



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary
JUL 08 1999

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 7/8/99
Time: 2:14
Rec'd by: [Signature]
Print Name: B. F. [Signature]
0525/99-0209

The Honorable Antonio R. Unpingco
Speaker
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By: [Signature]
Time: 11:31am
Date: 7.9.99

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 56 (COR), "AN ACT TO CREATE THE 'DIPATTAMENTON I KAHAO GUINAHAN CHAMORRO,' OR 'DEPARTMENT OF CHAMORRO AFFAIRS'", which I have signed into law today as Public Law No. 25-69.

This legislation gathers together the various departments, agencies, divisions, and programs within the government of Guam which have, as their mission, the preservation, promotion, and enhancement of the cultural traditions and practices of our island.

The new "Dipattamenton i Kaohao Guinahan Chamorro" will give impetus to what is truly Guam, the Chamorro culture, and the many other cultures which have joined in to make Guam unique.

The legislation was originally transmitted by the Executive to i Liheslatura, the Legislature, as a proposal to create the "Chamorro Heritage Institute". The original bill was a design for an autonomous agency, with 5 subdivisions focusing on now-existing and separated programs. The legislation, as passed, changed the name of this new autonomous agency, and deleted some essential transitional matters. Hopefully, these can be revisited in the dialogue between the transition team and i Liheslatura.

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Speaker/SB56/PL25 9
July, 1999 - Page 2

I am delighted to be the Guam Governor who signs this legislation into law. I want to thank, especially, the members of the Chamorro Heritage Institute Planning Council, headed by Dr. Katherine Aguon, for their dedication and hard work in the drafting of the legislation, in assisting in the floor discussion, and interacting with the legislature during the passage of the bill. I also commend i Liheslatura for the considerable time and attention that was paid to the creation of this most important endeavor in our government. Our culture is our identity and our pride; a most valuable social and economic asset.

Very truly yours,



Carl T. C. Gutierrez
I Maga'lahañ Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
 original attached for vetoed bill

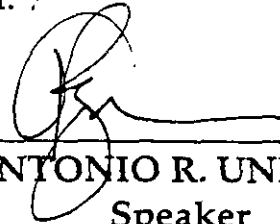
cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

00361

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

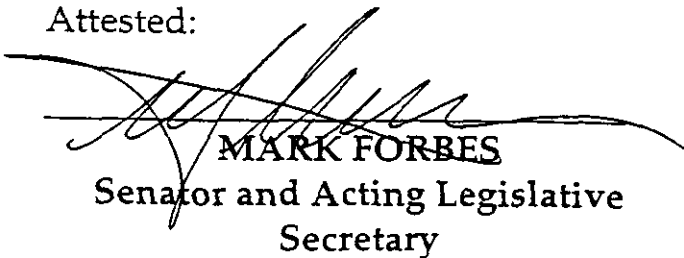
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 56 (COR), "AN ACT TO ADD CHAPTER 87 TO DIVISION 8, PART 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED AND TO CHANGE OTHER RELATED SECTIONS OF THE LAW, RELATIVE TO CREATING THE "DIPATTAMENTON I KAOHAO GUINAHAN CHAMORRO" OR "DEPARTMENT OF CHAMORRO AFFAIRS," was on the 22nd day of June, 1999, duly and regularly passed.



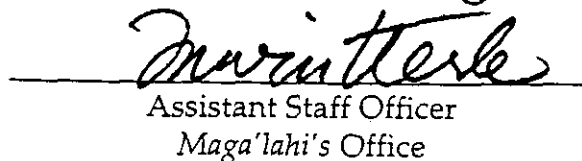
ANTONIO R. UNPINGCO
Speaker

Attested:



MARK FORBES
Senator and Acting Legislative
Secretary

.....
This Act was received by *I Maga'lahaen Guahan* this 6th day of July, 1999,
at 2:50 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 7-8-99

Public Law No. 25-69

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 56 (COR)

As substituted and amended
on the Floor.

Introduced by:

Mark Forbes
A. C. Lamorena, V
C. A. Leon Guerrero
L. F. Kasperbauer
E. B. Calvo
S. A. Sanchez, II
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
M. G. Camacho
K. S. Moylan
V. C. Pangelinan
J. C. Salas
A. R. Unpingco

**AN ACT TO ADD CHAPTER 87 TO DIVISION 8, PART
3 OF TITLE 5 OF THE GUAM CODE ANNOTATED
AND TO CHANGE OTHER RELATED SECTIONS OF
THE LAW, RELATIVE TO CREATING THE
"DIPÅTTAMENTON I KAOHAO GUINAHAN
CHAMORRO" OR "DEPARTMENT OF CHAMORRO
AFFAIRS."**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Creation of Department of Chamorro Affairs. Chapter 87
3 is hereby added to Division 8, Part 3 of Title 5 of the Guam Code Annotated to
4 read as follows:

5 "CHAPTER 87.

6 *Dipattamenton I Kaohao Guinahan Chamorro.*

7 (Department of Chamorro Affairs)

8 Section 87101. Creation; *Dipattamenton I Kaohao Guinahan*
9 *Chamorro*, or Department of Chamorro Affairs. There is created a non-
10 stock, non-profit public corporation to be known as the '*Dipattamenton I*
11 *Kaohao Guinahan Chamorro*' or 'Department of Chamorro Affairs'
12 ('Corporation') with functions, powers and responsibilities as provided in
13 this Chapter.

14 Section 87102. Principal Offices. The principal office of the
15 Corporation shall be located on Guam, and the Corporation is deemed to
16 be a resident of Guam.

17 Section 87103. Purposes and Authorized Activities of the
18 Corporation; General. The purpose and authorized activities of the
19 Corporation are to assist in the implementation of an integrated program
20 for the preservation, development and promotion of the Chamorro
21 Heritage of Guam, for the public benefit and to provide specific services to
22 the Chamorro people. It is intended that this Corporation be a catalyst in
23 the preservation, development and promotion of language, arts,
24 humanities, historic and cultural preservation, research, restoration,

1 presentation, museum activities and support programs significant to
2 Guam's history and culture, and to enhance the future of the Chamorro
3 people of Guam. It is a further purpose of this Chapter to enable the
4 Corporation to aid private enterprise without unfairly competing with it in
5 the expansion of cultural and historical resources for Guam.

6 (a) **Specific.** The Corporation has the following specific
7 purposes and is authorized to:

8 (i) conduct, or cause to be conducted, research and
9 investigation into natural, cultural, medicinal and historic
10 resources, and to publicize the results of these activities as
11 deemed necessary;

12 (ii) *except* as specifically prohibited in this Chapter,
13 make loans to any person, firm, partnership or corporation
14 licensed to do business on Guam in furtherance of the purposes
15 and activities stated in this Chapter (All loans made shall be of
16 sound value or secured to reasonably assure repayment. Each
17 loan made by the Corporation may be sold to a commercial
18 lending institution for a sum *not* less than the principal balance
19 of the loan, and the proceeds of the loan shall be returned to the
20 capital fund of the Corporation, *subject* to the terms specified in
21 a resolution of the Board of Trustees of the Corporation. Each
22 loan made by the Corporation shall include, wherever possible,
23 an option on the part of the Corporation to convert up to fifty
24 percent (50%) of the total loan into equity.);

1 (iii) enter into contracts to provide grants or loans to
2 individuals, organizations or institutions, whether public or
3 private, which are engaged in projects or programs related to
4 language, culture, history, arts and humanities;

5 (iv) receive and administer grants in furtherance of the
6 preservation, promotion and development of Chamorro
7 heritage and culture;

8 (v) obtain land belonging to the government of Guam
9 as required to carry out its purposes and objectives, under the
10 terms and tenure that *I Liheslaturan Guåhan*, by appropriate
11 legislation, prescribes;

12 (vi) make direct loans to any person, firm, corporation
13 or governmental entity on residential real property for
14 purposes of restoration and historical site development; *and*

15 (vii) accept loans of cultural or intellectual properties on
16 a custodial basis from individuals, families, organizations or
17 institutions with terms and conditions to be agreed upon by all
18 parties concerned.

19 **Section 87104. General Powers; Termination Date.** The
20 Corporation has, and may exercise, the following general powers in
21 carrying out the purposes of this Chapter:

22 (a) to have perpetual succession, *unless* sooner terminated by
23 law;

1 (b) to adopt, alter and use a corporate seal, which shall be
2 judicially noticed;

3 (c) to adopt, amend and repeal bylaws and other rules,
4 regulations and directives governing the conduct of its business and
5 the performance of the powers and duties granted to or imposed
6 upon it by law according to the Administrative Adjudication Law;

7 (d) to sue and to be sued in its corporate name;

8 (e) to determine the character of, and the necessity for its
9 obligations and expenditures and the manner in which they shall be
10 incurred, allowed and paid;

11 (f) to acquire, in any lawful manner, any real property, and
12 to hold, maintain, use and operate the same; and to sell, lease,
13 encumber or otherwise dispose of the same, whenever any of the
14 foregoing transactions are deemed necessary or appropriate to the
15 conduct of the activities authorized by this Chapter, and on the terms
16 prescribed by the Corporation; to prepare or cause to be prepared all
17 plans and specifications for capital construction of the Corporation's
18 facilities in consultation with the respective Divisions and their
19 boards, *except* that in no way shall this be construed as providing to
20 the Corporation any powers of eminent domain;

21 (g) to acquire by purchase, lease or gift any property or any
22 interest in property that has been determined by the Corporation to
23 preserve and protect the Chamorro heritage when the property is
24 found by the Corporation to be important for public ownership or is

1 in danger of being sold, used or neglected to the extent that its
2 historical or cultural importance will be destroyed or seriously
3 impaired, or that the property is otherwise in danger of destruction
4 or serious impairment. In the case of real property, the interest
5 acquired shall be limited to that estate, agency, interest or term
6 deemed by the Corporation to be reasonably necessary for the
7 continued protection or preservation of the property. The
8 Corporation may acquire the fee simple title, but where it finds that a
9 lesser interest, including any development right, negative or
10 affirmative easement in gross or appurtenant covenant, lease or other
11 contractual right of or to any real property, to be the most practical
12 and economical method of protecting and preserving the historical or
13 culturally important property, the lesser interest may be acquired,
14 *except* that this shall *not* be construed as giving the Corporation any
15 powers of eminent domain;

16 (h) to enter into and perform contracts, leases, cooperative
17 agreements or other transactions with any agency or instrumentality
18 of the United States of America, or with any State, territory,
19 possession, or any political subdivision of the United States or of any
20 other Nation, or with any person, firm, association or corporation,
21 which is deemed necessary or appropriate to the conduct of the
22 activities authorized by this Chapter, and on the terms prescribed by
23 the Corporation;

1 (i) to execute all instruments necessary or appropriate in the
2 exercise of any of its functions;

3 (j) to employ persons to provide professional, clerical and
4 technical assistance necessary for the conduct of the business of the
5 Corporation; to delegate to them the powers and to prescribe for
6 them the duties deemed appropriate by the Corporation; to fix and
7 pay compensation to them for their services as the Corporation may
8 determine in accordance with the provisions of the personnel and
9 compensation law; to require bonds from those that the Corporation
10 may designate, the premiums to be paid by the Corporation; *and* to
11 remove and discharge employees and other clerical and technical
12 assistance, pursuant to the provisions of the personnel regulations
13 adopted under §§4105 and 4106 of Title 4 of the Guam Code
14 Annotated;

15 (k) to accept monetary or in-kind gifts or donations of
16 services, or of property, whether real, personal or mixed, and
17 whether tangible or intangible, in aid of any of the activities
18 authorized by this Chapter. All donations to the Corporation and
19 any of its programs and units, associations, subsidiaries, affiliates,
20 but *not* limited to the same, shall be tax-deductible to the donors in
21 the same manner and extent that donations to charitable or
22 educational non-profit organizations are deductible as provided by
23 law;

1 (l) in accordance with Chapter 5 of Title 5 of the Guam Code
2 Annotated, *Guam Procurement Law*, to construct, equip, operate and
3 maintain buildings, works, forms, fisheries and other facilities,
4 including all equipment, supplies and machinery incident thereto;

5 (m) to form or cause to be formed, to promote, to aid and to
6 invest in any manner within its means in the promotion of any
7 corporation or other association, and to cause or participate in the
8 merger, consolidation, reorganization, liquidation or dissolution of
9 any corporation or association in which, or in the business of which,
10 the Corporation has a direct or indirect interest;

11 (n) to settle and adjust claims held by the Corporation
12 against other persons or parties, and by other persons or parties
13 against the Corporation;

14 (o) to borrow funds required to finance revenue-producing
15 projects *subject* to legislative approval, and to dedicate revenue
16 derived from the projects for the repayment of loans;

17 (p) to work closely with the Guam Economic Development
18 Authority, Guam Visitors Bureau, all educational and religious
19 institutions on Guam, public and private organizations, both on and
20 off-Island, and other appropriate agencies to maximize the public
21 benefits and opportunities which enhance the purposes of the
22 Corporation;

23 (q) the Corporation shall submit to *I Liheslaturan Guåhan*,
24 through *I Maga'lahaen Guåhan*, from time-to-time, legislation that it

1 deems necessary to expeditiously and effectively foster desirable
2 projects and facilities authorized by this Chapter;

3 (r) to endorse, guarantee and secure the payment and
4 satisfaction of bonds, coupons, mortgages, deeds of trust, debentures,
5 obligations, evidences of indebtedness and shares of stock of other
6 corporations, as far as and to the extent that it is necessary and
7 appropriate to carry out the Corporation's authorized and
8 permissible activities under its powers and functions, *subject* to
9 legislative approval;

10 (s) to negotiate agreements for the construction of tourist
11 attractions depicting the historical and cultural development of the
12 Chamorro people. Revenues collected by any tourist attraction
13 facility may be pledged for repayment of the loan, *subject* to
14 legislative approval;

15 (t) to acquire in accordance with Chapter 5 of Title 5, Guam
16 Code Annotated, *Guam Procurement Law*, any tangible personal
17 property, and to hold, maintain, use and operate the same; and to
18 sell, lease, encumber or otherwise dispose of the same, whenever any
19 of these transactions are deemed necessary or appropriate to the
20 conduct of the activities authorized by this Chapter, and on the terms
21 that are prescribed by the Corporation;

22 (u) to acquire, in any lawful manner, any intangible personal
23 property, and to hold, maintain, use and operate the same; and to
24 sell, encumber or otherwise dispose of the same, whenever any of the

1 foregoing transactions are deemed necessary or appropriate to the
2 conduct of the activities authorized by this Chapter, and on the terms
3 that are prescribed by the Corporation;

4 (v) upon request by the Board of Trustees, *I Maga'lahaen*
5 *Guåhan*, only with the consent of *I Liheslaturan Guåhan*, may convey in
6 fee simple tracts of government-owned land, to the Corporation,
7 suitable for development of tourist facilities in accordance with this
8 Chapter. *If* the government does *not* own tracts suitable for these
9 purposes, *I Maga'lahaen Guåhan* may negotiate with the Chamorro
10 Land Trust or with private landowners for the acquisition of suitable
11 property; provided that, *if necessary*, funds have been appropriated
12 for the acquisition;

13 (w) to formulate and develop standards and procedural
14 requirements with regard to the development, promotion and
15 preservation of the Chamorro language and culture with all relevant
16 institutions and programs;

17 (x) to establish a joint appointment program with Guam
18 colleges and universities in the teaching of Chamorro language,
19 culture and history; and further, to establish reciprocal relationships
20 with other institutions; *and*

21 (y) to take custody and preserve any underwater historic and
22 cultural property in accordance with §87146, *Underwater Historic and*
23 *Cultural Property*, of this Chapter.

1 **Section 87105. Board of Trustees.** (a) All functions and
2 powers of the Corporation shall be vested in and be exercised by and under
3 the direction of a Board of Trustees ('Trustees'), composed of nine (9)
4 members. The Trustees shall be U.S. citizens and residents of Guam and no
5 less than five (5), or fifty percent (50%) of the members of the governing
6 body, must be Chamorro, defined as residents of the Marianas Islands as of
7 1898, or descendants thereof. Trustees shall be appointed who possess the
8 qualities, knowledge, experience and diversified ability necessary to
9 pursue effectively the programs of the Corporation. The Chairperson shall
10 be a Trustee and shall be elected by a majority of the Trustees.

11 (b) *I Maga'lahaen Guåhan* shall appoint the Trustees of the
12 Corporation, which shall be comprised of representatives in each of the
13 field of business, history or archaeology, tourism, economics or finance,
14 Chamorro language and culture, arts and three (3) members at large.

15 (c) The *initial* appointment for four (4) of the nine (9) members
16 shall be for two (2) year terms, thereafter becoming four (4) year terms; and
17 the remaining five (5) members shall have *initial* and *subsequent* four (4)
18 year terms.

19 (d) Five (5) Trustees constitute a quorum, and five (5) affirmative
20 votes are required for the transaction of all business. The Trustees shall
21 meet in regular session at least once each month and in special session as
22 the Chair may deem necessary. All meetings of the Trustees are open to
23 the public, as provided by law.

1 (e) Each Trustee shall receive Fifty Dollars (\$50.00) for attendance
2 at any meeting of the Trustees, but this stipend shall *not* apply to more than
3 two (2) meetings in any one (1) calendar month. No member shall receive
4 any other compensation, but shall be reimbursed for actual travel,
5 subsistence and out-of-pocket expenses incurred in the discharge of
6 responsibilities, including authorized attendance at meetings held off-
7 Island, *subject* to the prior approval of the Board of Trustees.

8 **Section 87106. *Mās Ge'Hilo'* or President.** (a) *I Mās Ge'Hilo'*
9 shall come from a pool of qualified candidates, who shall possess the
10 following qualifications: a local resident with demonstrated knowledge of
11 Chamorro language, culture and history; formal education; and
12 administrative experience, and shall be appointed by the Board of Trustees.
13 The *Mās Ge'Hilo'* shall be directly responsible to the Trustees for the day-to-
14 day operations of the Corporation and shall administer its programs and
15 policies. The *Mās Ge'Hilo'* shall be an *ex-officio* member of the Board of
16 Trustees, without the right to vote, and shall serve at the pleasure of the
17 Trustees, *unless* sooner terminated by the Trustees.

18 (b) **Salary and Expenses.** The *Mās Ge'Hilo'* shall be paid a salary
19 and other allowances and benefits established by the Civil Service
20 Commission.

21 **Section 87107. Corporate Use of Funds.** (a) The Corporation
22 is authorized to use its funds, from whatever source derived, in the exercise
23 of its corporate powers and functions, *subject* to the requirements of the
24 funding source.

