pg4 add subsection (h) **If a builder/owner is unable to reach agreement with GCAHA as to the use of the monies reserved for Artwork in a building or subsequently to installation of the Artwork-wishes to remove it, those monies or Artwork shall be used by GCAHA in other buildings affected by this chapter for the purposes listed in subsection (c) of this section.** Allows builder/owner relief in event of disagreement with artistic decision of GCAHA

Personal Testimony, Bill 88
LeRoy G. Barco
118-12 Gollo Court
Yigo, Guam, 96929

March 2, 1989

Senator Arriola, Committee Members and Friends,

I have presented to you testimony as President of the Guam Visual Arts Guild as a representative of the guild. I also wish to give personal testimony on Bill 88.

Bill 88's purpose says, "The Territory recognizes its responsibility to foster culture and the arts and the necessity for the development of local artists." Is this true? I think it is.

The national museums of Europe are filled with artwork which captures the life and spirit of those nations 400 years ago. As they live their lives today, the people of those countries can draw on the vision and beauty of their ancestors' lives and times.

On Guam, the vision of the people who lived here 400 years ago is largely lost to us. Unhappily, the Spanish occupiers of Guam counted the vision and spirit of the local people as nothing. While the rich and rulers in Europe were commissioning and preserving the art of the artists of their time, the rich and powerful on Guam were importing and imposing an outside culture on its people. How sad that Guam's best art of its ancestral heritage is by a European artist, artwork which was preserved off Guam.

So, what now? Guam will and should reclaim and restore what it can of its obscured heritage. But I also believe it is imperative that Guam now develop a process so that 400 years from now our children's children can see what we were and what was our vision of our lives and land. I think Bill 88 will be a good start.

In a time when many are concerned about the "New Conquest of Guam" it is only appropriate that our public buildings and those supported by public funds commission and display art that portrays the vision our artists draw from the land and the life and the people of Guam.

And what of the artists who will create this art? They feel the need to express their vision of Guam in their art and share it with you and me. But they are people who must live in today's world. With no wealthy patrons in view, they must make hard decisions about how to live. How will they obtain the necessities of life and still find time to develop their skills and create their artwork?

Allow me to share what I know of some of Guam's artists and how they are meeting this challenge. I will not presume to speak for the artists but to give my impressions.

One of the heroes among Guam artists is Vivian Paulino Chargualaf. Vivian returned to Guam with the courageous vision of making her living as a free-lance artist. I would not have that courage. I salute her.

Some Guam artists find a career in an art-related field. Ron Castro, Eg David, and Linda Usita are examples. They use their artistic abilities to make a living, but how much of their work can be from their truest artistic vision of Guam under the demands of clients and deadlines? And how much serves its business purpose and is lost?


Other artists have careers which take time and energy away from their art. Judy Flores, GCAHA Folk Arts Director, Richard San Nicolas, schoolteacher, Leon Ryan and Ken Reyes, policemen, and

Al Lizama with the Department of Parks and Recreation are just a few names among many. How much of the spirit and vision of Guam of these artists is lost in artwork not done because of the time pressures of earning a living?

Bill 88 will obviously ease the creative conflict these artists experience and will bring into existence artwork for our posterity that would not otherwise be created. But I believe its greatest benefit will be to another category of Guam artist.

Benny Anderson, Peter Blas, Renee Selk, and Verna Urbano are just four of Guam's artists-in-training. They are already creating good work. But when they complete their schooling will they make the bold decision that Vivian Chargualaf has made? Or will they feel they must sacrifice part of their artistic vision of Guam to live? I have hope that a strong and effective bill like Bill 88 will be a positive part in the equation of the difficult life decisions they make.

In conclusion, I strongly support passage of a strong, specific Bill 88. I support its purpose and its methods. It seems to be that rare piece of legislation... one which will bring great benefits to the people of Guam at little or no cost to them.


