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1/14/94
5:00 PM



Territory of Guam
Territorio Guam

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

RECEIVED
OFFICE OF THE SPEAKER
DATE: 1/19/94
TIME: 5:00 PM
REC'D BY: [Signature]

JAN 19 1994

REFER TO
LEGISLATIVE SECRETARY

[Signature]

The Honorable Joe T. San Agustin
Speaker, Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

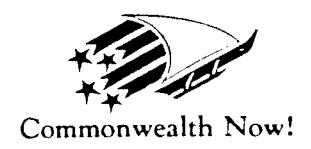
Dear Mr. Speaker:

Transmitted herewith is Bill No. 95 which I have signed into law this date as
Public Law 22-71.

Sincerely yours,

[Signature]
JOSEPH F. ADA
Governor of Guam
220494


Attachment



TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

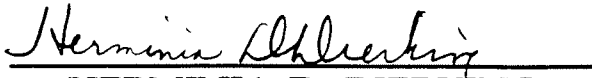
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 95 (LS), "AN ACT TO ADD §80115 TO TITLE 5, GUAM CODE ANNOTATED, TO REQUIRE THAT ALL GOVERNMENT BUILDINGS BE CONSTRUCTED TO INCLUDE HISTORICAL CHAMORRO ART OR REPRESENTATIONS OF GUAM HISTORY," was on the 5th day of January, 1994, duly and regularly passed.




JOE T. SAN AGUSTIN
Speaker

Attested:



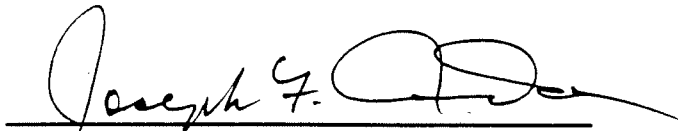
HERMINIA D. DIERKING
Senator and Acting Legislative Secretary

This Act was received by the Governor this 7th day of January
1994, at 4:35 o'clock p. .M.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: JAN 19 1994

Public Law No. 22-71

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 95 (LS)

As substituted by the Committee on
Youth, Senior Citizens and Cultural
Affairs and as further substituted by the
Committee on Rules

Introduced by:

M. Z. Bordallo
T. C. Ada
J. P. Aguon
E. P. Arriola
H. D. Dierking
C. T. C. Gutierrez
P. C. Lujan
T. S. Nelson
V. C. Pangelinan
D. Parkinson
E. D. Reyes
J. T. San Agustin
F. E. Santos
D. L. G. Shimizu
J. G. Bamba
A. C. Blaz
D. F. Brooks
F. P. Camacho
M. D. A. Manibusan
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO ADD §80115 TO TITLE 5, GUAM CODE
ANNOTATED, TO REQUIRE THAT ALL
GOVERNMENT BUILDINGS BE CONSTRUCTED TO
INCLUDE HISTORICAL CHAMORRO ART OR
REPRESENTATIONS OF GUAM HISTORY.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**
2 **Section 1. Legislative intent. The Legislature is aware of the**

1 increasing number of government buildings and structures being constructed
2 or renovated which contain little or no historical Chamorro structural
3 elements. In order to preserve and enhance the Chamorro culture, the
4 Legislature finds a need to insure that government buildings contain elements
5 of Chamorro artistry or of Guam history, and finds that making such
6 elements part of government buildings would enhance the unique beauty of
7 Guam, as well as improve the appearance and image of the island as a tourist
8 destination.

9 **Section 2.** §80115 is hereby added to Title 5, Guam Code Annotated, to
10 read:

11 **"§80115. Inclusion of Chamorro artistry or Guam history**
12 **elements in government buildings.** (a) All government of Guam
13 buildings and structures constructed or renovated after the
14 enactment of this section shall contain elements of either Guam
15 history or of Chamorro artistry costing up to a maximum of three
16 percent (3%) of the aggregate of the architectural and engineering,
17 the construction or the renovation budgets therefor. Such elements
18 may be made part of the internal or external physical structure of the
19 building or structure and may be within the main part of the building
20 or structure or separated from the main part. In complying with the
21 provisions of this section, a contractor for the government agency
22 constructing the building or structure may consult with the Guam
23 Council on the Arts and Humanities as to the various types of
24 Chamorro or historic Guam artistic elements. The Department of
25 Public Works (the "Department") shall monitor noncompliance with
26 this Section during its plans approval process, unless such plans are
27 exempted in accordance with subsection (b) of this Section. If the

1 Department determines that a non- exempted project does not
2 comply with this Section, it shall refuse to issue either a building
3 permit or an occupancy permit (as the case requires) for such project
4 until compliance.