1 (b) The Corporation shall contribute to, or as authorized by
2 Legislative appropriation, provide for the government's share of the costs
3 of retirement benefits applicable to the Corporation's employees and their
4 beneficiaries. The Corporation shall provide Workers' Compensation
5 coverage for its employees.

6 **Section 87108. Appropriation Authorized.** There is
7 authorized to be appropriated to the Corporation, from time-to-time, funds
8 necessary to enable the Corporation to accomplish the purposes of this
9 Chapter.

10 **Section 87109. Sources of Funds.** The sources of funding for
11 the Corporation and its various Divisions shall consist of the same sources
12 designated in previous law for, or available to, the commissions, agencies
13 and departmental divisions that are subsumed into the *Dipattamenton I*
14 *Kaohao Guinahan Chamorro*, or Department of Chamorro Affairs.

15 **Section 87110. Donations.** All donations to the Corporation
16 and any or all of its programs and units, associations, subsidiaries,
17 affiliates, but *not* limited to the same, shall be tax-deductible to the donors
18 in the same manner and to the same extent that donations to charitable or
19 educational non-profit organizations are deductible as referred to in the
20 provisions of §501(c)3 of the U.S. Internal Revenue Code.

21 **Section 87111. Annual Report and Audits.** The Corporation
22 shall submit to *I Maga'lahen Guahan* and *I Liheslaturan Guahan* a detailed
23 annual report of activities and an audited, annual financial report. For this
24 purpose, the Corporation shall contract for independent auditing services.

1 It shall also submit to *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan* other
2 special reports as each may require from time-to-time. The Corporation's
3 books shall likewise be subject to annual legislative audit as prescribed by
4 law, and shall be open for public inspection by the public pursuant to the
5 Sunshine Reform Act.

6 **Section 87112. Utilization of Governmental Agencies and**
7 **Instrumentalities.** The services and facilities of agencies and
8 instrumentalities of the Federal Government and of the government of
9 Guam, to the extent allowed by law, may be made available to the
10 Corporation in the exercise of its functions.

11 **Section 87113. Rules and Regulations.** The Corporation shall
12 review and revise existing standard operating procedures and create rules
13 and regulations for the Corporation regarding the functions and operations
14 of the Corporation, according to the provisions of the Administrative
15 Adjudication Law.

16 **Section 87114. Fiduciary Duties.** The Corporation, through
17 the Board of Trustees, shall establish the fiduciary duties that are
18 appropriate and necessary for each of the various Divisions of the
19 Corporation.

20 **Section 87115. Amendments.** Any subsequent changes and
21 additions in the rules and regulations shall be made in accordance with
22 provisions of the Administrative Adjudication Law.

1 **Section 87116. Chapter to be Liberally Construed.** This
2 Chapter shall be construed liberally so far as may be necessary for the
3 purpose of effecting its general intent.

4 **Section 87117. Severability.** In the event that any article,
5 section, subsection, sentence, clause or phrase of this Chapter shall be
6 declared or adjudged invalid, a nullity or unconstitutional, such
7 adjudication shall in no manner affect the force and validity of the other
8 articles, sections, subsections, sentences, clauses or phrases of this Chapter
9 *not* so declared or adjudged, and which shall remain in full force and valid.

10 **Section 87118. Indemnification.** The Corporation shall
11 indemnify any Trustee, Administrator, officer, staff person, or former
12 Trustee, Administrator, officer or staff person who may have served at its
13 request as a Trustee, Administrator or officer of the Corporation, in whole
14 or in part, in connection in the defense of any action, suit, proceedings, civil
15 or criminal, in which the person is made a party by reason of affiliation,
16 with the Corporation, *except* in relation to matters as to which the person is
17 adjudged in the action, suit or proceeding to be liable for negligence or
18 criminal misconduct in the performance of duty to the Corporation; and, to
19 make other indemnification that is authorized by the Articles of
20 Incorporation, Bylaws or resolutions adopted after notice by Trustees
21 entitled to vote.

22 **Section 87119. Conflict of Interest.** While serving in office, and
23 for a period of one (1) year after leaving office, no individual member of
24 the Trustees or the Divisions' Boards, no employee, no member of its

1 committees, subcommittees, panels or advisory groups shall be eligible to
2 receive in that person's name a grant, loan or other form of assistance from
3 the *Dipâttamenton I Kaohao Guinahan Chamorro*, or any related or
4 administered program.

5 **Section 87120. Property of the Corporation.** Any property
6 acquired, developed or produced in the name of the Corporation, whether
7 physical or intellectual, and whether tangible or intangible, shall remain
8 with the Corporation, including, but *not* limited to, copyrights, patents and
9 trademarks.

10 **Section 87121. *Segundo/a Mâs Ge'Hilo'* or Vice-President.** (a)

11 The Trustees shall appoint a *Segundo/a Mâs Ge'Hilo'* from a pool of
12 qualified candidates, who shall possess the following minimum
13 qualifications: a local resident with a bachelor's degree in Business
14 Administration/Management or Finance/Economics, experience as a
15 manager in the area of business or financial administration and with the
16 knowledge and ability to manage diverse work units, oversee day-to-day
17 activities, and understand property and fiscal management concepts and
18 human resources management. The *Segundo/a Mâs Ge'Hilo'* shall be under
19 the direct supervision of the *Mâs Ge'Hilo'* and shall be responsible for the
20 operations of the *Ufisinan Minaneha* and may perform the duties of
21 Comptroller of the Corporation.

22 **(b) Salary and Expenses.** The *Segundo/a Mâs Ge'Hilo'* shall be paid
23 a salary and other allowances and benefits as established by the Civil
24 Service Commission.

1 **Section 87122. Transfer of Staff and Inventories.** Upon
2 enactment of this Chapter, the funds, book inventories, assets, equipment
3 and personnel, including the Acting Executive Director and previously
4 mandated positions assigned to the Chamorro Heritage Institute Planning
5 Group shall be transferred to *Inaligao, Tinige' Yan Fina'na'gue'* to enable it to
6 carry out its functions.

7 **Section 87123. Kottura Board of Advisors. (a) Composition.**

8 There is within the Corporation a *Kottura* Board of Advisors.
9 The *Kottura* Board of Advisors shall consist of five (5) members
10 appointed by *I Maga'lahen Guåhan*, subject to the advice and consent
11 of *I Liheslaturan Guåhan*, one (1) of whom may be a *Saina*
12 representative, and one (1) of whom may be a *Manhoben*
13 representative.

14 **(b) Term.** Members of the *Kottura* Board shall serve a
15 term of four (4) years, commencing with the date of appointment and
16 until their successors are appointed and qualified. When a vacancy
17 occurs, it shall be filled by appointment of *I Maga'lahen Guåhan* for
18 the remainder of the vacating member's term, with the advice and
19 consent of *I Liheslaturan Guåhan*. Members serve at the pleasure of *I*
20 *Maga'lahen Guåhan* and work directly with the Board of Trustees

21 **(c) Qualifications.** Members of the *Kottura* Board shall be
22 residents of Guam, must be demonstrated speakers or writers of the
23 Chamorro language.

1 **(d) Meetings.** The *Kottura* Board of Advisors shall meet in
2 regular session at least once a month and in special session as the
3 Chairperson may deem necessary. The Chairperson shall be counted
4 for a quorum. Three (3) members shall constitute a quorum, and
5 three (3) affirmative votes are required for the transaction of all
6 business. All meetings of the *Kottura* Board shall be open to the
7 public as provided by law.

8 **(e) Officers.** The *Kottura* Board shall annually elect from
9 among its members a Chairperson and Vice-Chairperson. The
10 Chairperson of the *Kottura* Board shall preside at all meetings, act as
11 the spokesperson and perform other duties as directed by the *Kottura*
12 Board. The Vice-Chairperson shall succeed to the duties of the
13 Chairperson in the absence or inability of the Chairperson. From
14 among its members, the *Kottura* Board may select a Secretary and any
15 other officers, which the Board may deem necessary, to serve on an
16 annual basis.

17 **(f) Compensation.** Each member shall receive Fifty Dollars
18 (\$50.00) for attendance at any meeting of the *Kottura* Board, but this
19 stipend shall *not* apply to more than two (2) meetings in any one (1)
20 calendar month. No member shall receive any other compensation,
21 but shall be reimbursed for actual travel, subsistence and out-of-
22 pocket expenses incurred in the discharge of responsibilities,
23 including authorized attendance at meetings held off-Island, *subject*
24 to the *prior* approval of the *Kottura* Board.

1 **Section 87124. Kottura Board Duties.** The *Kottura* Board
2 shall serve in an advisory capacity to the Trustees and shall:

3 (a) recommend for removal of *Kottura* Board members who
4 fail to comply with their responsibilities as *Kottura* Board members;

5 (b) continue to study and update the orthographic rules of
6 the Chamorro language and to update the Chamorro-
7 English/English-Chamorro dictionary;

8 (c) serve as the '*Kumision I Nâ'an Lugât*', or Guam Place
9 Name Commission, as previously referenced in §13999.1 of the
10 Government Code;

11 (d) develop and implement a coherent, culturally sound and
12 historically accurate set of criteria for selecting place names;

13 (e) restore to the maximum extent feasible the ancient
14 Chamorro pronunciation of place names, consistent with the
15 established orthography;

16 (f) cooperate with the Guam Land Use Commission, the
17 Chamorro Land Trust Commission, the Department of Education, the
18 University of Guam, other *Dipâttamenton I Kaohao Guinahan Chamorro*
19 Divisions, and with civil and religious organizations interested in
20 providing appropriate place names for Guam;

21 (g) report to the Trustees by annual report within sixty (60)
22 days at the end of each fiscal year, and upon request of the Trustees,
23 present special reports within thirty (30) days of the request;

1 (h) perform general reviews and evaluations of *Kottura's*
2 programs; *and*

3 (i) do any and all things necessary to the full and convenient
4 exercise of the above duties in accordance with this Article, or as
5 designated by the Trustees.

6 **Section 87125. Kottura Fund.** There is established a Fund,
7 known as the '*Kottura Fund*,' which the Trustees shall maintain separate
8 and apart from other funds of the Corporation, the records of which shall
9 be kept and maintained by the Trustees. All monies received by Kottura
10 from sources other than government appropriation shall be deposited in
11 the Kottura Fund for Kottura purposes.

12 **Section 87126. *Dibision Inaligao, Tinige', Yan Fina'nã'gue* Board**
13 **of Advisors. (a) Composition.** There is within the
14 Corporation a *Dibision Inaligao, Tinige', Yan Fina'nã'gue* Board of
15 Advisors. The *Dibision Inaligao, Tinige', Yan Fina'nã'gue* Board of
16 Advisors shall consist of five (5) members appointed by *I Maga'lahren*
17 *Guãhan*, with the advice and consent of *I Liheslaturan Guãhan*, one (1)
18 of whom may be a *Saina* representative, and one (1) of whom may be
19 a *Manhoben* representative.

20 **(b) Term.** Members of *Dibision Inaligao, Tinige', Yan*
21 *Fina'nã'gue* Board of Advisors shall serve a term of four (4) years,
22 commencing with the date of appointment and until their successors
23 are appointed and qualified. When a vacancy occurs, it shall be filled
24 by appointment of *I Maga'lahren Guãhan* for the remainder of the

1 vacating member's term, with the advice and consent of *I Liheslaturan*
2 *Guåhan*. Members serve at the pleasure of *I Maga'lahen Guåhan* and
3 work directly with the Board of Trustees.

4 (c) **Qualifications.** Members of the *Dibision Inaligao, Tinige',*
5 *Yan Fina'nå'gue* Advisory Board shall be residents of Guam, must be
6 demonstrated speakers or writers of the Chamorro language, or
7 knowledgeable in research and publications.

8 (d) **Meetings.** The *Dibision Inaligao, Tinige', Yan Fina'nå'gue*
9 Board of Advisors shall meet in regular session at least once a month
10 and in special session as the Chairperson may deem necessary. The
11 Chairperson shall be counted for a quorum. Three (3) members shall
12 constitute a quorum, and three (3) affirmative votes are required for
13 the transaction of all business. All meetings of the *Dibision Inaligao,*
14 *Tinige', Yan Fina'nå'gue* Advisory Board shall be open to the public as
15 provided by law.

16 (e) **Officers.** The *Dibision Inaligao, Tinige', Yan Fina'nå'gue*
17 Advisory Board shall annually elect from among its members a
18 Chairperson and Vice-Chairperson. The Chairperson of the *Dibision*
19 *Inaligao, Tinige', Yan Fina'nå'gue* Advisory Board shall preside at all
20 meetings, act as spokesperson and perform other duties as the
21 *Dibision Inaligao, Tinige', Yan Fina'nå'gue* Advisory Board shall direct.
22 The Vice-Chairperson shall succeed to the duties of the Chairperson
23 in the absence or inability of the Chairperson. From among its
24 members, the *Dibision Inaligao, Tinige', Yan Fina'nå'gue* Advisory

1 Board may select a secretary and any other officers, which the
2 Advisory Board may deem necessary, to serve on an annual basis.

3 (f) **Compensation.** Each member shall receive Fifty Dollars
4 (\$50.00) for attendance at any meeting of the *Dibision Inaligao, Tinige'*,
5 *Yan Fina'na'gue* Advisory Board, but this stipend shall *not* apply to
6 more than two (2) meetings in any one (1) calendar month. No
7 member shall receive any other compensation, but shall be
8 reimbursed for actual travel, subsistence and out of pocket expenses
9 incurred in the discharge of responsibilities, including authorized
10 attendance at meetings held off-Island, subject to the prior approval
11 of the *Dibision Inaligao, Tinige'*, *Yan Fina'na'gue* Advisory Board.

12 (g) **Definitions.** As used in this Article, *unless* otherwise
13 indicated:

14 (i) '*Inaligao, Tinige' Yan Fina'na'gue'* ' means the
15 *Dibision Inaligao, Tinige'*, *Yan Fina'na'gue'* or Research,
16 Publications and Training Division;

17 (ii) '*Atmenestrادت/dora Inaligao, Tinige' Yan*
18 *Fina'na'gue'* means the person employed by the Trustees and
19 directed to supervise the administration of the *Dibision Inaligao,*
20 *Tinige' Yan Fina'na'gue'*.

21 (h) **Purpose.** The purpose of the *Inaligao, Tinige' Yan*
22 *Fina'na'gue'* is to develop articulated curriculum and course text for
23 mandated courses in Guam's schools and institutions of higher
24 learning related to Guam's history, language and culture. The

1 *Inaligao, Tinige' Yan Fina'na'gue'* shall conduct research, publish, and
2 produce multi-media and print materials relating to the Chamorro
3 heritage. *Inaligao, Tinige' Yan Fina'na'gue'* shall provide training to
4 promote increased understanding of Chamorro Heritage.

5 **Section 87127. *Atmenestrادت/dora Inaligao, Tinige' Yan***
6 ***Fina'na'gue'*.** The *Atmenestrادت/dora Inaligao, Tinige' Yan Fina'na'gue'*
7 shall be the Division Administrator and shall perform the administrative
8 functions of *Inaligao, Tinige' Yan Fina'na'gue'* that are directed by the *Más*
9 *Ge'Hilo'* of the Corporation. The *Atmenestrادت/dora Inaligao, Tinige' Yan*
10 *Fina'na'gue'* is responsible for *Inaligao, Tinige' Yan Fina'na'gue'* operations
11 and programs.

12 The *Atmenestrادت/dora Inaligao, Tinige' Yan Fina'na'gue'* shall meet the
13 following qualifications: a local resident with advanced knowledge of
14 Chamorro language, culture and history; formal education and experience
15 in research and publications or other requirements as set forth by the
16 Trustees.

17 **Section 87128. Research and Publication Fund.** (a) There
18 is established a fund known as the 'Research and Publication Fund,'
19 which shall be maintained separate and apart from other funds of the
20 Corporation, the records of which shall be kept and maintained by
21 the *Salâppe'* of the *Ufisinan Minaneha*. The Research and Publications
22 Fund is under the general cognizance of the Trustees, which shall
23 manage and use it for the *Inaligao, Tinige' Yan Fina'na'gue'* purposes
24 as provided in this Article;

1 (b) All income generated by the sales of publications and
2 other products and money received from sources other than
3 government appropriation shall be deposited in a revolving account
4 to be used by *Inaligao, Tinige' Yan Fina'na'gue'* in carrying out its
5 functions;

6 (c) Except as otherwise provided by law, all non-
7 appropriated expenditures of the *Inaligao, Tinige' Yan Fina'na'gue'*,
8 shall be made from the Research and Publications Fund.

9 **Section 87129. Transfer of Staff and Inventories.** Upon
10 enactment of this Chapter, the funds, book inventories, assets, equipment
11 and personnel, including the Acting Executive Director and previously
12 mandated positions assigned to the Department of Chamorro Affairs
13 Planning Group, shall be transferred to *Inaligao, Tinige' Yan Fina'na'gue'* to
14 enable it to carry out its functions.

15 **Section 87130. *Sagan Rikuetdon Guahån.*** (a) There is
16 established the '*Sagan Rikuetdon Guahån*' or 'Guam Archives' ('*Sagan*
17 *Rikuetdo*') as a Program Division within the Corporation. *Sagan Rikuetdo* is
18 the official depository for all government publications including any
19 printed or processed paper, book, periodical, pamphlet or map, originating
20 in, or printed with the imprint of, or at the expense and by the authority of
21 the government of Guam. *Sagan Rikuetdo* is the official depository of those
22 public records and other papers *not* in current use by the Executive,
23 Judicial and Legislative Branches of the government of Guam and have
24 been determined by *Sagan Rikuetdo* to have sufficient legal, historical or

1 other value to warrant their continued preservation by the government of
2 Guam. *Sagan Rikuetdo* shall also be the custodian of non-governmental
3 historical records that contain significant information about the past or
4 present, and are therefore worthy of long-term preservation and systematic
5 management for historical or other research purposes.

6 (b) **Definitions.** As used in this Article, *unless* otherwise
7 indicated:

8 (i) '*Sagan Rikuetdo*' means the *Sagan Rikuetdon Guahån*
9 or the Guam Archives;

10 (ii) '*Guam Archivist*' means the person employed and
11 directed by *Mås Ge'Hilo*' to administer the Guam Archives as its
12 *Atmenestrado/dora*;

13 (iii) '*Governmental Publications*' means all print or non-
14 print materials produced and disseminated by any government
15 entity;

16 (iv) '*Government Records*' means public records,
17 including, all vital statistics (births and deaths), marriage
18 records, deeds, probate records, court records, departmental
19 records, gubernatorial papers, letters, maps, books,
20 photographs, administrative files, sound recordings, magnetic
21 or other tapes, electronic data processing records, computer
22 memory, electronic government information products, or
23 documentary materials, regardless of physical form or
24 characteristics, made or received pursuant to law, rule or

1 regulation, in connection with the transaction of official
2 business by an agency or officer of government; *and*

3 (v) '*Significant Non-Governmental Records*' means
4 diaries, memoirs, correspondence, church records, Bible
5 records, cemetery records, business records, and organizational
6 and institutional records.