LeRoy G. Barco

President, Guam Visual Arts Guild

TESTIMONY

(Bill #88)

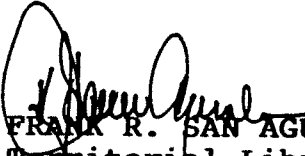
Good morning Madam Chairman, Senator Arriola, and members of this Select Committee on Youth, Senior Citizens, Cultural Affairs and Human Resources. I am Frank Rivera San Agustin, Librarian for the Guam Public Library and Executive Officer of the Guam Museum. I come here before you this morning to testify in support of Bill 88.

We support the intent and purpose of Bill 88 amending Chapter VII of Title I of the Government Code relative to art in public buildings and facilities. We would like to commend your Committee on Youth, Senior Citizens, Cultural Affairs and Human Resources for your continuing interest and effort in recognizing the need for art in public buildings not only for the aesthetic enhancement of our public buildings, but also for your diligent concern of the development and encouragement of our local artists. Only by strengthening the existing law can we be assured that artists are encouraged and recognized for their talent and skills. By providing the environment and the outlet whereby their products can be exhibited through the more productive and creative use of our public buildings and facilities is the best way we the people of Guam can show our recognition and appreciation for our local talents. I believe it is time that we actually do something positive and concrete to guarantee support for our local artists in a very competitive way by enforcing the mandate of Chapter VII of Title I of the Government Code of Guam.

This bill calls for a close coordination between the Director of Public Works and the Director of the Guam Council on Arts and Humanities Agency while it delineates the awarding process and other areas of responsibility to ensure that local artistic talent is encouraged and developed. By providing our growing number of artists a positive environment through the more creative use of public facilities, their finish products will certainly be their best.

The passage of Bill 88 will insure that our local artists are afforded the opportunity to permanently display their art work and I suspect that our cultural and historical heritage will inadvertently be enriched through our artists' imagination and research.

Thank you for providing us the opportunity to express our views and concerns regarding the need to strengthen the enhancement of our public buildings and develop and encourage opportunities for our local artists.


FRANK R. SAN AGUSTIN
Territorial Librarian
March 2, 1989

LEGISLATIVE TESTIMONY ON BILL NUMBER 88

Madame Chairperson, members of the committee on Youth, Senior Citizens, Cultural Affairs and Human Resources, my name is Alberto A. Lamorena V, Executive Director for the Guam Council on the Arts and Humanities Agency and it is indeed an honor and a pleasure to appear before you today and testify in favor of the intent of bill 88, an act relating to arts in public buildings and facilities which amends chapter VII of title I of the government code.

I commend Senators Arriola and Ruth and Speaker San Agustin for their continued support for the arts in the territory. Indeed the arts plays a vital role in the development of our island and the in the preservation of our culture. Bill 88 is a step in the right direction that will further strengthen the arts on Guam.

Although I testify today in favor of the intent of Bill 88 I do not favor the passage of the bill as written and presented.

Guam is presently in the midst of an economic boom bringing millions of dollars into our island. But these investors are also receiving numerous tax benefits and assistance from our local government. Benefits such as Qualifying Certificates, Loans from the Guam Economic Development Authority to mention a few. Although the benefactors of these programs are private businesses they do receive governmental assistance both indirectly and directly. Although we are unable to include private businesses into this bill the government should initiate and support policy to encourage the private businesses to purchase local artpieces. It disheartens me when I walk through some of our hotels and office buildings and see artwork on the walls that were done by artisans from off island. There are indeed numerous talented artists on island that are capable of producing just as good or better quality work. .

The present bill as written lacks the proper language needed to insure it's implementation. Such changes needed are as follows: In subsection 322 part C should include for the replacement and maintainence of artpieces. Also to include that the Director of Public Works will not issue a building permit unless authorized by the Guam Council on the Arts and Humanities Agency. Insuring that all policies and guidelines have been complied with. Also a portion of the one percent identified for the arts will be used by the GCAHA for administrative costs for expenses incurred. Item D states that any construction less than \$250,000 are exempt. I recommend it read any construction less than \$100,000 be exempt. In item F a section should be added that the panel selected will author the policies, guidelines and by laws needed to implement the program.