5 (b) **Exceptions to applicability.** Buildings and structures
6 constructed for use as shelters for utility facilities or utility
7 operations are not subject to subsection (a) of this
8 Section. Exceptions to the requirements of this Section may be
9 granted by the Governor of Guam, based on reasonable justification.
10 Any government of Guam construction projects which have
11 commenced prior to the implementation of this Section may be
12 exempted from its provisions as determined by the Department."

TWENTY-SECOND GUAM LEGISLATURE

1994 (SECOND) Regular Session

Date: 1-5-94

VOTING SHEET (AS REVISED)

No. 95
 Resolution No. _____
 Session: _____

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BARRERA, J. George	✓			
BLAZ, Anthony C.	✓			
BORDALLO, Madeleine Z.	✓			
F.	✓			
Melix P.	✓			
KING, Herminia D.	✓			
UTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MANIBUSAN, Marilyn D. A.	✓			
NELSON, Ted S.	✓			
PANGELINAN, Vicente C.	✓			
PARKINSON, Don	✓			
REYES, Edward D.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francis E.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL 21 _____

Elizabeth P. Arriola

Commissioner on Youth, Senior Citizens and Cultural Affairs

20

The Honorable Joe T. San Agustin
Speaker
Twenty-Second Guam Legislature
Temporary Legislative Building
155 Hesler Street
Agana, Guam 96910

Nov. 11, 1993

VIA: CHAIRPERSON, COMMITTEE ON RULES

Dear Mr. Speaker,

The **Committee on Youth, Senior Citizens and Cultural Affairs**, to which was referred "Bill # 95, **'AN ACT RELATIVE TO MANDATING THAT ANY AND ALL GOVERNMENT BUILDINGS AND STRUCTURES CONSTRUCTED HEREON SHALL HAVE A RESEMBLANCE OF HISTORICAL CHAMORRO ART OR GUAM HISTORY'**" has had the same under consideration and now wishes to report back its recommendation *Pass as Substituted*.

Committee votes received:

<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>REPORT OUT</u>	<u>OTHER</u>
- 9 -	- 0 -	- 0 -	- 0 -

Attached herewith are the Committee Report and other pertinent documents for your perusal.

Sincerely,

Elizabeth P. Arriola
ELIZABETH P. ARRIOLA

attachments

Twenty-Second Guam Legislature

155 Hesler Street • Agana, Guam 96910
Tel: (671) 472-3441/2 • Fax: (671) 477-5632



Chamorro art . It finds, however, that the measure as proposed is absent the provisions necessary to carry out its mandate. The Committee further finds that the measure needs substantial revision to carry out its intent.

COMMITTEE RECOMMENDATIONS

The Committee on Youth, Senior Citizens and Cultural Affairs recommends that **Bill 95** be PASSED AS SUBSTITUTED.

ATTACHMENTS

- Written testimony submitted by GCAHA Director Alberto Lamorena;
- Referral Letter
- Bill 95
- Substitute Bill # 95
- List citing parties invited to submit testimony on **Bill 95**;
- Agenda, vote sheet

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 95

Introduced by:

M.Z. Bordallo

As substituted by:

*The Committee on Youth, Senior
Citizens and Cultural Affairs.*

AN ACT RELATIVE TO MANDATING THAT ANY AND ALL
GOVERNMENT BUILDINGS AND STRUCTURES CONSTRUCTED
HEREON SHALL HAVE A RESEMBLANCE OF HISTORICAL
CHAMORRO ART OR GUAM HISTORY."

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

3 Section 1. **Legislative Intent.**

4 The Guam Legislature is aware of the ever-increasing number of
5 government buildings and structures being constructed or renovated
6 which have very few resemblance of historical Chamorro structural
7 artistry. Thus, in order to continue the preservation and enhancement of
8 the Chamorro culture, the Guam Legislature recognizes the need to insure
9 that government buildings constructed hereon contain some
10 representation of Chamorro artistry or Guam history. Such historical
11 resemblance on the physical structure of government buildings would
12 enhance the unique beauty of Guam, as well as improve the appearance
13 and image of the island as a tourist destination.

14 Section 2. **Chamorro Artistry or Guam History resemblance in**
15 **Government Buildings and Structures.**

16 All new Government of Guam buildings and structures hereby
17 constructed shall contain a minimum of 3 % Guam History or Chamorro
18 structural artistry. Such artistry may be constructed on the internal or
19 external physical structure of the building. These artistical features may be
20 of the main structure or may be separated from the main structure.