7 (c) **Purpose.** In cooperation with libraries, museums,
8 historical societies, government agencies, genealogical societies,
9 businesses and citizens, the purpose of *Sagan Rikuetdo* is to insure the
10 retention and preservation of our documentary heritage. As the
11 official repository and custodian of historical government and non-
12 government records of Guam, *Sagan Rikuetdo* is mandated to acquire,
13 preserve and make available for public use, records relating to the
14 cultural and documentary heritage of Guam. *However*, nothing
15 herein shall constitute authority to take possession of privately
16 owned document(s) in the possession of the R. F. Taitano
17 Micronesian Area Research Center, or any non-governmental entity
18 without consent of that person or entity.

19 *Sagan Rikuetdo* shall foster research on the records in its
20 inventory and shall disseminate the results of this and other research
21 to the public through media as public exhibitions, demonstrations,
22 lectures, scholarly activities, television programs, publications and
23 other public programs contributing to and encouraging public
24 enlightenment.

1 **Section 87131. *Atmenestrado/dora Sagan Rikuetdo.*** The
2 *Atmenestrado/dora* is the Division Administrator and shall perform
3 administrative functions of *Rikuetdo*, as directed by the *Mås Ge'Hilo'* of the
4 *Dipåtamenton I Kaohao Guinahan Chamorro*. The *Atmenestrado/dora Rikuetdo*
5 is responsible for *Sagan Rikuetdo* operations and programs.

6 The *Atmenestrado/dora Sagan Rikuetdo* shall meet the following
7 qualifications: a local resident with advanced knowledge of Chamorro
8 culture and history; formal education or experience in the physical
9 handling and intellectual control of historical records, documents and
10 materials; *prior* specific training and experience in archival administration;
11 and other requirements which may be set forth by the Trustees.

12 **Section 87132. State Historical Records Advisory Board.** The
13 Board of Trustees shall serve as the Official State Historical Records
14 Advisory Board on behalf of the *Sagan Rikuetdo* for the purpose of
15 participating in the grants program of the National Historical Publications
16 and Records Commission as Federally regulated in Title 36 Code of Federal
17 Regulations §1206.

18 **Section 87133. Fees and Fines.** The Trustees have the authority to
19 establish fees for services provided by *Sagan Rikuetdo*, and to impose fines
20 for overdue, lost or damaged materials or other misuses of *Sagan Rikuetdo's*
21 resources, according to the Administrative Adjudication Law.

22 **Section 87134. Guam Archives Fund.** (a) There is
23 established a fund known as the '*Guam Archives Fund*' which the Trustees
24 shall maintain separate and apart from other funds of the Corporation, the

1 records of which shall be kept and maintained by the Board of Trustees.
2 The Guam Archives Fund is under the general cognizance of the Trustees,
3 which shall manage and use it for purposes as provided in §§87130-87135,
4 *Sagan Rikuetdon Guahån – Confidentiality of Patron’s Records.*

5 (b) All money received by the *Sagan Rikuetdo* from sources
6 other than government appropriation shall be deposited in the Guam
7 Archives Fund, which shall be in an interest bearing account.

8 (c) *Except* as otherwise provided by law, all non-
9 appropriated expenditures of *Sagan Rikuetdo* shall be made from the
10 Guam Archives Fund.

11 **Section 87135. Confidentiality of Patron’s Records.** (a)
12 *Sagan Rikuetdo* shall *not* allow disclosure of any record or other
13 information, written or oral, which identifies a user of archival
14 services as requesting or obtaining specific materials or services, or as
15 otherwise using the *Sagan Rikuetdo* resources.

16 (b) Records may be disclosed:

17 (1) *if* necessary for the reasonable operation of *Sagan*
18 *Rikuetdo*;

19 (2) on written consent of the user;

20 (3) on receipt of a court order; *or*

21 (4) *if* required by law.

22 (c) Any person who knowingly discloses any record or other
23 information in violation of this Section is guilty of a Petty
24 Misdemeanor.

1 **Section 87136. Kosas Board of Advisors. (a) Purpose.**
2 Kosas or Guam Museum is mandated to promote increased
3 understanding of Guam's geology, biota, prehistory, history and
4 contemporary culture. As the official repository and custodian of
5 historical artifacts of Guam, Kosas is mandated to acquire, preserve,
6 and make available for public viewing artifacts and archival
7 materials relating to the cultural, historical and natural heritage of
8 Guam.

9 **(b) Composition.** There is created within the Corporation
10 a *Kosas* Board of Advisors. The *Kosas* Board of Advisors shall consist
11 of five (5) members appointed by *I Maga'lahaen Guahan*, subject to the
12 advice and consent of *I Liheslaturan Guahan*, one (1) of whom may be
13 a *Saina* representative, one (1) of whom may be a *Manhoben*
14 representative, and one (1) of whom shall be a member with
15 extensive formal experience or education in Guam History or
16 Museum Administration.

17 **(c) Term.** Members of the *Kosas* Board shall serve a term
18 of four (4) years, commencing with the date of appointment, and
19 until their successors are appointed and qualified. When a vacancy
20 occurs, it shall be filled by appointment of *I Maga'lahaen Guahan* for
21 the remainder of the vacating member's term with the advice and
22 consent of *I Liheslaturan Guahan*. Members serve at the pleasure of *I*
23 *Maga'lahaen Guahan* and work directly with the Board of Trustees.

1 (d) **Qualifications.** Members of the *Kosas* Board shall be
2 residents of Guam and must demonstrate extensive knowledge of
3 Guam's history and culture.

4 (e) **Meetings.** The *Kosas* Board of Advisors shall meet in
5 regular session at least once each month and in special session as the
6 Chairperson may deem necessary. The Chairperson shall be counted
7 for a quorum. Three (3) *Kosas* members shall constitute a quorum
8 and three (3) affirmative votes are required for the transaction of all
9 business. All meetings of the *Kosas* Board of Advisors are open to the
10 public, as provided by law.

11 (f) **Officers.** The *Kosas* Board shall annually elect from
12 among its members a Chairperson and Vice-Chairperson. The
13 Chairperson of the *Kosas* Board shall preside at all meetings, act as
14 the spokesperson and perform other duties as the *Kosas* Board
15 directs. The Vice-Chairperson shall succeed to the duties of the
16 Chairperson in the absence or inability of the Chairperson. From
17 among its members, the *Kosas* Board may select a Secretary and any
18 other officers which the Board may deem necessary, to serve on an
19 annual basis.

20 (g) **Compensation.** Each member shall receive Fifty Dollars
21 (\$50.00) for attendance at any meeting of the *Kosas* Board, but this
22 stipend shall *not* apply to more than two (2) meetings in any one (1)
23 calendar month. No member shall receive any other compensation,
24 but shall be reimbursed for actual travel, subsistence and out of

1 pocket expenses incurred in the discharge of responsibilities,
2 including authorized attendance at meetings off-Island, *subject* to the
3 *prior* approval of the *Kosas* Board.

4 (h) **Guam Museum Fund.** There is established a fund
5 known as the Guam Museum Fund which the Trustees shall maintain
6 separate and apart from other funds of the Corporation, the records
7 of which shall be kept and maintained by the Trustees. All monies
8 received by *Kosas* from sources other than government
9 appropriations shall be deposited in the Guam Museum Fund for
10 *Kosas* purposes.

11 **Section 87137. *Kosas* Board Duties.** The *Kosas* Board shall serve
12 in an advisory capacity to the Trustees and shall:

13 (a) annually elect a Chairperson and Vice-Chairperson, and
14 select other officers from among its members to serve a four (4) year
15 term;

16 (b) perform its duties and exercise its powers by resolution
17 adopted by at least four (4) votes in a public meeting;

18 (c) recommend qualified candidates to the Board of Trustees
19 who shall appoint the *Atmenestrado/dora Kosas*;

20 (d) recommend for removal of *Kosas* Board members who fail
21 to comply with their responsibilities as *Kosas* Board members;

22 (e) ensure that collection storage conditions conform to the
23 guidelines and standards established by the U.S. Department of
24 Interior, Title 36, Code of Federal Regulations, Part 79, and adopt

1 policies for exhibitions, collections, acquisitions, collection de-
2 accessioning, and for merchandise sales by *Kosas* or by vendors
3 operating under lease agreements;

4 (f) report to the Board of Trustees by annual report within
5 sixty (60) days after the end of each fiscal year, and upon request by
6 the Trustees, present special reports within thirty (30) days of the
7 request;

8 (g) perform general reviews and evaluations of *Kosas*
9 programs; and

10 (h) do any and all things necessary to the full and convenient
11 exercise of the above duties in accordance with this Article, or as
12 designated by the Trustees.

13 **Section 87138. *Irensia* Board of Advisors. (a) Composition.**

14 There is within the Corporation an *Irensia* Board of Advisors. The *Irensia*
15 Board of Advisors shall consist of five (5) members appointed by *I*
16 *Maga'lahen Guãhan*, subject to the advice and consent of *I Liheslaturan*
17 *Guãhan*, one (1) of whom may be a *Saina* representative, and one (1) of
18 whom may be a *Manhoben* representative.

19 (b) **Term.** Members of the *Irensia* Board of Advisors
20 shall serve a term of four (4) years, commencing with the date of
21 appointment and until their successors are appointed and qualified.
22 When a vacancy occurs, it shall be filled by appointment of *I*
23 *Maga'lahen Guãhan* for the remainder of the vacating member's term,
24 with the advice and consent of *I Liheslaturan Guãhan*. Members serve

1 at the pleasure of *I Maga'lahen Guåhan* and work directly with the
2 Board of Trustees.

3 (c) **Qualifications.** Five (5) members must be knowledgeable of
4 the Chamorro language, history and culture.

5 (d) **Meetings.** The *Irensia* Board of Advisors shall meet in regular
6 session at least once a month and in special session as the Chairperson may
7 deem necessary. The Chairperson shall be counted for a quorum. Three
8 (3) members shall constitute a quorum, and three (3) affirmative votes are
9 required for the transaction of all business. All meetings of the *Irensia*
10 Board of Advisors shall be open to the public as provided by law.

11 (e) **Officers.** The *Irensia* Board of Advisors shall annually elect
12 from among its members a Chairperson and Vice-Chairperson. The
13 Chairperson of the *Irensia* Board of Advisors shall preside at all meetings,
14 act as the spokesperson and perform other duties as directed by the *Irensia*
15 Board of Advisors. The Vice-Chairperson shall succeed to the duties of the
16 Chairperson in the absence or inability of the Chairperson. From among its
17 members, the *Irensia* Board of Advisors may select a Secretary and any
18 other officers, which the Board may deem necessary, to serve on an annual
19 basis.

20 (f) **Compensation.** Each member shall receive Fifty Dollars
21 (\$50.00) for attendance at any meeting of the *Irensia* Board of Advisors, but
22 this stipend shall *not* apply to more than two (2) meetings in any one (1)
23 calendar month. No member shall receive any other compensation, but
24 shall be reimbursed for actual travel, subsistence and out-of-pocket

1 expenses incurred in the discharge of responsibilities, including authorized
2 attendance at meetings held off-Island, *subject* to the *prior* approval of the
3 *Irensia* Board of Advisors.

4 **Section 87139. *Irensia* Board Duties.** The *Irensia* Board shall serve
5 in an advisory capacity to the Trustees and shall:

6 (a) evaluate applications for nominating properties to the National
7 Register of Historic Places;

8 (b) review the Guam survey of Historic Properties;

9 (c) enter historic properties into the Guam Register of Historic
10 Places;

11 (d) evaluate applications for nominating properties to the National
12 Register of Historic Places;

13 (e) serve as the State Historic Review Board for purposes related to
14 the National Historic Preservation Act, U.S. Public Law Number 89-665, as
15 amended;

16 (f) support other activities directly related to increasing the public
17 appreciation of, and benefit from, historic places;

18 (g) jointly establish with other appropriate zoning agencies, zoning
19 controls for all registered historic properties, including, but *not* limited to,
20 the Hagatna Historic District and the Inarajan Architectural Historic
21 District. Nothing in this Subsection shall affect the powers given the *Irensia*
22 Board to include any historic site, structure, building or object on the Guam
23 Register of Historic Places;

1 (h) report to the Trustees by annual report within sixty (60) days at
2 the end of the fiscal year, and upon request by the Trustees, present special
3 reports within thirty (30) days of the request;

4 (i) perform general reviews and evaluations of *Irensia's* programs;

5 (j) to seek outside grants and donations, to acquire title in fee
6 simple in leasehold, or by easement, through donation, transfer,
7 dedication, purchase, and eminent domain of threatened Guam properties
8 for preservation of their historical value, and support other benefits from
9 historical places (Expenditures by the Corporation shall be limited to
10 purposes of the *Irensia* Board and may *not* be used for any operations of the
11 Corporation.); *and*

12 (k) to do any and all things necessary to the full and convenient
13 exercise of the above duties in accordance with this Article or as designated
14 by the Trustees.

15 **Section 87140. Irensia Fund.** There is established a fund, known as
16 the '*Irensia Fund*,' which the Trustees shall maintain separate and apart from
17 other funds of the Corporation.

18 **Section 87141. Irensia Board Fund.** Fees and fines collected pursuant
19 to §66408, *Fees*, of Title 21 of the Guam Code Annotated shall be maintained by
20 the Board of Trustees. The Fund shall be maintained separate and apart from all
21 other government funds.

22 **Section 87142. Guam Register of Historic Places.** The Corporation
23 shall maintain a register of places found to be significant in the history,
24 prehistory and culture of Guam. The Corporation shall establish rules,

1 regulations and guidelines to implement the Guam Register of Historic Places in
2 an orderly and effective manner, according to the Administrative Adjudication
3 Law. Any person, firm, contractor or developer must consult with the
4 Corporation *before* demolishing, altering, or transferring any property that is
5 potentially of historic, architectural, archeological or cultural significance,
6 including, but *not* limited, to any property listed in the Guam Register of Historic
7 Places.

8 **Section 87143. Guam Monuments.** *I Maga'lahen Guåhan*, by executive
9 order, may designate historic landmarks, structures or objects located on lands
10 owned or controlled by the government to be Guam monuments, upon the
11 recommendation of the Board of Advisors and the Board of Trustees of the
12 *Kaohao Guinahan*.

13 **Section 87144. Vote to Include Any Historic Site, Structure, Building or**
14 **Object on Guam Register of Historic Places.** Inclusion of any historic site,
15 structure, building or object on the Guam Register of Historic Places shall be by
16 the affirmative vote of the majority of the members of the Corporation Board of
17 Trustees.

18 **Section 87145. Vandalism and Unlawful Taking of Historic Properties**
19 **and Sites.** It shall be unlawful for any person to take, appropriate,
20 evacuate, injure, or destroy any prehistoric or historic ruin or monument, or
21 object of antiquity situated on lands owned or controlled by the government of
22 Guam without the permission of the Corporation. Any person, firm, contractor
23 or developer who violates this Section shall be fined *subject* to the rules and
24 regulations established by the Corporation in accordance with the

1 Administrative Adjudication Law. Fines collected in accordance with this
2 Section shall be deposited into the *Irensia* Fund. Any prehistoric and historic
3 objects and remains taken without a permit will be seized by the Corporation.

4 **Section 87146. Underwater Historic and Cultural Property.**

5 **(a) Definition of Underwater Historic and Cultural Property.**

6 'Underwater historic and cultural property' means any shipwreck, vessel,
7 cargo, tackle or underwater archaeological specimen, including any found
8 at refuse sites, or submerged sites of former habitation, that has remained
9 unclaimed for more than ten (10) years on the bottoms of any waters.

10 **(b) Title.** *Subject* to any laws of the United States and the title
11 to all underwater historic and cultural property living on or under
12 submerged lands under Guam's jurisdiction shall be under the exclusive
13 dominion and control of Guam through the Corporation.

14 **(c) Custody.** The custodian of underwater historic and cultural
15 property, as defined in Subsection (b) of this Section, shall be the
16 Corporation, which shall administer the preservation and protection of
17 these properties as directed by this Section. The Corporation is
18 empowered to prescribe rules and regulations as may be necessary to
19 preserve, protect, and recover underwater historic and cultural properties.

20 **(d) Salvage Research.** The Corporation shall establish a center
21 responsible for salvage research in areas designated by the Corporation as
22 endangered by the lease, sale, or use of public or private lands.

23 **(e) Permits.** Any qualified persons, firm or corporation desiring
24 to conduct any type of exploration or recovery operations, in the course of

1 which any underwater historic or cultural property may be removed,
2 displaced or destroyed, shall first make application to the Corporation for a
3 permit to conduct the operation. *If* the Corporation finds that the granting
4 of the permit is in the best interest of Guam, it may grant to the applicant a
5 permit for a period of time and under conditions as the Corporation deems
6 to be in the best interest of Guam. *Except* in cases of European Galleons,
7 the Corporation shall submit its findings and course of action in bill form
8 to *I Liheslaturan Guåhan* for approval.

9 The permit may provide for the fair compensation to the permittee in
10 terms of a percentage of the reasonable cash value of the objects recovered,
11 or a fair share of the objects recovered, the fair compensation or share to be
12 determined by the Corporation. Superior title to all objects recovered shall
13 be retained by Guam, *unless* or until the objects are released to the
14 permittee by the Corporation. All exploration and recovery operations
15 undertaken pursuant to a permit issued under this Section shall be carried
16 out under the general supervision of the Corporation and in accordance
17 with rules and regulations prescribed by the Corporation and in a manner
18 that the maximum amount of historic, scientific, archaeological and
19 educational information may be recovered and preserved in addition to the
20 physical recovery of items. Permits may be renewed upon or *prior to*
21 expiration upon the terms that the Corporation may specify. Holders of
22 permits shall be responsible for obtaining permission of any Federal
23 agencies having jurisdiction *prior to* conducting any salvaging operations.

1 (f) **Penalties.** Any person violating the provisions of this Section,
2 or any rules and regulations established in accordance with this Section,
3 shall be punished as provided by Title 9 of the Guam Code Annotated, for
4 misdemeanors, and shall forfeit to Guam through the Corporation any
5 artifacts or objects collected.