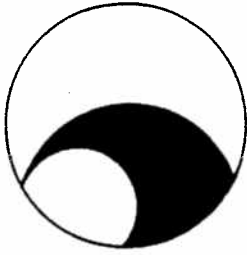
Monies identified for the percentage of the arts must be secured to insure that these funds are not used for other purposes. Therefore these funds must only be expended with

the approval of the panels recommendations. Concerning government buildings there should be an item included that reads; If the amount appropriated for works of art is not required in to or in part to acquire works of art for the building for which the appropriation was made, the unrequired amounts may be accumulated and expended for the aquisition of works of art for other government buildings, whether under design or construction or completed, or may be used to defray costs of transportation and upkeep of works of art for exhibition in public facilities. This section will give the opportunity for the panel to purchase artwork for collection purposes, other government offices and or maintainence of artpieces in other government offices.

The present bill must be rewritten to insure its proper implementation. I hope that this committee will take my recommendations into consideration. Again, I thank you for your time in giving me the opportunity to air my concerns on bill 98.



Alberto A. Lamorena V
Executive Director, GCAHA



2-27-89
Place in Bill folder for inclusion of P.H.
2/28/89

ISLA CENTER for the ARTS

AT THE UNIVERSITY OF GUAM

February 24, 1989

Twentieth Guam Legislature
1989 (First) Regular Session

Ladies and Gentlemen:

This organization strongly supports Bill No. 88 (Cor), AN ACT RELATING TO ARTS IN PUBLIC BUILDINGS AND FACILITIES introduced by Senators Arriola, San Agustin and Ruth.

The value of the arts to society cannot be underestimated. They maintain the culture, its organization and roles. They support a positive concept of reality, stimulate the imagination and enhance the appearance of objects and places. They are non-violent, enjoyable and accessible to all.

The Twentieth Guam Legislature is to be encouraged to support this bill, insuring that the above mentioned values are available to the people of Guam.

Two minor modifications are suggested. These are:

1. S322 (a) That the sum of two hundred and fifty thousand dollars (\$250,000), to read one hundred thousand dollars (\$100,000) as a minimum amount for the inclusion of works of art in public places.

2. f(2) That the selection committee shall include at least two practicing artists from the community.

THE ISLA CENTER FOR THE ARTS at the University of Guam appreciates this opportunity to testify on behalf of this bill, and will provide its services in any way requested to support it when it becomes law.

Sincerely,

MARVIN MONTVEL-COHEN, Ph.D.
Program Director

COMMITTEE ON YOUTH, SENIOR CITIZENS CULTURAL AFFAIRS AND HUMAN RESOURCES

TWENTIETH GUAM LEGISLATURE

Bill No. 88 - Arts in public buildings

March 2, 1989

DATE

NAME OF WITNESS	REPRESENTING, AGENCY, DEPARTMENT, FIRM, ETC.	STATEMENT (WRITTEN OR ORAL)	FAVOR OR AGAINST
-----------------	---	--------------------------------	------------------

1. <u>Francisco R. San Agustin</u>	<u>Library/Museum</u>	<u>WRITTEN</u>	<u>FAVOR</u>
------------------------------------	-----------------------	----------------	--------------

2. <u>Tony Lemorenz</u>	<u>GCANA</u>	<u>WRITTEN</u>	<u>FAVOR</u>
-------------------------	--------------	----------------	--------------

3. <u>LEROY G. BARCO</u>	<u>GVAG</u>	<u>WRITTEN</u>	<u>FAVOR</u>
--------------------------	-------------	----------------	--------------