21 In complying with the provision of this Section, the affected
22 government agency shall consult with the Guam Council on the Arts and

TESTIMONY ON BILL 95

"AN ACT RELATIVE TO MANDATING THAT ANY AND ALL GOVERNMENT BUILDINGS AND STRUCTURES CONSTRUCTED HEREON SHALL HAVE A RESEMBLANCE OF HISTORICAL CHAMORRO ART OR GUAM HISTORY."

Madame Chairman, Senator Elizabeth P. Arriola and members on the Committee on Youth, Senior Citizens and Cultural Affairs. My name is Alberto A. Lamorena V, Executive Director of the Guam Council on the Arts and Humanities Agency. I am appearing before you today to testify in favor of the intent of Bill 95 "An Act relative to mandating that any and all government buildings and structures constructed hereon shall have resemblance of historical Chamorro Art or Guam History."

We commend Senator Bordallo's initiative in trying to preserve the culture and arts on Guam. The Guam Council on the Arts and Humanities Agency endorses the intent of the bill but does not recommend passage of the bill as presented. The bill mandates but does not require government agencies to abide by the law.

Because the bill lacks teeth it is impossible and fruitless for GCAHA to implement the law. If the intent of the bill is to be carried out a penalty must be included in the bill, such as an occupancy permit will not be issued unless the agency has complied with the law. A section should also be included that states that prior to a building permit being issued plans must be approved by GCAHA to insure that the design is in compliance with the law.

We also feel that in section 2, the Office of Historic Preservation under the Department of Parks and Recreation be added as another agency to consult with since they are responsible for the restoration of historic sites and are well versed with the various architectural styles on Guam.

I hope the Committee reviews the recommendations given so that we can have a viable program that will benefit our Chamorro culture. Please feel free to solicit my advise concerning the amending of Bill 95.

Again, thank you for providing me this opportunity to voice my concerns.

Si Yu'os Ma'ase,



Alberto A. Lamorena V
Executive Director, GCAHA



COMMITTEE ON YOUTH SENIOR CITIZENS AND CULTURAL AFFAIRS

Senator Elizabeth P. Arriola,
Chairperson

TWENTY-SECOND GUAM LEGISLATURE

BILL NO. 95
TITLE: _____

SPONSOR: Bordallo

HEARING DATE: 4/29/93

LETTER OF INVITATION SENT TO: DATE SENT: _____

- | | |
|---|--|
| 1. <u>Ginny Guzman-Nelson</u>
<u>Chairman of the Board</u> | 11. <u>Mr. Edward A. Guerrero</u>
<u>Director, Department of Labor</u> |
| 2. <u>George B. Tydingco</u>
<u>Administrative Manager W.B. Flores</u> | 12. <u>Mr. Peter Calvo</u>
<u>Administrator, Agency for Human Resources & Development</u> |
| 3. <u>Luisito R. Alvarez</u>
<u>Principal LRA & Associates</u> | 13. <u>Bernie Grajeck</u>
<u>Duendes Arts</u> |
| 4. <u>Mr. Earl Kami</u>
<u>President Group Engineering</u> | 14. _____ |
| 5. <u>Felix Benavente</u>
<u>Chief of Development Planning</u>
<u>Duenas & Swavely Inc.</u> | 15. _____ |
| 6. <u>Ara Segura</u>
<u>Administrative Office Manager</u>
<u>Winzler & Kelly Consulting Engineers</u> | 16. _____ |
| 7. <u>Mr. Peter Barcinas</u>
<u>President</u>
<u>Guam Cultural Preservation Corporation</u> | 17. _____ |
| 8. <u>Mr. Salvatore G.T. Sgambelluri</u>
<u>Director, Bureau of Budget & Management Research</u> | 18. _____ |
| 9. <u>George Flores</u>
<u>Executive Director Guam Legislature</u> | 19. _____ |
| 10. <u>Protocol Office</u>
<u>Guam Legislature</u> | 20. _____ |

**TWENTY SECOND GUAM LEGISLATURE
- 1993 (FIRST) REGULAR SESSION**

JAN 04 '93

BILL NO. 95 (LS)

INTRODUCED BY:

M. Z. BORDALLO



**"AN ACT RELATIVE TO MANDATING THAT ANY
AND ALL GOVERNMENT BUILDINGS AND
STRUCTURES CONSTRUCTED HEREON SHALL
HAVE A RESEMBLANCE OF HISTORICAL
CHAMORRO ART OR GUAM HISTORY."**

45C

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

Section 1. Legislative Intent.