6 **Section 87147. Enforcement and Power of Arrest.** Designated
7 employees of the Corporation may issue citations to persons, firms and
8 contractors who are in violation of any provisions of this Article.

9 **Section 87148. Certificate of Approval.** (a) A certificate of
10 approval must be issued by the Corporation before any action affecting
11 potential historic sites or objects is undertaken, including, but *not* limited
12 to:

- 13 (1) building permits;
- 14 (2) grading permits;
- 15 (3) clearing permits;
- 16 (4) foundation permits;
- 17 (5) leases and lease renewals of government land;
- 18 (6) applications for surplus Federal real estate;
- 19 (7) government infrastructure improvement projects;
- 20 (8) government construction, including clearing and grading;
- 21 (9) submission of Federal grant applications for construction,
22 land use or improvements; *and*

1 (10) applications to the Guam Land Use Commission, the
2 Chamorro Land Trust Commission and the Guam Seashore
3 Protection Commission.

4 (b) The Corporation has the authority to prohibit activities listed in
5 Subsection (a) of this Section and may issue cease work orders on projects
6 where there is evidence of adverse impact or potential destruction of
7 cultural or historic features on the property. In the event that there is no
8 alternate recourse in protecting or salvaging the cultural or historic
9 significance of property, the decision of the *Irensia* to deny issuance of a
10 permit, or to cease work on a project, shall prevail.

11 (c) In the event a project has commenced, where items of cultural
12 or historic significance have been disturbed, the developer shall be
13 responsible for the restoration of the property to its original form and the
14 burden of expense shall be on the developer. The Corporation has
15 oversight in insuring that restoration is executed in accordance with the
16 Corporation's rules and regulations.

17 (d) Projects with potential adverse impact on cultural or historic
18 features may be resolved by the Corporation through agreement or
19 mitigation. This resolution may include, but *not* be limited to, project
20 redesign, relocation, curation and display of cultural resources, and land
21 dedication to the Corporation. The Corporation shall develop and
22 recommend policies and procedures for the resolution of any controversial
23 findings, in accordance with the Administrative Adjudication Law.

1 **Section 87149. Treatment of Human Remains.** Human remains shall
2 receive respect and consideration when discovered. Disturbance of burial sites
3 shall be avoided when possible, but when necessary, shall be at the expense of
4 the developers, using procedures and standards developed by the Corporation.
5 Anthropological study of human remains shall be at a minimum level and only
6 for the time authorized by *Irensia prior to* reburial.

7 **Section 87150. Abatement of Taxes.** The Director of the Department of
8 Revenue and Taxation may issue a certificate of tax abatement of property taxes
9 on private property, which is included within an historic preservation easement.
10 The private owner shall apply to the Corporation for the tax benefit for final
11 approval by *I Maga'lahaen Guåhan*. The Corporation shall provide a certificate of
12 compliance annually to the recipient and the Tax Commissioner. The
13 Corporation shall promulgate rules and regulations for this purpose consistent
14 with the Administrative Adjudication Law."

15 **Section 2. Transition Provision.** All rules and regulations duly
16 promulgated by the constituent agencies consolidated by this Act shall remain in
17 effect until such time the Corporation determines the need for amendments and
18 modification pursuant to the Administrative Adjudication Law.

19 **Section 3.** Section 80120 of Division 8, Part 3 of Title 5 of the Guam Code
20 Annotated is hereby *amended* to read as follows:

21 **"Section 80120. Government Depository.** The Guam Public
22 Library System is designated depository for all governmental publications,
23 including any printed or processed paper, book, periodical, pamphlet or

1 map, originating in, or printed with, the imprint of, or at the expense and
2 by the authority of, the government of Guam.”

3 **Section 4.** Sections 80121, *Guam Archives*, and 80122, *Disposition of Records*
4 *Upon Termination of Functions of Government Organizations*, of Division 8, Part 3 of
5 Title 5 of the Guam Code Annotated are hereby *repealed*.

6 **Section 5.** Chapter 46, *Commission on Chamorro Language*, which include
7 §§46101-46109, of Division 5 of Title 17 of the Guam Code Annotated is hereby
8 *repealed*.

9 **Section 6.** Chapter XV, *Guam Place Name Commission*, which include
10 §§13999, 13999.1, 13999.2, 13999.3 and 13999.4, of the Government Code is hereby
11 *repealed*.

12 **Section 7.** Chapter 83, *Guam Museum*, of Division 8, Part 3 of Title 5 of
13 the Guam Code Annotated is hereby *repealed*.

14 **Section 8.** Chapter 76, *Historical Objects and Sites*, which includes
15 §§76101-76606, of Division 2 of Title 21 of the Guam Code Annotated is hereby
16 *repealed*.

17 **Section 9.** Sections 1 through 6, §§10 and 11, §§14 through 19, §21,
18 §23, and §§26 and 27 of Public Law Number 20-151 are hereby *repealed*.

19 **Section 10.** Public Law Number 21-104, *An Act to Establish a Chamorro*
20 *Shrine to be Called ‘Naftan Manaina-ta’ for the Entombment of Ancestral Remains*
21 *Accumulated by the Guam Public Library and any Government of Guam Agency*, is
22 hereby *repealed*.

23 **Section 11.** Section 77103 of Article 1, Chapter 77 of Title 21 of the
24 Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

1 "Section 77103. The Department of Parks and Recreation is divided
2 into two (2) divisions, to be known as the '*Parks Division*' and the '*Recreation*
3 *Division*.'"

4 **Section 12.** Section 86101 of Chapter 86, Division 8, Part 3 of Title 5 of
5 the Guam Code Annotated is hereby *amended* to read as follows:

6 "Section 86101. **Legislative Findings and Intent.** Guam has a rich
7 and colorful history and culture that is best displayed and demonstrated by
8 the many historic locations and structures around the Island.

9 Our island also is blessed with many beautiful and scenic sites that
10 have been set aside as parks for the enjoyment of residents and visitors
11 alike. *I Liheslaturan Guåhan* finds, however, that many of these culturally
12 significant sites and public parks are in various states of disrepair, and are
13 in need of upgrading and development. Based on statistical information
14 gathered by the Guam Visitors Bureau ('GVB') in various exit surveys,
15 visiting historic sites, learning about our culture, and visiting beautiful
16 parks and scenic sites are among the activities tourists enjoy.

17 It is therefore the intent of *I Liheslaturan Guåhan* to create the *Inetnon*
18 *Minauleg Guam* ('IMG'), to be comprised of the Guam Beautification Task
19 Force, the *Dipåttementon I Kaohao Guinahan Chamorro* or Department of
20 Chamorro Affairs, the Department of Parks and Recreation ('DPR'), GVB,
21 and the Department of Public Works ('DPW'). The Mayors of the villages
22 in which sites enumerated in this Act are located shall also be members of
23 the IMG. *I Liheslaturan Guåhan* intents that the IMG develop a prioritized
24 schedule for the renovation, beautification, and upgrading of each site,

1 taking into account the historical and cultural importance of each site, the
2 feasibility of each project, and the availability of supplementary funding
3 from sources other than the Tourist Attraction Fund ('TAF'). The IMG
4 shall add appropriate sites to the list as it deems necessary. Their findings
5 shall be reported to *I Maga'lahaen Guåhan*, the Speaker of *I Liheslaturan*
6 *Guåhan*, and the Chairpersons of *I Liheslaturan Guåhan's* Committees with
7 oversight responsibilities for DPR and the TAF.

8 It is additionally the intent of *I Liheslaturan Guåhan* to authorize an
9 appropriation from the TAF to begin the process of restoring, renovating,
10 and upgrading parks and historic sites in the order contained in the reports
11 prepared pursuant to the provisions of this Act."

12 **Section 13.** Section 86103 of Chapter 86, Division 8, Part 3 of Title 5 of
13 the Guam Code Annotated is hereby *amended* to read as follows:

14 **"Section 86103.** Creation and Duties of Inetnon Minauleg Guam.
15 There is hereby created the *Inetnon Minauleg* Guam ('IMG') which shall be
16 comprised of the following entities:

- 17 1. the Guam Beautification Task Force;
- 18 2. the *Dipåttamenton I Kaohao Guinahan Chamorro* or
19 Department of Chamorro Affairs;
- 20 3. Department of Parks and Recreation;
- 21 4. Guam Visitors Bureau;
- 22 5. Department of Public Works; *and*
- 23 6. Mayor of the village in which each respective site is
24 located."

1 **Section 14. Intent of Repealed Code Sections.** It is the intent of
2 *I Liheslaturan Guåhan* that all current law relative to the subject matters included
3 within Chapter 87 of Division 8 of Title 5 of the Guam Code Annotated be
4 repealed. Any amendments, additions or repealers in the future shall be to
5 Chapter 87 of Division 8 of Title 5 of the Guam Code Annotated.

6 **Section 15. Transition.** (a) Upon enactment of this Chapter, a
7 transition committee shall be formed consisting of the Executive Directors
8 of the Chamorro Language Commission, the Guam Museum and the
9 Guam Preservation Trust; and the Directors of the Guam Public Library
10 System and the Department of Parks and Recreation. The transition
11 committee shall prepare for the transfer of their respective programs to the
12 *Dipåttementon I Kaohao Guinahan Chamorro* by October 1, 1999 and shall
13 conduct an inventory of the following: all administrative records, financial
14 accounts, all classes of employees and positions, including contracts for
15 personnel services; and applicable property within the instrumentalities,
16 agencies, public and non-profit corporations, and organizations,
17 subsidiaries, and affiliates and shall cause the transfer of these programs
18 that have been identified to be related to the preservation and promotion of
19 Chamorro heritage and culture consistent with the intent of this Act and
20 §87103 to the *Dipåttementon I Kaohao Guinahan Chamorro* no later than
21 October 1, 1999; in addition, the Administrator of the Guam Economic
22 Development Authority (“GEDA”) shall similarly conduct such an
23 inventory with respect to the Chamorro Heritage Foundation and shall

1 cause the transfer of the Chamorro Heritage Foundation to the
2 *Dipåtamenton I Kaohao Guinahan Chamorro* no later than October 1, 1999.

3 (b) The transition committee shall submit to the Speaker of *I*
4 *Liheslaturan Guåhan* no later than August 1, 1999 any statutory
5 requirements needed to assist in the consolidation of the programs
6 contained in this Act. The transition committee shall also submit a unified
7 line-item budget to the Speaker of *I Liheslaturan Guåhan* no later than
8 August 1, 1999 identifying all the budgetary requirements of the
9 Corporation for the Fiscal Year 2000, and such budget shall be described
10 with respect to program areas within the Corporation.

11 (c) Administrative authority over the respective instrumentalities,
12 agencies, public and non-profit corporations and organizations,
13 subsidiaries and affiliates shall remain with the same until the Trustees of
14 the Corporation have accepted the transfer of all or applicable personnel,
15 properties, contracts and accounts.

16 (d) The respective instrumentalities, agencies, public and non-
17 profit corporations, and organizations, subsidiaries and affiliates shall
18 transfer to the Corporation all or applicable personnel, properties, contracts
19 and accounts by October 1, 1999.

20 (e) All land, real property, buildings, and their attachments,
21 equipment, materials, and other assets, both tangible and intangible, of the
22 following instrumentalities: the Chamorro Language Commission, the
23 Guam Museum, the Guam Preservation Trust, the Chamorro Heritage
24 Foundation, the Guam Public Library, the Historic Resources Division of

1 the Department of Parks and Recreation deemed transferable consistent
2 with §1 of this Act for the Corporation's purposes, shall be transferred to
3 the Corporation no later than October 1, 1999. The Corporation shall
4 execute the appropriate documentation to effect the transfer; and real estate
5 and buildings shall be deeded to the Corporation, or leased by the
6 government of Guam to the Corporation for a term of not less than ninety-
7 nine (99) years.

8 **Section 16. Effective Dates.** Section 15, *Transition*, of this Act is
9 effective upon the enactment of this Act. All other Sections of this Act are
10 effective on October 1, 1999.

11 **Section 17. Severability.** *If* any provision of this Act or its
12 application to any person or circumstance is found to be invalid or contrary to
13 law, such invalidity shall *not* affect other provisions or applications of this Act
14 which can be given effect without the invalid provisions or application, and to
15 this end the provisions of this Act are severable.

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 6/22/99

VOTING SHEET

Bill No. 56 (COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				
BERMUDES, Eulogio C.	✓				
BLAZ, Anthony C.	✓				
BROWN, Joanne M.S.					✓
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G. III	.	* ✓			
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V II	✓				
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.		✓			
SALAS, John C.					✓
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

11 2 0 0 2

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

MINA' BENTE SINGKO NA LIHESLATURAN CHAMORRO
1999 (FIRST) Regular Session

Bill No. 56 (COR)

Introduced by:

Mark Forbes

AN ACT TO CREATE THE "DIPATTAMENTON I CHAMORRO", OR "CHAMORRO HERITAGE INSTITUTE".

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

2 **Section 1. Legislative Intent.** We are a strong and enduring people, proud of our
3 ancient heritage and ready to meet the challenges of the modern high-tech world in which we
4 live. As we prepare to enter a new millennium and assure our place in the community of
5 nations, we draw from the legacy of the past four millennia of Chamorro presence on this
6 island. The continuity of Chamorro language and culture is at a precipice and is in danger of
7 extinction unless we as a community, consciously and deliberately, take the necessary
8 measures to assure the preservation, maintenance, development, and integrity of our rich
9 indigenous heritage. The establishment of the "Dipattamenton I Chamorro", or Chamorro
10 Heritage Institute, is a major undertaking that will give utmost priority to this quest.

11 The lives of the Chamorro people have been influenced for centuries by colonization,
12 conquest, war, natural disasters, and tremendous demographic changes in Guam's population.

13 Chamorro language and culture, however threatened, have continued to survive and
14 co-exist with other ethnic groups in our diverse community. The creation of the
15 "Dipattamenton I Chamorro", while giving prominence to the Chamorro heritage, will
16 embrace the cultural histories and contributions of all people who have made Guam their
17 home.

1 **“Dipáttamenton I Chamorro”** represents a unique reorganization effort in government.
2 The bringing together of cultural programs, agencies, and divisions within government, which
3 have a shared vision and mandate, into an integrated institutional framework makes this the
4 first effort of its kind in the government of Guam. The corporate structure being established
5 will enable these programs to resource share, facilitate communications, share expertise,
6 collaborate on the development and planning of projects, develop and enhance cultural
7 facilities and tourist attractions while minimizing the burden on the General Fund. Most
8 importantly, the Corporation will prove to be effective and efficient, provide opportunities to
9 obtain new resources, facilitate international partnerships and support for cultural resource
10 sharing, and enhance collaboration with educational institutions. Not only will this effort
11 assure Guam’s identity in a global and regional context, it will uplift the Chamorro spirit in
12 our homeland.

13 **Section 2. Creation of Chamorro Heritage Institute.** A new Chapter 87 is added to
14 Division 8 of Title 5, Guam Code Annotated, to read:

15 **“Chapter 87**

16 **Dipáttamenton I Chamorro**

17 **Chamorro Heritage Institute.**

18 **Article 1**

19 **Creation and Purposes.**

20 **§87101. Creation. Dipáttamenton I Chamorro, or Chamorro Heritage Institute.**
21 There is created a non-stock, non-profit public corporation to be known as the ‘Dipáttamenton
22 I Chamorro’ or ‘Chamorro Heritage Institute’ (hereinafter referred to as the ‘Corporation’)
23 with functions, powers and responsibilities as provided in this chapter.

24 **§87102. Principal Offices.** The principal office of the Corporation shall be located in
25 Guam and the Corporation is deemed to be a resident of Guam.

26 **§87103. Purposes and Authorized Activities of the Corporation.**

27 (a) **General.** The purpose and authorized activities of the Corporation are to assist in
28 the implementation of an integrated program for the preservation, development and

1 promotion of the Chamorro heritage of Guam, for the public benefit. It is intended that this
2 Corporation be a catalyst in the preservation, development and promotion of language, arts,
3 humanities, historic and cultural preservation, research, restoration, presentation, museum
4 activities and support programs significant to Guam's history and culture. It is a further
5 purpose of this Chapter to enable the Corporation to aid private enterprise without unfairly
6 competing with it in the expansion of cultural and historical resources for Guam;

7 (b) **Specific.** The Corporation has the following specific purposes and is authorized
8 to:

- 9 (i) Control and implement that part of a basic plan for the development,
10 preservation and promotion of Guam's Chamorro heritage, assigned to it by I
11 Maga'lahaen Guahan. The Corporation shall also be an active participant in the
12 development of the basic plan;
- 13 (ii) Conduct, or cause to be conducted, research and investigation into natural,
14 cultural and historic resources, and to publicize the results of these activities as
15 deemed necessary;
- 16 (iii) Except as specifically prohibited in this Chapter, make loans to any person, firm,
17 partnership or corporation licensed to do business in Guam in furtherance of the
18 purposes and activities stated in this Chapter. All loans made shall be of sound
19 value or secured to reasonably assure repayment. Each loan made by the
20 Corporation may be sold to a commercial lending institution for a sum not less
21 than the principal balance of the loan, and the proceeds of the loan shall be
22 returned to the capital fund of the Corporation, subject to the terms specified in a
23 resolution of the Board of Trustees of the Corporation. Each loan made by the
24 Corporation shall include, wherever possible, an option on the part of the
25 Corporation to convert up to fifty percent (50%) of the total loan into equity;
- 26 (iv) Enter into contracts to provide grants, loans or advances to individuals,
27 organizations or institutions, whether public or private, which are engaged in
28 projects or programs related to language, culture, history, arts, humanities;

- 1 (v) Receive grants, administer and disburse grants to institutions, individuals and
2 agencies of government in furtherance of the preservation, promotion and
3 development of Chamorro heritage and culture;
- 4 (vi) Invest its funds in any enterprise, undertaking or other activity which, in its
5 judgement, will further the development of its purposes;
- 6 (vii) Obtain land belonging to the government of Guam as required to carry out its
7 purposes and objectives, under the terms and tenure that I Liheslatura, by
8 appropriate legislation, prescribes;
- 9 (viii) Make direct loans to any person, firm, corporation or governmental entity on
10 residential real property for purposes of restoration and historical site
11 development; and
- 12 (ix) Accept loans of cultural or intellectual properties on a custodial basis from
13 individuals, families, organizations or institutions with terms and conditions to
14 be agreed upon by all parties concerned.