4. _____	_____	_____	_____
----------	-------	-------	-------

5. _____	_____	_____	_____
----------	-------	-------	-------

6. _____	_____	_____	_____
----------	-------	-------	-------

7. _____	_____	_____	_____
----------	-------	-------	-------

8. _____	_____	_____	_____
----------	-------	-------	-------

9. _____	_____	_____	_____
----------	-------	-------	-------

10. _____	_____	_____	_____
-----------	-------	-------	-------

11. _____	_____	_____	_____
-----------	-------	-------	-------

12. _____	_____	_____	_____
-----------	-------	-------	-------

13. _____	_____	_____	_____
-----------	-------	-------	-------

14. _____	_____	_____	_____
-----------	-------	-------	-------

15. _____	_____	_____	_____
-----------	-------	-------	-------

JAN 04 '89

Bill No. 88 (COR)

Introduced By:

E.P. Arriola *EP*
J.T. San Agustin
M.C. Ruth

AN ACT RELATING TO ARTS IN
PUBLIC BUILDINGS AND FACILITIES:
AMENDING CHAPTER VII OF TITLE I
OF THE GOVERNMENT CODE.

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

2 Section 1. Section 320 of Chapter VII of Title I of the Government
3 Code is amended to read:

4
5 "§320. Purpose. The Territory recognizes its responsibility to
6 foster culture and the arts and the necessity for the development of
7 local artists. The Legislature declares it to be a territorial policy
8 that a portion of appropriations for capital expenditures be set aside
9 for the acquisition of works of art to be used for public buildings and
10 other facilities. The Legislature urges and encourages that this same
11 policy be applied under the standards of this Chapter to the construction
12 or improvements of any buildings intended for use of the general public
13 if such construction or remodeling improvement is indirectly supported
14 by government of Guam funds through tax rebates, loans, loan guarantees
15 or bond financing."

16 Section 2. Section 322 of Chapter VII of Title I of the Government
17 Code is amended to read:

"§322. Arts in Public Buildings and Facilities.

(a) Plans for public buildings and facilities which contain substantial public areas and plans for remodeling or renovation of public areas of public buildings or facilities where the total cost of construction, remodeling or renovation exceeds the sum of Two Hundred Fifty Thousand Dollars (\$250,000) shall contain provisions for the inclusion of works of art, including, but not limited to sculptures, paintings, murals or objects relating to native art.

(b) The department before preparing plans and specifications shall consult the the [Insular Arts Council] Guam Council on the Arts and Humanities Agency regarding inclusion of works of art.

(c) At least one percent (1%) of the overall construction, remodeling or renovation cost of a building or facility approved by the Legislature [will] shall be reserved for the [following] purposes[:] of the design, construction, mounting and administration of works of art in the public area of a public building or facility. The Director of the Department of Public Works shall ensure that no construction, remodeling or renovating of a public building or facility is commenced without compliance with this Chapter.

(d) Public buildings and facilities with an overall construction cost of less than Two Hundred Fifty Thousand Dollars (\$250,000) are exempted from the requirements of this [Act] Chapter unless inclusion of works of art in their design and construction is specifically authorized by the department.

(e) The local artist who [executes] creates these works of art shall be selected [by the architect for the department after consultation with the Insular Arts Council of Guam and the principal user of the public building or facility.] as provided by subsection (f) of this section.

(f) The Director of the Guam Council on the Arts and Humanities Agency shall establish an open competition for awarding any art contract by:

(1) Soliciting proposals from local artists by means of a project announcement published no fewer than three (3) times in a general circulation publication.

(2) Appointing a selection committee to review all proposals and recommend to the Director the candidate to be awarded the art contract. The

committee shall include the client or his representative and the project architect.

(3) Notwithstanding any provision in Public Law 16-124 to the contrary, the Director of the Guam Council on the Arts and Humanities shall be the contracting officer for any art contract executed pursuant to this Chapter.

0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
3