The Guam Legislature is aware of the ever-increasing number of government buildings and structures being constructed or renovated which have very few resemblance of historical Chamorro structural artistry. Thus, in order to continue the preservation and enhancement of the Chamorro culture, the Guam Legislature recognizes the need to insure that government buildings constructed hereon contain some representation of Chamorro artistry or Guam history. Such historical resemblance on the physical structure of government buildings would enhance the unique beauty of Guam, as well as improve the appearance and image of the island as a tourist destination.

Section 2. Chamorro Artistry or Guam History Resemblance in Government Buildings and Structures.

All new Government of Guam buildings and structures hereby constructed shall contain a minimum of 3% Guam history or Chamorro structural artistry. Such artistry may be constructed on the internal or external physical structure of the building. These artistical features may be of the main structure or may be separated from the main structure.

In complying with the provision of this Section, the affected government agency shall consult with the Guam Council on the Arts and Humanities Agency on the various types of Chamorro or Guam artistic structural applications.

Section 3. Exceptions to Applicability.

Any exceptions for compliance with this mandate may be granted by the Governor of Guam and must be based on reasonable justification. Any Government of Guam construction projects which have commenced prior to the implementation of this Act may be exempted from the provisions of Section 2.

Section 4. Effective Date.

The provisions of this Act shall become effective immediately.



**TWENTY-SECOND
GUAM LEGISLATURE**

Public Hearing Room • Temporary Legislative Building •
155 Hesler Street • Agana

**Committee on Youth, Senior Citizens
and Cultural Affairs**

Chairperson, Senator Elizabeth P. Arriola

Thursday, April 29, 1993

9 A.M. • OVERSIGHT AND PUBLIC HEARING

Recess 12 Noon • Reconvene 1:30 P.M.

4 P.M. • OVERSIGHT: GUAM YOUTH CONGRESS

AGENDA

————— **OVERSIGHT HEARING** —————

GUAM MUSEUM

————— **PUBLIC HEARING** —————

BILL #95... An act relative to mandating that any and all government buildings and structures constructed hereon shall have resemblance of historical Chamorro Art or Guam History.

BILL #250... An act to repeal and re-enact section 13985.25 of the Government Code of Guam, relating to damage or destruction of historic sites in the territory of Guam.

BILL #134... An act to Add Chapter 4 to title XLVI of the Government Code of Guam to establish an Apprenticeship Training Program and the creation of an Apprenticeship Council.

4 P.M.

————— **OVERSIGHT HEARING** —————

GUAM YOUTH CONGRESS

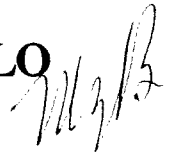
JAN 04 '93

**TWENTY SECOND GUAM LEGISLATURE
1993 (FIRST) REGULAR SESSION**

BILL NO. 95 (LS)

INTRODUCED BY:

M. Z. BORDALLO



**"AN ACT RELATIVE TO MANDATING THAT ANY
AND ALL GOVERNMENT BUILDINGS AND
STRUCTURES CONSTRUCTED HEREON SHALL
HAVE A RESEMBLANCE OF HISTORICAL
CHAMORRO ART OR GUAM HISTORY."**

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

Section 1. Legislative Intent.

The Guam Legislature is aware of the ever-increasing number of government buildings and structures being constructed or renovated which have very few resemblance of historical Chamorro structural artistry. Thus, in order to continue the preservation and enhancement of the Chamorro culture, the Guam Legislature recognizes the need to insure that government buildings constructed hereon contain some representation of Chamorro artistry or Guam history. Such historical resemblance on the physical structure of government buildings would enhance the unique beauty of Guam, as well as improve the appearance and image of the island as a tourist destination.

1 **Section 2. Chamorro Artistry or Guam History**
2 **Resemblance in Government Buildings and Structures.**

3 All new Government of Guam buildings and structures
4 hereby constructed shall contain a minimum of 3% Guam
5 history or Chamorro structural artistry. Such artistry may be
6 constructed on the internal or external physical structure of the
7 building. These artistical features may be of the main structure
8 or may be separated from the main structure.

9
10 In complying with the provision of this Section, the affected
11 government agency shall consult with the Guam Council on the
12 Arts and Humanities Agency on the various types of Chamorro
13 or Guam artistic structural applications.

14
15 **Section 3. Exceptions to Applicability.**

16 Any exceptions for compliance with this mandate may be
17 granted by the Governor of Guam and must be based on
18 reasonable justification. Any Government of Guam construction
19 projects which have commenced prior to the implementation of
20 this Act may be exempted from the provisions of Section 2.

21
22 **Section 4. Effective Date.**

23 The provisions of this Act shall become effective
24 immediately.