15 **§87104. General powers;termination date.** The Corporation has, and may exercise,
16 the following general powers in carrying out the purposes of this Chapter:

- 17 (a) To have perpetual succession, unless sooner terminated by law;
- 18 (b) To adopt, alter and use a corporate seal, which shall be judicially noticed;
- 19 (c) To adopt, amend and repeal by-laws and other rules, regulations and directives
20 governing the conduct of its business and the performance of the powers and duties granted to
21 or imposed upon it by law according to the Administrative Adjudication Law;
- 22 (d) To sue and to be sued in its corporate name;
- 23 (e) To determine the character of, and the necessity for its obligations and
24 expenditures and the manner in which they shall be incurred, allowed and paid;
- 25 (f) To acquire, in any lawful manner, any real property, and to hold, maintain, use
26 and operate the same; and to sell, lease, encumber or otherwise dispose of the same, whenever
27 any of the foregoing transactions are deemed necessary or appropriate to the conduct of the
28 activities authorized by this Chapter, and on the terms prescribed by the Corporation; to

1 prepare or cause to be prepared all plans and specifications for capital construction of the
2 Corporation's facilities in consultation with the respective Divisions and their boards;

3 (g) To acquire property or any interest in property by condemnation under the laws of
4 Guam when the property is found by the Corporation to be important for public ownership or
5 is in danger of being sold, used or neglected to the extent that its historical or cultural
6 importance will be destroyed or seriously impaired, or that the property is otherwise in danger
7 of destruction or serious impairment. In the case of real property, the interest acquired shall be
8 limited to that estate, agency, interest or term deemed by the Corporation to be reasonably
9 necessary for the continued protection or preservation of the property. The Corporation may
10 acquire the fee simple title, but where it finds that a lesser interest, including any development
11 right, negative or affirmative easement in gross or appurtenant covenant, lease or other
12 contractual right of or to any real property, to be the most practical and economical method of
13 protecting and preserving the historical or culturally important property, the lesser interest
14 may be acquired. The Corporation is authorized to enter, solely in performance of its official
15 duties and only at reasonable times, upon private lands for examination or survey thereof;
16 provided, that no member, employee, or agent of the Corporation or any Division of the
17 Corporation may enter any private building or structure without the express consent of the
18 owner or occupant;

19 (h) To enter into and perform contracts, leases, cooperative agreements or other
20 transactions with any agency or instrumentality of the United States, or with any state,
21 territory, possession, or any political subdivision thereof, or with any person, firm, association
22 or corporation, which is deemed necessary or appropriate to the conduct of the activities
23 authorized by this Chapter, and on the terms prescribed by the Corporation;

24 (i) To execute all instruments necessary or appropriate in the exercise of any of its
25 functions;

26 (j) To employ persons to provide professional, clerical and technical assistance
27 necessary for the conduct of the business of the Corporation; to delegate to them the powers
28 and to prescribe for them the duties deemed appropriate by the Corporation; to fix and pay

1 compensation to them for their services as the Corporation may determine in accordance with
2 the provisions of the personnel and compensation law; to require bonds from those that the
3 Corporation may designate, the premiums to be paid by the Corporation; and to remove and
4 discharge employees and other clerical and technical assistance, pursuant to the provisions of
5 the personnel regulations adopted pursuant to the provisions of §§ 4105 and 4106 of Title 4,
6 Guam Code Annotated;

7 (k) To accept monetary or in-kind gifts or donations of services, or of property,
8 whether real, personal or mixed, and whether tangible or intangible, in aid of any of the
9 activities authorized by this Chapter. All donations to the Corporation and any of its programs
10 and units, associations, subsidiaries, affiliates, but not limited to the same, shall be tax-
11 deductible to the donors in the same manner and extent that donations to charitable or
12 educational non-profit organizations are deductible as provided by law;

13 (l) In accordance with Chapter 5 of Title 5, Guam Code Annotated (Guam
14 Procurement Law), to construct, equip, operate and maintain buildings, works, forms, fisheries
15 and other facilities, including all equipment, supplies and machinery incident thereto;

16 (m) To form or cause to be formed, to promote, to aid, and to invest in any manner
17 within its means in the promotion of any corporation or other association, and to cause or
18 participate in the merger, consolidation, reorganization, liquidation or dissolution of any
19 corporation or association in which, or in the business of which, the Corporation has a direct
20 or indirect interest;

21 (n) To settle and adjust claims held by the Corporation against other persons or
22 parties, and by other persons or parties against the Corporation;

23 (o) To borrow funds required to finance revenue-producing projects, and to dedicate
24 revenue derived from the projects for the repayment of loans;

25 (p) To work closely with the Guam Economic Development Authority, Guam Visitors
26 Bureau, all educational and religious institutions on Guam, public and private organizations
27 both on and off-island, and other appropriate agencies to maximize the public benefits and
28 opportunities which enhance the purposes of the Corporation;

1 (q) The Corporation shall submit to I Liheslatura, through I Maga'lahen Guahan, from
2 time to time, legislation that it deems necessary to expeditiously and effectively foster
3 desirable projects and facilities authorized by this Chapter;

4 (r) To endorse, guarantee and secure the payment and satisfaction of bonds, coupons,
5 mortgages, deeds of trust, debentures, obligations, evidences of indebtedness, and shares of
6 stock of other corporations, as far as and to the extent that it is necessary and appropriate to
7 carry out the Corporation's authorized and permissible activities under its powers and
8 functions;

9 (s) To negotiate agreements for the construction of tourist attractions depicting the
10 historical and cultural development of the Chamorro people. Any agreement shall provide
11 that the real property and improvements may be pledged to the lender as security for
12 repayment of the loan. Revenues collected by any tourist attraction facility may be pledged for
13 repayment of the loan;

14 (t) To acquire in accordance with Chapter 5 of Title 5, Guam Code Annotated (Guam
15 Procurement Law), any tangible personal property, and to hold, maintain, use and operate the
16 same; and to sell, lease, encumber or otherwise dispose of the same, whenever any of these
17 transactions are deemed necessary or appropriate to the conduct of the activities authorized by
18 this Chapter, and on the terms that are prescribed by the Corporation;

19 (u) To acquire, in any lawful manner, any intangible personal property, and to hold,
20 maintain, use and operate the same; and to sell, encumber or otherwise dispose of the same,
21 whenever any of the foregoing transactions are deemed necessary or appropriate to the
22 conduct of the activities authorized by this Chapter, and on the terms that are prescribed by
23 the Corporation;

24 (v) Upon request by the Board of Trustees, I Maga'lahi, with the consent of I
25 Liheslatura, may convey in fee simple tracts of government-owned land suitable for
26 development of tourist facilities in accordance with this Chapter. If the government does not
27 own tracts suitable for these purposes, I Maga'lahi may negotiate with the Chamorro Land

1 Trust or with private landowners for the acquisition of suitable property, provided that, if
2 necessary, funds have been appropriated for the acquisition;

3 (w) To formulate and develop standards and procedural requirements with regard to
4 the development, promotion and preservation of the Chamorro language and culture with all
5 relevant institutions and programs;

6 (x) To establish a joint appointment program with Guam colleges and universities in
7 the teaching of Chamorro language, culture and history; and further, to establish reciprocal
8 relationships with other institutions.

9 (y) To take custody and preserve any underwater historic and cultural property in
10 accordance with §87111 of this Chapter; and

11 (z) To take any action and carry on any other operations and do all that may be
12 necessary or appropriate to carry out the powers and duties in this Chapter or hereafter
13 specifically granted to or imposed upon the Corporation;

14 **§87105. Board of Trustees.** (a) All functions and powers of the Corporation shall be
15 vested in and be exercised by and under the direction of a Board of Trustees (hereinafter
16 referred to as the 'Trustees'), composed of sixteen (16) members, of which thirteen (13) are
17 voting members and three (3) are ex-officio members;

18 (b) The Trustees are comprised of the following: the Chairpersons of each of the
19 Boards of the Dibision Faninadahen Fino' yan Kotturan Chamorro (Chamorro Language and
20 Culture Division), Dibision Faninadahens Kosas (Museum Division), Dibision Faninadahen
21 Irensia (Historic Preservation and Resources Division), and the Dibision Manmenhalom (Arts
22 and Humanities Division) of the Corporation; a representative of the Mayors Council; and
23 eight (8) members appointed by I Maga'lahi representing the following groups, as indicated:
24 one (1) elder, one (1) youth, one (1) historian or archivist, two (2) recognized experts in
25 Chamorro language, culture and history, three (3) from the community-at-large, the
26 Corporation's President who shall serve as an ex-officio member, one (1) ex-officio member
27 appointed as a representative from the Guam Visitors Bureau and one (1) ex-officio member

1 appointed as a representative from the Guam Economic Development Authority. The Trustees
2 shall be U.S. citizens and residents of Guam and no less than eight (8), or fifty percent (50%) of
3 the members of the governing body must be Chamorro. Trustees shall be appointed who
4 possess the qualities, knowledge, experience and diversified ability necessary to pursue
5 effectively the programs of the Corporation. I Maga'lahi shall appoint a Chamorro member of
6 the Trustees to serve as Chairperson;

7 (c) Except in the case of Chairpersons of the Division Boards, whose terms shall not
8 exceed the duration of their appointments, all Trustees shall serve at the pleasure of I
9 Maga'lahi for a four (4) year term;

10 (d) Seven (7) Trustees constitute a quorum, and seven (7) affirmative votes are
11 required for the transaction of all business. The Trustees shall meet in regular session at least
12 once each month and in special session as the Chair may deem necessary. All meetings of the
13 Trustees are open to the public, as provided by law;

14 (e) Each Trustee shall receive One hundred dollars (\$100) for attendance at any
15 meeting of the Trustees, but this stipend shall not apply to more than two (2) meetings in any
16 one (1) calendar month. No member shall receive any other compensation but shall be
17 reimbursed for actual travel, subsistence and out-of-pocket expenses incurred in the discharge
18 of responsibilities, including authorized attendance at meetings held off island.

19 **§87106. Mås Ge'Helo' or President.** (a) Upon the recommendation of the Trustees, I
20 Maga'lahaen Guahan, shall appoint a Mås Ge' Helo' from a pool of qualified candidates who
21 shall possess the following qualifications: a local resident with demonstrated knowledge of
22 Chamorro language, culture and history, formal education, and administrative experience,
23 whose appointment shall be confirmed by I Liheslatura. The Mås Ge'Helo' shall be directly
24 responsible to the Trustees for the day-to-day operations of the Corporation and shall
25 administer its programs and policies. The Mås Ge' Helo' shall be an ex-officio member of the

1 Board of Trustees, without the right to vote, and shall serve a term of office to be fixed by the
2 Trustees, unless sooner terminated by I Maga'lahi upon recommendation of the Trustees;

3 (b) **Salary and Expenses.** The Mås Ge'Helo' shall be paid a salary and other
4 allowances and benefits as the Trustees may approve.

5 §87107. **Effective Dates and Transition.** (a) Upon enactment of this Chapter, the
6 Executive Directors of the Chamorro Language Commission, the Guam Museum, the Guam
7 Preservation Trust, the Guam Council on the Arts and Humanities Agency, the Administrator
8 of GEDA; and the Directors of the Guam Public Library System, and the Department of Parks
9 and Recreation shall, in preparation for transfer to the Dipåtamenton I Chamorro, conduct an
10 inventory of the following: all administrative records, financial accounts, all classes of
11 employees and positions, including contracts for personnel services; and, applicable property
12 within the instrumentalities, agencies, public and non-profit corporations, and organizations,
13 subsidiaries, and affiliates and shall cause the transfer of these to the Dipåtamenton I
14 Chamorro;

15 (b) Administrative authority over the respective instrumentalities, agencies, public
16 and non-profit corporations and organizations, subsidiaries and affiliates shall remain with the
17 same until the Trustees of the Corporation have accepted the transfer of all or applicable
18 personnel, properties, contracts and accounts;

19 (c) Within ninety (90) days of a formal request by the Trustees, the respective
20 instrumentalities, agencies, public and non-profit corporations, and organizations, subsidiaries
21 and affiliates shall transfer to the Corporation all or applicable personnel, properties, contracts
22 and accounts;

23 (d) All land, real property, buildings, and their attachments, equipment, materials,
24 and other assets, both tangible and in tangible, of the following instrumentalities: the
25 Chamorro Language Commission, the Guam Museum, the Guam Preservation Trust, the

1 **§87111. Donations.** All donations to the Corporation and any or all of its programs
2 and units, associations, subsidiaries, affiliates, but not limited to the same, shall be tax-
3 deductible to the donors in the same manner and to the same extent that donations to
4 charitable or educational non-profit organizations are deductible as referred to in the
5 provisions of §501(c)3 of the U.S. Internal Revenue Code.

6 **§87112. Annual Report and Audits.** The Corporation shall submit to I Maga'lahi and
7 I Liheslatura a detailed annual report of activities and an audited annual financial report. For
8 this purpose, the Corporation shall contract for independent auditing services. It shall also
9 submit to I Maga'lahi and I Liheslatura other special reports as each may require from time to
10 time The Corporation's books shall likewise be subject to annual legislative audit as prescribed
11 by law.

12 **§87113. Utilization of governmental agencies and instrumentalities.** The services
13 and facilities of agencies and instrumentalities of the Federal Government and of the
14 government of Guam, to the extent allowed by law, may be made available to the Corporation
15 in the exercise of its functions.

16 **§87114. Rules and Regulations.** The Corporation shall review and revise existing
17 standard operating procedures and create rules and regulations for the Corporation regarding
18 the functions and operations of the Corporation, according to the provisions of the
19 Administrative Adjudication Law.

20 **§87115. Fiduciary Duties.** The Corporation, through the Board of Trustees, shall
21 establish the fiduciary duties that are appropriate and necessary for each of the various
22 Divisions of the Corporation.

23 **§87116. Amendments.** Any subsequent changes in the rules and regulations shall be
24 made in accordance with provisions of the Administrative Adjudication Law.

1 **§87117. Chapter to be Liberally Construed.** This Chapter shall be construed
2 liberally so far as may be necessary for the purpose of effecting its general intent.

3 **§87118. Severability.** In the event that any Article, Section, Subsection, Sentence,
4 Clause or Phrase of this Chapter shall be declared or adjudged invalid, a nullity, or
5 unconstitutional, such adjudication shall in no manner affect the force and validity of the other
6 Articles, Sections, Subsections, Sentences, Clauses or Phrases of this Chapter not so declared or
7 adjudged and which shall remain in full force and valid.

8 **§87119. Indemnification.** The Corporation shall indemnify any Trustee,
9 Administrator, officer, staff person, or former Trustee, Administrator, officer or staff person
10 who may have served at its request as a Trustee, Administrator or Officer of the Corporation,
11 in whole or in part, in connection in the defense of any action, suit, proceedings, civil or
12 criminal, in which the person is made a party by reason of affiliation, with the Corporation,
13 except in relation to matters as to which the person is adjudged in the action, suit or
14 proceeding to be liable for negligence or criminal misconduct in the performance of duty to the
15 Corporation; and, to make other indemnification that is authorized by the Articles of
16 Incorporation, By-laws or resolutions adopted after notice by Trustees entitled to vote.

17 **§87120. Conflict of Interest.** While serving in office, no individual member of the
18 Trustees or the Divisions' Boards, no employee, no member of its committees, sub-committees,
19 panels or advisory groups shall be eligible to receive in his or her name a grant, loan or other
20 form of assistance from the Dipättamenton I Chamorro or any related or administered
21 program.

22 **§87121. Property of the Corporation.** Any property acquired, developed or
23 produced in the name of the Corporation, whether physical or intellectual, and whether
24 tangible or intangible, shall remain with the Corporation including, but not limited to,
25 copyrights, patents and trademarks.

1 **Article 2**

2 **Ufisinin Minaneha**

3 **Administrative and Program Support Office**

4 §87201. **Short Title.** This Article may be cited as the 'Ufisinin Minaneha' or
5 'Administrative and Program Support Office' Section of the Dipåttamenton I Chamorro or
6 Chamorro Heritage Institute.

7 §87202. **Authority.** There is established the 'Ufisinin Minaneha' (hereinafter referred
8 to as 'Minaneha') or Administrative and Program Support Office which is comprised of the
9 following Sections:

- 10 (a) 'Minanehan Salåppe' or 'Fiscal' Section;
- 11 (b) 'Emplehao' or 'Human Resources' Section;
- 12 (c) 'Minanehan Ligåt' or 'Compliance' Section;
- 13 (d) 'Minanehan Lugåt yan Guinaha' or 'Properties Management' Section;
- 14 (e) 'Fina'nå'gue' or 'Education and Training' Section;
- 15 (f) 'Kulo' or 'Media and Public Information' Section; and
- 16 (g) others as deemed necessary by the Corporation.

17 §87203. **Definitions.** As used in this Chapter, unless otherwise indicated:

- 18 (a) '**Minaneha**' means Ufisinin Minaneha or the Administrative and Program
19 Support Office;
- 20 (b) '**Ligåt**' means Minanehan Ligåt or the Compliance Section;

- 1 (c) **'Salâppe'** means Minanehan Salâppe or the Fiscal Section;
- 2 (d) **'Lugât'** means Minanehan Lugât yan Guinaha or the Properties Management
3 Section;
- 4 (e) **'Fina'nâ'gue'** means the Education and Training Section;
- 5 (f) **'Emplehao'** means the Human Resources Section;
- 6 (g) **'Kulo'** means the Media and Public Information Section;
- 7 (h) **'Atmenestrado/dora'** means Division Administrator.

8 §87204. **Purpose.** The purpose of Minaneha is to consolidate, facilitate and enhance
9 resource sharing for the administrative, fiscal and accounting responsibilities, human
10 resources functions, properties and facilities management, public information and media
11 communication efforts, education and training objectives, and regulatory compliance
12 requirements for all of the programs, divisions and responsibilities under the Corporation.

13 §87205. **Segundo/a Mâs Ge'Helo' or Vice President.** (a) Upon the recommendation
14 of the Trustees, I Maga'lahi shall appoint a Segundo/a Mâs Ge'Helo' from a pool of qualified
15 candidates who shall possess the following minimum qualifications: a local resident with a
16 bachelor's degree in Business Administration/Management, or Finance/Economics, with
17 seven (7) years of experience as a manager in the area of business or financial administration
18 and with the knowledge and ability to manage diverse work units, oversee day-to-day
19 activities, understand property and fiscal management concepts and human resources
20 management. The Segundo/a Mâs Ge'Helo' shall be under the direct supervision of the Mâs
21 Ge'Helo' and shall be responsible for the operations of the Ufisinan Minaneha and may
22 perform the duties of Comptroller of the Corporation.

1 **§87305. Atmenestrادت/dora Inaligao Yan Tinige'.** The Atmenestrادت/dora
2 Inaligao yan Tinige' shall be the Division Administrator and shall perform the administrative
3 functions of Inaligao yan Tinige' that are directed by the Mås Ge' Helo' of the Corporation.
4 The Atmenestrادت/dora Inaligao yan Tinige' is responsible for Inaligao yan Tinige'
5 operations and programs.

6 The Atmenestrادت/dora Inaligao yan Tinige' shall meet the following qualifications:

7 A local resident with advanced knowledge of Chamorro language, culture and history;
8 formal education and experience in research and publications or other requirements as set
9 forth by the Trustees.

10 **§87306. Editorial Committee.** There shall be established an Editorial Committee,
11 appointed by the Trustees, whose functions shall be to oversee, review, coordinate and
12 approve the development of curriculum and other publications and products of Inaligao yan
13 Tinige'.

14 **§87307. Research and Publication Fund.** (a) There is established a fund known as
15 the 'Research and Publication Fund', which shall be maintained separate and apart from other
16 funds of the Corporation, the records of which shall be kept and maintained by the Salåppe' of
17 the Ufisinin Minaneha. The Research and Publications Fund is under the general cognizance
18 of the Trustees, which shall manage and use it for the Inaligao yan Tinige' purposes as
19 provided in this Article;

20 (b) All income generated by the sales of publications and other products and money
21 received from sources other than government appropriation shall be deposited in a revolving
22 account to be used by Inaligao yan Tinige' in carrying out its functions;

23 (c) Except as otherwise provided by law, all non-appropriated expenditures of the
24 Inaligao yan Tinige', shall be made from the Research and Publications Fund.

1 §87308. **Transfer of Staff and Inventories.** Upon enactment of this Chapter, the
2 funds, book inventories, assets, equipment and personnel including the Executive Coordinator
3 or Acting Executive Director and previously mandated positions assigned to the Chamorro
4 Heritage Institute Planning Group by Public Law No. 23-45 shall be transferred to Inaligao yan
5 Tinige’ to enable it to carry out its functions.

6 **Article 4.**

7 **Sagan Rikuetdon Guahån**

8 **Guam Archives**

9 §87401. **Short Title.** This Article may be cited as the ‘Sagan Rikuetdon Guahån’ or
10 ‘Guam Archives’ Section of the Dipåtamenton I Chamorro or Chamorro Heritage Institute.

11 §87402. **Authority.** There is established the ‘Sagan Rikuetdon Guahån’ or ‘Guam
12 Archives’ (hereinafter referred to as ‘Sagan Rikuetdo’) as a Program Division within the
13 Corporation. Sagan Rikuetdo is the official depository for all government publications
14 including any printed or processed paper, book, periodical, pamphlet or map, originating in,
15 or printed with the imprint of, or at the expense and by the authority of the government of
16 Guam. Sagan Rikuetdo is the official depository of those public records and other papers not
17 in current use by the Executive, Judicial and Legislative branches of the government of Guam
18 and have been determined by Sagan Rikuetdo to have sufficient legal, historical or other value
19 to warrant their continued preservation by the government of Guam. Sagan Rikuetdo shall
20 also be the custodian of non-governmental historical records that contain significant
21 information about the past or present, and are therefore worthy of long-term preservation and
22 systematic management for historical or other research purposes.

23 §87403. **Definitions.** As used in this Article, unless otherwise indicated:

24 (a) ‘Sagan Rikuetdo’ means the Sagan Rikuetdon Guahån or the Guam Archives;

1 (b) **'Guam Archivist'** means the person employed and directed by the Trustees to
2 administer the Guam Archives as its Atmenestrado/dora;

3 (c) **'Governmental Publications'** means all print or non-print materials produced and
4 disseminated by any government entity;

5 (d) **'Government Records'** means public records including: all vital statistics (births
6 and deaths), marriage records, deeds, probate records, court records, departmental records,
7 gubernatorial papers, letters, maps, books, photographs, administrative files, sound
8 recordings, magnetic or other tapes, electronic data processing records, computer memory,
9 electronic government information products, or documentary materials, regardless of physical
10 form or characteristics, made or received pursuant to law, rule or regulation, in connection
11 with the transaction of official business by an agency or officer of government;

12 (e) **'Significant Non-Governmental Records'** means diaries, memoirs,
13 correspondence, church records, Bible records, cemetery records, business records, and
14 organizational and institutional records.

15 §87404. **Purpose.** In cooperation with libraries, museums, historical societies,
16 government agencies, genealogical societies, businesses and citizens, the purpose of Sagan
17 Rikuetdo is to insure the retention and preservation of our documentary heritage. As the
18 official repository and custodian of historical government and non-government records of
19 Guam, Sagan Rikuetdo is mandated to acquire, preserve and make available for public use,
20 records relating to the cultural and documentary heritage of Guam. Sagan Rikuetdo shall
21 foster research on the records in its inventory and shall disseminate the results of this and
22 other research to the public through media as public exhibitions, demonstrations, lectures,
23 scholarly activities, television programs, publications and other public programs contributing
24 to and encouraging public enlightenment.

1 **§87405. Atmenestrادت/dora Sagan Rikuetdo.** The Atmenestrادت/dora is the
2 Division Administrator and shall perform administrative functions of Rikuetdo as directed by
3 the Mås Ge'Helo' of the Dipåttementon I Chamorro. The Atmenestrادت/dora Rikuetdo is
4 responsible for Sagan Rikuetdo operations and programs.

5 The Atmenestrادت/dora Sagan Rikuetdo shall meet the following qualifications: A
6 local resident with advanced knowledge of Chamorro culture and history; formal education or
7 experience in the physical handling and intellectual control of historical records, documents
8 and materials; prior specific training and experience in archival administration; and other
9 requirements which may be set forth by the Trustees.

10 **§87406. State Historical Records Advisory Board (SHRAB).** The Board of Trustees
11 shall serve as the Official State Historical Records Advisory Board on behalf of the Sagan
12 Rikuetdo for the purpose of participating in the grants program of the National Historical
13 Publications and Records Commission as federally regulated in Title 36 Code of Federal
14 Regulations §1206.

15 **§87407. Fees and Fines.** The Trustees have the authority to establish fees for services
16 provided by Sagan Rikuetdo and to impose fines for overdue, lost or damaged materials or
17 other misuses of Sagan Rikuetdo's resources, according to the Administrative Adjudication
18 Law.

19 **§87408. Guam Archives Fund.** (a) There is established a fund known as the 'Guam
20 Archives Fund' which the Trustees shall maintain separate and apart from other funds of the
21 Corporation, the records of which shall be kept and maintained by Salåppe'. The Guam
22 Archives Fund is under the general cognizance of the Trustees, which shall manage and use it
23 for purposes as provided in this Article;

24 (b) All money received by the Sagan Rikuetdo from sources other than government
25 appropriation shall be deposited in the Guam Archives Fund;

1 (c) Except as otherwise provided by law, all non-appropriated expenditures of Sagan
2 Rikuetdo shall be made from the Guam Archives Fund.

3 **§87409. Confidentiality of patron's records.** (a) Sagan Rikuetdo shall not allow
4 disclosure of any record or other information, written or oral, which identifies a user of
5 archival services as requesting or obtaining specific materials or services, or as otherwise using
6 the Sagan Rikuetdo resources;

7 (b) Records may be disclosed:

8 (1) If necessary for the reasonable operation of Sagan Rikuetdo;

9 (2) On written consent of the user;

10 (3) On receipt of a court order;

11 (4) If required by law.

12 (c) Any person who knowingly discloses any record or other information in violation
13 of this Section is guilty of a Petty Misdemeanor.

14 **§87410. Facilities Design.** Facilities design shall assure the long-term preservation of
15 all types of records. Features shall include, but not be limited to, the following: environmental
16 controls, fire suppression system, electronic security system, laboratory for restoration and
17 conservation activities, a public reading and research room, and permanent storage areas.

18 **Article 5.**

19 **Dibision Faninadahen Fino' yan Kotturan Chamorro**

20 **Chamorro Language and Culture Division**

1 **§87501. Short Title.** This Article may be cited as ‘Dibision Faninadahen Fino’ yan
2 Kotturan Chamorro’ or the ‘Chamorro Language and Culture Division’ Section of the
3 Dipåtamenton I Chamorro or Chamorro Heritage Institute.

4 **§87502. Authority.** There is established a Dibision Faninadahen Fino’ yan Kotturan
5 Chamorro or the Chamorro Language and Culture Division (hereinafter referred to as
6 ‘Kottura’) as a Program Division within the Corporation. The Kottura shall distribute the
7 standard orthography and be the government clearinghouse for public documents, signs,
8 place and street names, and all other materials that are to be printed in the Chamorro
9 language. The Kottura shall distribute information on the changes in the standard orthography
10 so all concerned are consistent in the spelling of all Chamorro words. Furthermore, the word
11 ‘Chamorro’ is recognized as a proper noun and the spelling of this proper noun shall always
12 remain ‘Chamorro’. The Kottura shall implement the Chamorro Language and Culture
13 Institute to standardize the teaching of Chamorro language and provide instruction for the
14 certification of Chamorro Language and Culture teachers. Kottura shall set a standard for
15 certification for mastery of the Chamorro language and culture, and shall compile a registry of
16 certified Chamorro language and culture instructors.

17 **§87503. Definitions.** As used in the Article, unless otherwise indicated:

18 (a) ‘**Kottura**’ means the ‘Dibision Faninadahen Fino’ yan Kotturan Chamorro’ or the
19 Division of Chamorro Language and Culture;

20 (b) ‘**Kottura Board**’ means the Board of Advisors of the ‘Dibision Faninadahen Fino’
21 yan Kotturan Chamorro’;

22 (c) ‘**Atmenestrado/dora Kottura**’ means the person employed by the Trustees and
23 advised by the Kottura Board to supervise the administration of the Dibision Faninadahen
24 Fino’ yan Kotturan Chamorro;

1 (d) 'Faneyåkan' means the Chamorro Language and Culture Institute.

2 §87504. **Purpose.** The purpose of the Kottura is to study, research and prescribe good
3 usage for the Chamorro language; continue to update the Chamorro-English/English-
4 Chamorro dictionary and promote increased understanding of the Chamorro language and
5 culture; and to provide continuous research, promotion and enhancement of the Chamorro
6 orthography. Kottura shall foster the continued use of the Chamorro language and culture
7 through media as demonstrations, lectures, publications and programs; establish place names
8 for all places within the jurisdiction of the government of Guam on the basis of historical and
9 cultural background, community usage and suitability.

10 §87505. **Kottura Board. (a) Composition.** The Kottura Board shall consist of nine (9)
11 members appointed by I Maga'lahi, one (1) of whom shall be a Mañaina representative, one (1)
12 of whom shall be a Manhoben representative, and one (1) of whom shall be a representative of
13 the religious community of Guam;

14 (b) **Term.** Members of the Kottura Board shall serve a term of four (4) years
15 commencing with the date of appointment and until their successors are appointed and
16 qualified; provided, that those persons who are board members on the effective date of this
17 Chapter of the Chamorro Language Commission may serve out their full terms as members of
18 the Kottura Board. When a vacancy occurs, it shall be filled by appointment of I Maga'lahi for
19 the remainder of the vacating member's term. Members serve at the pleasure of I Maga'lahi;

20 (c) **Qualifications.** Members of the Kottura Board shall be residents of Guam, must
21 be fluent speakers and writers of the Chamorro language, and must demonstrate extensive
22 knowledge of the Chamorro culture;

23 (d) **Meetings.** The Kottura Board shall meet in regular session at least once a month
24 and in special session as the Chair may deem necessary. The Chairperson shall be counted for
25 a quorum, but shall vote only in case of a tie. Five (5) members of the Board shall constitute a

1 quorum and five (5) affirmative votes are required for the transaction of all business. All
2 meetings of the Kottura Board shall be open to the public as provided by law;

3 (e) **Officers.** The Chairperson of the Kottura Board shall be appointed by I Maga'lahi
4 with the advice and consent of I Liheslatura and serves at the pleasure of I Maga'lahi. The
5 Kottura Board shall annually elect from among its members a Vice-Chairperson. The
6 Chairperson of the Kottura Board shall preside at all meetings, act as the spokesperson and
7 perform other duties as the Trustees shall direct. The Chairperson shall also serve as the
8 Kottura Board representative to the Board of Trustees. The Vice-Chairperson shall succeed to
9 the duties of the Chairperson in the absence or inability of the Chairperson. From among its
10 members, the Kottura Board may select a Secretary and any other officers which the board
11 may deem necessary, to serve on an annual basis;

12 (f) **Compensation.** Each Kottura Board member shall receive Fifty Dollars (\$50) for
13 attendance at any meeting of the Board, but this stipend shall not apply to more than two (2)
14 meetings in any one (1) calendar month. No member shall receive any other compensation, but
15 shall be reimbursed for actual travel, subsistence and out-of-pocket expenses incurred in the
16 discharge of responsibilities, including authorized attendance at meetings held off-island.

17 **§87506. Kottura Board Duties.** The Kottura Board shall serve in an advisory capacity
18 to the Trustees and shall:

19 (a) Annually elect a Vice-Chairperson and other officers from among its members;

20 (b) Perform its duties and exercise its powers by resolution adopted by at least five (5)
21 votes in a public meeting;

22 (c) Recommend qualified candidates to the Trustees who shall appoint the Kottura
23 Atmenestrado/dora;

- 1 (d) Recommend for removal Kottura Board members who fail to comply with their
2 responsibilities as Kottura Board members;
- 3 (e) Continue to study and update the orthographic rules of the Chamorro language
4 and to update the Chamorro-English/English-Chamorro dictionary;
- 5 (f) Review all applicants for Chamorro certification using standard guidelines
6 recommended by the Kottura Board and adopted by the Trustees;
- 7 (g) Certify all qualified applicants for placement in the Chamorro Language and
8 Culture Registry;
- 9 (h) Serve as the 'Kumision I Nâ'an Lugât' or Guam Place Name Commission as
10 referenced in Section 13999.1 of the Government Code, as amended in Section 2 of Public Law
11 No. 17-10;
- 12 (i) Develop and implement a coherent, culturally sound and historically accurate set
13 of criteria for selecting place names;
- 14 (j) Restore to the maximum extent feasible the ancient Chamorro pronunciation to
15 place names, consistent with the established orthography;
- 16 (k) Cooperate with the Territorial Land Use Commission, the Department of
17 Education, the University of Guam, other Dipâttamenton I Chamorro Divisions, and with civil
18 and religious organizations interested in providing appropriate place names for Guam;
- 19 (l) Report to the Trustees by annual report within sixty (60) days of the end of each
20 fiscal year, and upon request by the Trustees, present special reports within thirty (30) days of
21 the request;
- 22 (m) Perform general reviews and evaluations of Kottura's programs; and

1 (n) Do any and all things necessary to the full and convenient exercise of the above
2 duties in accordance with this Article, or as designated by the Trustees.

3 **§87507. Atmenestrادت/dora Kottura.** The Atmenestrادت/dora Kottura shall be the
4 Division Administrator and shall perform administrative functions of Kottura that are directed
5 by the Mås Ge'Helo' of Dipåtamenton I Chamorro, and shall serve as the Executive Secretary
6 of the Kottura Board without further compensation. The Atmenestrادت/dora Kottura shall be
7 responsible for Kottura's operations and programs.

8 The Atmenestrادت/dora Kottura shall meet the following qualifications: A local
9 resident with advanced knowledge of Chamorro language, culture and history; formal
10 education or experience in public administration and management; and proficiency in reading,
11 understanding and communicating effectively, both orally and in writing, in the Chamorro
12 and English languages; and other requirements as may be set forth by the Trustees.

13 **§87508. Kottura Fund.** (a) There is established a fund known as the 'Kottura Fund'
14 which shall be maintained separate and apart from other funds of the 'Dipåtamento', the
15 records of which shall be kept and maintained by Salåppe'. The Kottura Fund is under the
16 general cognizance of the Trustees, which shall manage and use it for the Kottura purposes as
17 provided in this Article;

18 (b) All income generated by translation services, faneyåkan fees and services rendered
19 by Kottura, and money received from sources other than government appropriation shall be
20 deposited in a revolving account to be used by Kottura in carrying out its functions;

21 (c) All non-appropriated expenditures of the Kottura, except as otherwise provided
22 by law, shall be made from the Kottura Fund.

23

Article 6.

24

Dibision Faninadahen Kosas

1 **Museum Division**

2 §87601. **Short Title.** This Article may be cited as the ‘Dibision Faninadahen Kosas’ or
3 the ‘Museum Division’ Section of the Dipåttamenton I Chamorro or Chamorro Heritage
4 Institute.

5 §87602. **Authority.** There is established a Dibision Faninadahen Kosas or the
6 Museum Division (hereinafter referred to as ‘Kosas’) as a Program Division within the
7 Corporation. Kosas is the official repository and custodian of historical artifacts in Guam and
8 is charged to foster an appreciation for the cultural and natural heritage of Guam through the
9 operation of a public museum and collateral exhibits.

10 §87603. **Definitions.** As used in this article, unless otherwise indicated:

11 (a) ‘**Kosas**’ means the Dibision Faninadahen Kosas or the Museum Division;

12
13 (b) ‘**Kosas Board**’ means the Board of Advisors of the Dibision Faninadahen Kosas;

14
15 (c) ‘**Atmenestrado/dora Kosas**’ means the person employed by the Trustees and
16 advised by the Kosas Board to supervise the administration of the Dibision Faninadahen
17 Kosas .

18 §87604. **Purpose.** The purpose of Kosas is to promote increased understanding of
19 Guam’s geology, biota, history and contemporary culture. As the official repository and
20 custodian of historical artifacts of Guam, Kosas is mandated to acquire, preserve and make
21 available for public viewing artifacts relating to the cultural and natural heritage of Guam.
22 Kosas shall foster research on the artifacts in its inventory and shall disseminate the results of
23 this and other research to the public through media as public exhibitions, demonstrations,
24 lectures and other public programs and publications.

1 **§87605. Kosas Board. (a) Composition.** The Kosas Board shall consist of seven (7)
2 members appointed by I Maga'lahi, one (1) of whom shall be a Manaina representative, one (1)
3 of whom shall be a Manhoben representative, and one (1) of whom shall be a member with
4 extensive formal experience or education in Guam History or Museum Administration;

5 **(b) Term.** Members of the Kosas Board shall serve a term of four (4) years
6 commencing with the date of appointment, and until their successors are appointed and
7 qualified; provided, that those persons who are members of the Guam Museum Board of
8 Trustees on the effective date of this Chapter may serve out their full term as members of the
9 Kosas Board. When a vacancy occurs, it shall be filled by appointment of I Maga'lahi for the
10 remainder of the vacating member's term. Members serve at the pleasure of I Maga'lahi;

11 **(c) Qualifications.** Members of the Kosas Board shall be residents of Guam and must
12 demonstrate extensive knowledge of Guam's history and culture;

13 **(d) Meetings.** The Kosas Board shall meet in regular session at least once each
14 month and in special session as the Chairperson may deem necessary. The Chairperson shall
15 be counted for a quorum but shall vote only in case of a tie. Four (4) Kosas members shall
16 constitute a quorum and four (4) affirmative votes are required for the transaction of all
17 business. All meetings of the Kosas Board are open to the public, as provided by law;

18 **(e) Officers.** The Chairperson of the Kosas Board shall be appointed by I Maga'lahi
19 with the advice and consent of I Liheslatura and shall serve at the pleasure of I Maga'lahi. The
20 Kosas Board shall annually elect from among its members a Vice-Chairperson. The
21 Chairperson of the Kosas Board shall preside at all meetings, act as the spokesperson and
22 perform other duties as the Trustees shall direct. The Chairperson shall also serve as the Kosas
23 Board representative to the Board of Trustees. The Vice-Chairperson shall succeed to the
24 duties of the Chairperson in the absence or inability of the Chairperson. From among its
25 members, the Kosas Board may select a Secretary and any other officers which the board may
26 deem necessary, to serve on an annual basis;

1 (f) **Compensation.** Each Kosas Board member shall receive Fifty dollars (\$50) for
2 attendance at any meeting of the Board, but this stipend shall not apply to more than two (2)
3 meetings in any one (1) calendar month. No member shall receive any other compensation, but
4 shall be reimbursed for actual travel, subsistence and out-of-pocket expenses incurred in the
5 discharge of responsibilities, including authorized attendance at meetings held off-island.

6 §87606 **Kosas Board Duties.** The Kosas Board shall serve in an advisory capacity to
7 the Trustees and shall:

8 (a) Annually elect a Vice-Chairperson, and select other officers from among its
9 members to serve a two (2) year term;

10 (b) Perform its duties and exercise its powers by resolution adopted by at least four
11 (4) votes in a public meeting;

12 (c) Recommend qualified candidates to the Board of Trustees who shall appoint the
13 Atmenestrado/dora Kosas;

14 (d) Recommend for removal Kosas Board members who fail to comply with their
15 responsibilities as Kosas board members;

16 (e) Ensure that collection storage conditions conform to the guidelines and standards
17 established by the U.S. Department of Interior (Title 36, Code of Federal Regulations, Part 79),
18 and recommend policies for exhibitions, collections, acquisitions, collection deaccessioning,
19 and for merchandise sales by Kosas or by vendors operating under lease agreements;

20 (f) Report to the Board of Trustees by annual report within sixty (60) days after the
21 end of each fiscal year, and upon request by the Trustees, present special reports within thirty
22 (30) days of the request;

23 (g) Perform general reviews and evaluations of Kosas programs; and

1 (h) Do any and all things necessary to the full and convenient exercise of the above
2 duties in accordance with this Article or as designated by the Trustees.

3 **§87607. Atmenestrادت/dora Kosas.** The Atmenestrادت/dora Kosas shall be the
4 Division Administrator and shall perform the administrative functions of Kosas that are
5 directed by the Mås Ge'Helo' of the Dipåtamento, and shall serve as the Executive Secretary
6 of the Kosas Board without additional compensation. The Atmenestrادت/dora Kosas shall be
7 responsible for Kosas operations and programs.

8 The Atmenestrادت/dora Kosas shall meet the following qualifications: A local
9 resident with advanced knowledge of Chamorro culture and history; formal education or
10 experience in historical artifact preservation, storage and display; prior specific training and
11 experience in museum administration; and other requirements as may be set forth by the
12 Trustees.

13 **§87608. Kosas Fund.** (a) There is established a fund known as the 'Kosas Fund'
14 which shall be maintained separate and apart from other funds of the Dipåtamento, the
15 records of which shall be kept and maintained by Salappe' of the Ufisanan Minaneha. The
16 Kosas Fund is under the general cognizance of the Board of Trustees, which shall manage and
17 use it for Kosas purposes as provided in this Article;

18 (b) All income generated by sales and admission fees, and money received by Kosas
19 from sources other than government appropriation shall be deposited in the Kosas Fund;

20 (c) All non-appropriated expenditures of Kosas, except as otherwise provided by law,
21 shall be made from the Kosas Fund.

22 **Article 7.**

23 **Dibision Faninadahen Ireasia**

1 **Historic Preservation and Resources Division**

2 §87701. **Short Title.** This Article may be cited as ‘Dibision Faninadahen Irensia’ or
3 the ‘Historic Preservation and Resources Division’ Section of the Dipåtamenton I Chamorro
4 or Chamorro Heritage Institute.

5 §87702. **Authority.** There is established the Division Faninadahen Irensia or Historic
6 Preservation and Resources Division (hereinafter referred to as ‘Irensia’), a Program Division
7 within the Corporation which is responsible for establishing, developing, and maintaining a
8 comprehensive historic preservation program for Guam.

9 §87703. **Definitions.** As used n this Article, unless otherwise indicated:

10 (a) ‘Irensia’ means the Dibision Faninadahen Irensia or the Historic Preservation and
11 Resources Division.

12 (b) ‘Irensia Board’ means the Guam Historic Preservation and Resources Board of
13 Directors of Irensia.

14 (c) ‘Atmenestrادت/dora Irensia’ means the person employed and directed by the
15 Trustees and advised by the Irensia Board to supervise the administration of Irensia and the
16 Guam Preservation Trust Fund.

17 (d) ‘Uficåt Faninadahen Hestorian Guåhan’ means the person employed as Guam
18 Historic Preservation Officer, the holder of which position shall be State Historic Preservation
19 Officer for federal purposes and who shall be under the supervision of the
20 Atmenestrادت/dora Irensia.

21 (e) ‘Irensia Fund’ means the Guam Preservation Trust Fund.

22 §87704. **Purpose.** The purpose of Irensia is to establish, develop, and maintain a
23 comprehensive program for historic preservation, restoration, and presentation, which shall
24 include but not be limited to the following:

25 (a) Develop plans to acquire, restore, or preserve historic areas, buildings, and sites
26 significant to Guam’s past;

27 (b) Establish and maintain the Guam Register of Historic Places;

1 (c) Establish regulations on the uses of historic areas, buildings, sites and places;

2 (d) Develop a comprehensive survey of historic areas, buildings, and sites with a
3 phrased preservation and restoration development plan and accompanying budget and land
4 use recommendations;

5 (e) Cooperate with the Territorial Land Use Commission, the Territorial Seashore
6 Protection Commission and other land use and regulation agencies to fulfill the purposes of
7 this Article;

8 (f) Advise and cooperate with other public and private agencies engaged in similar
9 work.

10 §87705. **Irensia Board.** (a) **Composition.** The Irensia Board shall consist of nine (9)
11 members appointed by *I Maga'lahi*.

12 (b) **Term.** Members of the Irensia Board shall serve a term of four (4) years
13 commencing with the date of appointment, and until their successors are appointed and
14 qualified; provided, that the persons who are board members of the Guam Historic
15 Preservation Review Board on the effective date of this Chapter may serve out their full term
16 as members of the Irensia Board. When a vacancy occurs, it will be filled by appointment of
17 the *I Maga'lahi* for the remainder of the vacating member's term. Members serve at the
18 pleasure of the *I Maga'lahi*.

19 (c) **Qualifications.** Four (4) members must be knowledgeable of the Chamorro
20 language, history, and culture. The remaining five (5) members must be recognized
21 professionals from among the disciplines listed in the National Historic Preservation Act, as
22 amended.

23 (d) **Meetings.** Five (5) Irensia Board members shall constitute a quorum and five (5)
24 affirmative votes are required for the transaction of all business. The Irensia Board shall meet
25 in regular session at least once each month, and in special session as the Chairperson deems
26 necessary. All meetings of the Irensia Board are open to the public as provided by law. The
27 Chairperson shall be counted for a quorum but shall vote only in case of a tie.

1 (e) **Officers.** The Chairperson of the Irensia Board shall be appointed by the *I*
2 *Maga'lahi* with the advice and consent of the *I Liheslatura* and shall serve at the pleasure of the *I*
3 *Maga'lahi*. The Irensia Board shall annually elect among its members a Vice-Chairperson. The
4 Chairperson of the Irensia Board shall preside at all meetings, act as the spokesperson, and
5 perform other duties as the Trustees shall direct. The Chairperson shall also serve as the
6 Irensia Board representative to the Trustees. The Vice-chairperson shall succeed to the duties
7 of the Chairperson in the absence or inability of the Chairperson. From among its members,
8 the Irensia Board may select a Secretary and any other officers which the Board may deem
9 necessary, to serve on an annual basis.

10 (f) **Compensation.** Each Irensia Board member shall receive Fifty Dollars (\$50) for
11 attendance at any meeting of the Irensia Board, but this stipend shall not apply to more than
12 two (2) meetings in any one (1) calendar month. No member shall receive any other
13 compensation, but shall be reimburse for actual travel, subsistence, and out-of-pocket expenses
14 incurred in the discharge of responsibilities, including authorized attendance at meetings held
15 off-island.

16 §87706. **Irensia Board Duties.** The Irensia Board shall serve in an advisory capacity
17 to the Trustees and shall:

18 (a) Evaluate applications for nominating properties to the National Register of
19 Historic Places;

20 (b) Review the Guam survey of Historic Properties;

21 (c) Review the content of the comprehensive preservation plan established pursuant
22 to §13985.2 of the Government Code, enacted in Public law No. 10-68, amended in Public Law
23 Nos. 12-126 and 20-151;

24 (d) Enter historic properties into the Guam Register of Historic Places;

25 (e) Evaluate applications for nominating properties to the National Register of
26 Historic Places;

27 (f) Serve as the State Historic Review Board for purposes related to the National
28 Historic Preservation Act, U.S. Public Law No. 89-665, as amended;

1 (g) Support other activities directly related to increasing the public appreciation of,
2 and benefit from, historic places;

3 (h) Jointly establish with other appropriate zoning agencies zoning controls for all
4 registered historic properties, including but not limited to the Hagatna Historic District and
5 the Inarajan Architectural Historic District. Nothing in this Subsection shall affect the powers
6 given the Irensia Board to include any historic site, structure, building, or object on the Guam
7 Register of Historic Places.

8 (i) Report to the Trustees by annual report within sixty (60) days of the end of the
9 fiscal year and upon request by the Trustees, present special reports within thirty (30) days of
10 the request;

11 (j) Perform general reviews and evaluations of Irensia's programs;

12 (k) To do any and all things necessary to the full and convenient exercise of the above
13 duties in accordance with this Article or as designated by the Trustees.

14 **§87707. Guam Register of Historic Places.** The Irensia Board shall maintain a
15 register of places found to be significant in the history, prehistory, and culture of Guam. The
16 Irensia Board shall establish rules, regulations, and guidelines to implement the Guam
17 Register of Historic Places in an orderly and effective manner, according to the Administrative
18 Adjudication Law. Any person, firm, contractor, or developer must consult with Irensia
19 before demolishing, altering, or transferring any property that is potentially of historic,
20 architectural, archeological, or cultural significance including, but not limited, to any property
21 listed in the Guam Register of Historic Places.

22 **§87708. Guam Monuments.** The *I Maga'lahi*, by executive order, may designate
23 historic landmarks, structures, or objects located on lands owned or controlled by the
24 government to be Guam monuments, upon the recommendation of the Trustees.

25 **§87709. Vote to include any historic site, structure, building or object on Guam**
26 **Register of Historic Places.** Inclusion of any historic site, structure, building, or object on the
27 Guam Register of Historic Places shall be the affirmative vote of the majority of the members
28 of the Irensia Board.

1 **§87710. Vandalism and unlawful taking of historic properties and sites.** It shall be
2 unlawful for any person to take, appropriate, evacuate, injure, or destroy any prehistoric or
3 historic ruin or monument or object of antiquity situated on lands owned or controlled by the
4 government of Guam without the permission of the Corporation. Any person, firm,
5 contractor, or developer who violates this Section shall be fined subject to the rules and
6 regulations established by the Corporation in accordance with the Administrative
7 Adjudication Law. Fines collected in accordance this Section shall be deposited into the
8 Irensia Fund. Any prehistoric and historic objects and remains taken without a permit will be
9 seized by the Corporation

10 **§87711. Underwater historic and cultural property.** (a) Definition of underwater
11 historic and cultural property. 'Underwater historic and cultural property' means any
12 shipwreck, vessel, cargo, tackle, or underwater archaeological specimen, including any found
13 at refuse sites or submerged sites of former habitation, that has remained unclaimed for more
14 than ten (10) years on the bottoms of any waters.

15 **(b) Title.** Subject to any statute of the United States and any vested riparian rights,
16 the title to all bottoms of navigable water within Guam's boundaries and the title to an
17 underwater historic property living on or under these bottoms is declared to be in Guam, and
18 the bottoms and underwater historic and cultural properties shall be under the exclusive
19 dominion and control of Guam through the Corporation.

20 **(c) Custody.** The custodian of underwater historic and cultural property as defined in
21 Subsection (b) of this Section shall be the Corporation, which shall administer the preservation
22 and protection of these properties as directed by this Section. The Corporation is empowered
23 to prescribe rules and regulations as may be necessary to preserve, protect, and recover
24 underwater historic and cultural properties.

25 **(d) Salvage research.** The Corporation shall establish a center responsible for salvage
26 research in areas designated by the Corporation as endangered by the lease, sale, or use of
27 public or private lands.

1 (e) **Permits.** Any qualified persons, firm, or corporation desiring to conduct any type
2 of exploration or recovery operations, in the course of which any underwater historic or
3 cultural property may be removed, displaced, or destroyed, shall first make application to the
4 Corporation for a permit to conduct the operation. If the Corporation finds that the granting
5 of the permit is in the best interest of Guam, it may grant to the applicant a permit for a period
6 of time and under conditions as the Corporation deems to be in the best interest of Guam. The
7 permit may provide for the fair compensation to the permittee in terms of a percentage of the
8 reasonable cash value of the objects recovered or a fair share of the objects recovered, the fair
9 compensation or share to be determined by the Corporation. Superior title to all objects
10 recovered shall be retained by Guam unless or until the objects are released to the permittee by
11 the Corporation. All exploration and recovery operations undertaken pursuant to a permit
12 issued under this Section shall be carried out under the general supervision of the Corporation
13 and in accordance with rules and regulations prescribed by the Corporation and in a manner
14 that the maximum amount of historic, scientific, archaeological, and educational information
15 may be recovered and preserved in addition to the physical recovery of items. Permits may be
16 renewed upon or prior to expiration upon the terms that the Corporation may specify.
17 Holders of permits shall be responsible for obtaining permission of any federal agencies
18 having jurisdiction prior to conducting any salvaging operations.

19 (f) **Penalties.** Any person violating the provisions of this Section or any rules and
20 regulations established in accordance with this Section shall be punished as provided by Title
21 9, Guam Code annotated, for Misdemeanor, and shall forfeit to Guam through the Corporation
22 any artifacts or objects collected.

23 §87712. **Enforcement and power of arrest.** The Atmenstradot/dora Irensia, the
24 Uficiât Faninadahen Hestorian Guâhan, and other employees of the Irensia as designated by
25 the Atmenestrado/dora Irensia, shall have arresting power over and may issue citations to
26 persons, firms, and contractors who are in violation of any provisions of this Article.

1 **§87713. Certificate of approval.** (a) A certificate of approval must be issued by the
2 Irensia before any action affecting potential historic sites or objects is undertaken, including,
3 but not limited to:

- 4 (1) Building permits;
- 5 (2) Grading permits;
- 6 (3) Clearing permits;
- 7 (4) Foundation permits;
- 8 (5) Leases and lease renewals of government land;
- 9 (6) Applications for surplus federal real estate;
- 10 (7) Government infrastructure improvement projects;
- 11 (8) Government construction, including clearing and grading;
- 12 (9) Submission of federal grant applications for construction, land use, or
13 improvements; and;
- 14 (10) Applications to the Territorial Land Use Commission and the Territorial
15 Seashore Protection Commission.

16 (b) The Irensia has the authority to prohibit activities listed in Subsection (a) of this
17 Section and may issue cease work orders on projects where there is evidence of adverse impact
18 or potential destruction of cultural or historic features on the property. In the event that there
19 is no alternate recourse in protecting or salvaging the cultural or historic significance of
20 property, the decision of the Irensia to deny issuance of a permit or to cease work on a project
21 shall prevail;

22 (c) In the event a project has commenced, where items of cultural or historic
23 significance have been disturbed, the developer shall be responsible for the restoration of the
24 property to its original form and the burden of expense shall be on the developer. Irensia has
25 oversight in insuring that restoration is executed in accordance with Irensia rules and
26 regulations;

27 (d) Projects with potential adverse impact on cultural or historic features may be
28 resolved by Irensia through agreement or mitigation. This resolution may include, but not be

1 limited to, project redesign, relocation, curation, and display of cultural resources, and land
2 dedication to the Corporation. The Irensia Board shall develop and recommend policies and
3 procedures for the resolution of any controversial findings, in accordance with the
4 Administrative Adjudication Law.

5 **§87714. Treatment of human remains.** Human remains shall receive respect and
6 consideration when discovered. Disturbance of burial sites shall be avoided when possible but
7 when necessary, shall be at the expense of the developers, using procedures and standards
8 developed by Irensia. Anthropological study of human remains shall be at a minimum level
9 and only for the time authorized by Irensia prior to reburial.

10 **§87715. Abatement of taxes.** The Corporation shall grant a certificate of tax
11 abatement of property taxes on private property which is included within an historic
12 preservation easement, executed by the private owner, and approved by the Irensia Board.
13 Subsequent certification of compliance shall be issued annually to the recipient and the tax
14 commissioner.

15 **§87716. Irensia Fund.** (a) There is established a fund known as the 'Irensia Fund',
16 which the Trustees shall maintain separate and apart from other funds of the Corporation, the
17 records of which shall be kept and maintained by Salâppe'. The Irensia Fund is under the
18 general cognizance of the Trustees, which shall manage and use it for purposes as provided in
19 this Article;

20 (b) All income generated by fees collected pursuant to Subsection (a) of §31047 of the
21 Government Code, fines collected for violations of this Article, and money received from
22 sources other than government appropriation shall be deposited in a revolving account to be
23 used by Irensia in carrying out the purposes of this Article;

24 (c) Except as otherwise provided by law, all non-appropriated expenditures of the
25 Irensia shall be made from the Irensia Fund.

26 **§87717. Atmenestrado/dora Irensia.** The Atmenestrado/dora Irensia shall be the
27 Division Administrator and shall perform the administrative functions of Irensia as directed
28 by the Mâs Ge' Helo' of Dipâtamento, and shall serve as the Executive Secretary of the Irensia

1 Board without further compensation. The Atmenestrado/dora Irensia shall be responsible for
2 Irensia's operations and programs.

3 §87718. **Establishment of the 'Nåftan Mañaina-ta.'** The Corporation is directed to
4 establish a Chamorro Shrine to be called, 'Nåftan Mañaina-ta' for the entombment of ancestral
5 remains collected from sites throughout the island. The establishment of the Chamorro Shrine,
6 'Nåftan Mañaina-ta', shall include the planning, design, construction, and maintenance of the
7 facility. The shrine shall include a Chamorro tombstone reflecting information on the ancient
8 villages where the human remains originated, death rites, burial practices, and life around the
9 immediate area. The shrine shall be designated to recognize and respect the ancestry and
10 lineage of the Chamorro people, and shall be the burial ground for ancestral remains
11 designated by the Corporation. The Chamorro Land Trust is authorized and directed to
12 identify an appropriate site in coordination with the Corporation, and to deed the property to
13 the Corporation for the purposes of this Section.

14 §87719. **Appropriation.** The Corporation shall submit an appropriation request for
15 the design and construction of the Chamorro Shrine, 'Nåftan Mañaina-ta', to the Maga'lahen
16 Guåhan.

17 **Article 8**

18 **Dibision Manmenhalom**

19 **Arts and Humanities Division**

20 §87801. **Short Title.** This Article may be cited as the 'Dibision Manmenhalom' or
21 'Arts & Humanities Division' Section of the Dipåttamenton I Chamorro or Chamorro Heritage
22 Institute.

23 §87802. **Authority.** There is established a Dibision Manmenhalom or the Arts and
24 Humanities Division (hereinafter referred to as 'Manmenhalom') as a Program Division within
25 the Corporation.

26 §87803. **Definitions.** As used in this Article, unless otherwise indicated:

27 (a) **'Manmenhalom'** means the Dibision Manmenhalom or the Arts and Humanities
28 Division;

1 (b) 'Manmenhalom Board' means the Board of Advisors of the Division
2 Manmenhalom;

3 (c) 'Atmenestrador/dora Manmenhalom' means the person employed by the Trustees
4 and advised by the Manmenhalom Board to supervise the administration of the Division
5 Manmenhalom;

6 §87804. Purpose. The purposes of Manmenhalom are: (a) to stimulate and
7 encourage the presentation and study of the fine and performing arts as well as public interest
8 and participation in them;

9 (b) to help develop and sustain existing independent institutions of the arts by
10 providing technical assistance in strengthening administrative, educational, and fund-raising
11 techniques;

12 (c) to foster and encourage the exhibition of works of art in public and non-public
13 buildings and to administer the Art in Public Places program as well as Art Bank purchases
14 and to make policies for these programs;

15 (d) to encourage the highest quality in the arts and to promote the opportunity for all
16 people to experience, enjoy, and profit from the arts and humanities;

17 (e) to join or contract on behalf of the Corporation with private patrons individual
18 artists, ensembles, and with institutions, local sponsoring organizations, and professional
19 regional and national organizations on behalf of the Corporation in carrying out the duties of
20 Manmenhalom;

21 (f) to enter into contracts, to provide grants, loans, or advances to individuals,
22 organizations, or institutions, whether public or private, engaged in cultural or arts and
23 humanities programs in carrying out the duties of Manmenhalom;

24 (g) to accept gifts, contributions, and bequests of funds or artifacts and loans of artistic
25 property on behalf of the Corporation in carrying out the duties of Manmenhalom;

26 (h) to serve as the sole government agency for administering any state plan of the
27 National Endowment for the Arts and the National Endowment for the Humanities;

1 (i) to make applications for federal funds from any office or agency of the United
2 States for participation in or receipt of aid from federal programs as related to this Article;

3 (j) to receive requests for grants and to make grants to institutions, individuals, and
4 agencies of government in furtherance of the arts and humanities on behalf of the Corporation
5 in carrying out the duties of Manmenhalom;

6 (k) to maintain dialogue and membership with and in international, national, and
7 regional arts and humanities organizations necessary to the needs of Guam;

8 (l) to administer and disburse sub-grants and designated funds as related to arts and
9 humanities programs; and

10 (m) to expend authorized appropriations made by the *I Liheslatura* to Manmenhalom in
11 support of arts and humanities related programs on behalf of the Corporation in carrying out
12 the duties of Manmenhalom;

13 **§87805. Manmenhalom Board. (a) Composition.** The Manmenhalom Board shall
14 consist of nine (9) members appointed by *I Maga'lahi*;

15 **(b) Term.** Members of the Manmenhalom Board shall serve a term of four (4) years
16 commencing with the date of appointment and until their successors are appointed and
17 qualified; provided, that those persons who are board members of the Guam Council on the
18 Arts and Humanities on the effective date of this Chapter may serve out their full term as
19 members of the Manmenhalom Board. When a vacancy occurs, it shall be filled by the
20 appointment of *I Maga'lahi* for the remainder of the vacating member's term. Members serve
21 at the pleasure of *I Maga'lahi*;

22 **(c) Qualifications.** Members of the Manmenhalom Board shall be residents of Guam,
23 selected at-large, who have recognized professional interest and experience in, or who are
24 widely known for, their interest and support of the arts and humanities. The Manmenhalom
25 Board shall have at least one (1) professional or artistic member from each of the following
26 areas: performing arts, visual arts literature, folk and traditional arts, and music;

27 **(d) Meetings.** The Manmenhalom Board shall meet in regular session at least once
28 each month and in special sessions as the Chairperson may deem necessary. Five (5)

1 Manmenhalom Board members shall constitute a quorum and five (5) affirmative votes are
2 required for the transaction of all business. The Chairperson shall be counted for a quorum
3 but shall vote only in case of a tie. All meetings of the Manmenhalom Board are open to the
4 public, as provided by law;

5 (e) **Officers.** The Chairperson of the Manmenhalom Board shall be appointed by the
6 Maga'lahi with the advise and consent of *I Liheslatura* and serves at the please of the Maga'lahi.
7 The Chairperson of the Manmenhalom Board shall preside at all meetings of the
8 Manmenhalom Board, shall act the spokesperson of the Manmenahalom, and shall perform
9 other duties as the Trustees shall direct. The Chairperson shall also serve as the
10 Manmenhalom Board representative to the Trustees. The Vice-Chairperson shall succeed to
11 the duties of the Chairperson in the absence or inability of the Chairperson. From among its
12 members, the Manmenhalom Board shall select a Secretary of the Manmenhalom Board and
13 any other officers which the Manmenhalom Board may deem necessary, to serve not more
14 than two (2) year period without disruption;

15 (f) **Compensation.** Each Manmenhalom Board member shall receive Fifty Dollars
16 (\$50) for attendance at any meeting of the Manmenhalom Board, but this stipend shall not
17 apply to more than two (2) meetings in any one (1) calendar month. Members shall not receive
18 any other compensation, but shall be reimbursed for actual travel, subsistence, and out-of-
19 pocket expenses incurred in the discharge of their responsibilities, including authorized
20 attendance at meetings held off-island.

21 §87806. **Board Powers and Duties.** The Manmenhalom Board has those powers
22 necessary to carry out the duties imposed on it by this Article, including, but not limited to, the
23 power to:

- 24 (a) annually elect a Vice-Chairperson and other officers from among its members;
25 (b) perform its duties and exercise its powers by resolution adopted by at least five (5)
26 votes in a public meeting;
27 (c) recommend qualified candidates to the Trustees who shall appoint the
28 Atmenstradot/dora Manmenhalom and Segundo Atmenestraadot/dora Manmenhalom.

1 (d) Recommend for removal Manmenhalom Board members who fail to comply with
2 their responsibilities as Manmenhalom Board members;

3 (e) Apply for and accept for the arts and humanities on behalf of the Corporation any
4 federal funds granted by Acts of Congress or by executive order for any and all purposes of
5 this Article. The Manmenhalom is the official agency of the Corporation and Guam to apply
6 for, receive, and disburse the basic state grant from the National Endowment for the Arts and
7 the National Endowment for the Humanities;

8 (f) apply for and accept any gifts, donations, or bequests for all or any of the purposes
9 of Manmenhalom, and to accept and expend the funds that are appropriated to it by the
10 Corporation or the government of Guam;

11 (g) appoint committees, sub-committees, panels, and commissions in furtherance of its
12 duties;

13 (h) develop grant application criteria and procedures, and to award funding and
14 direct grants to individuals and organizations in accordance with the criteria and procedures
15 established;

16 (i) report to the Trustees by annual report within sixty (60) days of the end of each
17 fiscal year, and upon request by the Trustees, present reports within thirty (30) days of the
18 request;

19 (j) do any and all things necessary to the full and convenient exercise of the above
20 duties in accordance with this Article, or as designated by the Trustees.

21 **§87807 Atmenestrado/dora Manmenhalom.** The Atmenestrado/dora
22 Manmenhalom shall be the Division Administrator and shall perform the administrative
23 functions of Manmenhalom that are directed by the Mās Ge Helo’ of Dipåtamento, and shall
24 serve as the Executive Secretary of the Manmenhalom Board without further compensation.
25 The Atmenestrado/dora Manmenhalom shall be responsible for Manmenhalom operations
26 and programs. Atmenestrado/dora Manmenhalom shall meet the following qualifications:
27 A local resident with advanced knowledge of Guam culture and history; formal education or

1 experience in the arts or humanities by reason of education or expertise and shall have
2 demonstrated proficiency in administration of programs relating to the arts and humanities.

3 **§87808. Art in Public Places.** Manmenhalom shall be the sole responsible entity for
4 the implementation and administration of Guam’s Arts in Public Places, or one (1) percent for
5 Art Program, as defined under law and governed under established rules and regulations.
6 The Corporation shall oversee the necessary legal compliance of this program as it pertains to
7 public and non-public development projects in consultation with Atmenestrado/dora
8 Manmenhalom and the responsible program coordinator.

9 **§87809. Censorship.** In carrying out the duties and powers under this Article, the
10 Corporation shall not directly or indirectly interfere with or infringe upon the freedom of
11 artistic expression, nor shall it act or make any recommendations that may be interpreted to be
12 a form of censorship.

13 **§87810. Manmenhalom Fund.** (a) There is established a revolving fund known as
14 the Manmenhalom Fund, which shall be maintained separate and apart from other funds of
15 the Corporation, the records of which shall be kept and maintained by Saláppe’. The
16 Manmenhalom Fund is under the general cognizance of the Trustees, which shall manage it
17 and use it for the Manmenhalom purposes as provided in this Article;

18 (b) All money received by the Manmenhalom generated from gallery commissions,
19 season tickets, and other fund-raising activities shall be deposited into the Revolving Fund to
20 be used to further art projects;

21 (c) Individual accounts may also be opened under the revolving fund for specific
22 projects.”

23 **Section 3. Amendment and repeal of code sections regarding Guam Public Library**
24 **System.** (a) Amendment of code section specifying that Guam Public Library System is the
25 only repository of government publications. §80120 of Title 5, Guam Code Annotates, is
26 amended to read:

1 “§80120. **Government Depository.** The Guam Public Library System is designated
2 [the] a depository for all government publications including any printed or processed paper,
3 book, periodical, pamphlet, or map, originating in, or printed with the imprint of, or at the
4 expense and by the authority of the government of Guam.”

5 (b) Repeal of code sections specifying that the Guam Archives is under the Guam
6 Public Library System Board of Trustees and that all records shall be delivered to the Guam
7 Archives. §§80121 and 80122 of Title 5, Guam Code Annotated, are repealed.

8 **Section 4.** Repeal of code sections regarding Commission on the Chamorro Language
9 (Chamorro Language Commission) (a) Repeal of current Chamorro Language Commission.
10 §§46101 through 46109, Chapter 46 of Title 17, Guam Code Annotated, are repealed.

11 (b) Repeal of Guam Place Name Commission and repeal of the designation of the
12 Chamorro Language Commission as the Guam Place Name Commission. Sections 13999,
13 1399.1, 13999.2, 13999.3, and 13999.4 of the Government Code, as they may be amended, are
14 repealed.

15 **Section 5.** Repeal of code sections regarding the Guam Museum. §§83101 through
16 83111 of Title 5, Guam Code Annotated, are repealed.

17 **Section 6.** Repeal of code sections regarding the Guam Historic Resources Division
18 within the Department of Parks and Recreation. Parks I, II, III, IV, and V of Chapter XIII of the
19 Government Code, consisting of Sections 13985 and 13985.1 through 13985.42, found in the
20 1974 Supplement of the Government Code, are repealed. Sections 1 through 6, Sections 10 and
21 11, Sections 14 through 19, Section 21, Section 23, and Sections 26 and 27 of Public Law No. 20-
22 151 are repealed. Public Law No. 21-104 is repealed.

23 **Section 7.** Amendment of Department of Parks and Recreation into 2 instead of 3
24 divisions. Section 26002 of the Government Code is reenacted to read:

25 “**Section 26002.** The Department of Parks and Recreation is divided into two (2)
26 divisions, to be known as the Parks Division and the Recreation Division.”

1 **Section 8.** Repeal of code sections regarding the Guam Historic Preservation Review
2 Board and the Guam Preservation Trust. Sections 7 through 9, and Sections 12 and 13 of
3 Public Law No. 20-151 are repealed. Public Law No. 21-07 is repealed.

4 **Section 9.** Repeal of code sections regarding the Guam Council on the Arts and
5 Humanities. §5123 of the Government Code, now §3119 of Title 5, Guam Code Annotated,
6 and §§65000 through 65009 of the Government Code, now §§85101 through 85109 of Title 5,
7 Guam Code Annotated, first enacted in Public Law No. 16-122, are repealed.

8 **Section 10.** Amendment of Chapter 86 of Title 5, Guam Code Annotated,
9 Inetnon Minauleg Guam, to accommodate the creation of the Dipåtamenton I Chamorro or
10 Chamorro Heritage Institute. (a) Amendment of Legislative findings and intent. The second
11 paragraph of §81101 of Title 5, Guam Code Annotated, is amended to read:

12 “It is therefore the intent of the *I Liheslatura* to create the Inetnon Minauleg Guam
13 (IMG), to be comprised of the Guam Beautification Task Force, the [Guam Preservation Trust]
14 the Dipåtamenton I Chamorro or Chamorro Heritage Institute, the Department of Parks and
15 Recreation (DPR), the Guam Visitors Bureau (GVB), and the Department of Public Works
16 (DPW). The Mayors of the villages in which sites enumerated in this Act are located shall also
17 be members of the IMG. The *I Liheslatura* intents that the IMG develop a prioritized schedule
18 for the renovation, beautification, and upgrading of each site, taking into account the historical
19 and cultural importance of each site, the feasibility of each project, and the availability of
20 supplementary funding from sources other than the Tourist Attraction Fund (TAF). The IMG
21 shall add appropriate sites to the list as it deems necessary. Their findings shall be reported to
22 *I Maga’lahen Guåhan*, the Speaker of *I Liheslatura*, and the Chairpersons of *I Liheslatura’s*
23 Committees with oversight responsibilities for Parks and Recreation and the TAF.”

24 (b) Amendment of creation and duties of Inetnon Minauleg Guam. §86103 of Title 5,
25 Guam Code Annotated, is amended to read:

26 **§86103. Creation and Duties of Inetnon Minauleg Guam.** There is hereby created the
27 Inetnon Minauleg Guam (hereinafter the ‘IMG’) which shall be comprised of the following
28 entities:

- 1 1. The Guam Beautification Task Force
- 2 2. [Guam Preservation Trust] the Dipåtamenton I Chamorro or Chamorro
- 3 Heritage Institute
- 4 3. Department of Parks and Recreation
- 5 4. Guam Visitors Bureau
- 6 5. Department of Public Works, and
- 7 6. The Mayor of the village in which each respective site is located.”

8 **Section 10. Intent of repealed code sections.** It is the intent of *I Liheslatura* that all
9 current law relative to the subject matters included within Chapter 87 of Division 8 of Title 5,
10 Guam Code Annotated, be repealed. Any amendments, additions, or repealers in the future
11 shall be to Chapter 87 of Division 8 of Title 5, Guam Code Annotated.

12 **Section 11. Operating Fund Appropriation.** Two Hundred Thousand Dollars
13 (\$200,000) are appropriated from the General Fund to the Corporation for its Fiscal Year 1998
14 operations which are not already covered by the utilization of remaining funds of the pre-
15 existing agencies and commissions, and for transitional and administrative needs.

16



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

April 26, 1999

(DATE)

Memorandum

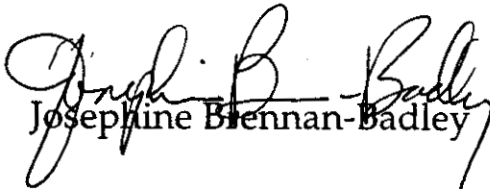
To: Senator MARK FORBES

From: Clerk of the Legislature

Subject: Report on Bill No. 56 (COR)

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 56 (COR) for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.


Josephine Brennan-Badley

Attachment

ACKNOWLEDGEMENT RECEIPT

Received By: [Signature]

Time: 11:05

Date: 4/26/99



MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayurat*

APR 23 1999

Speaker Antonio R. Unpingco
I Mina' Bente Singko Na Liheslaturan Guahan
155 Hesler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

The Committee on Rules, Government Reform, Reorganization and Federal Affairs, to which Bill No. 56 was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 56, as substituted**, "An act to create the 'Dipattmenton I Kaohao Guinahan Chamorro,' or 'Department of Chamorro Affairs.' "

The voting record is as follows:

TO PASS	<u>8</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.


MARK FORBES

Attachments



MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayurat*

MEMORANDUM

TO: Committee Members

FR: Chairman *[Signature]*

SUBJECT: Committee Report- Bill No. 56, as substituted, "An act to create the 'Dipattmenton I Kaohao Guinahan Chamorro,' or 'Department of Chamorro Affairs.' "

Transmitted herewith for your information and action is the report on Bill No. 56, as substituted, from the Committee on Rules, Government Reform, Reorganization and Federal Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 56, as substituted
4. Public Hearing Sign-in Sheet
5. Fiscal Note/Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

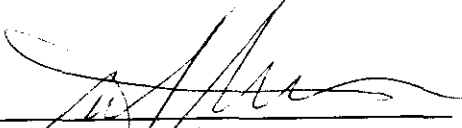


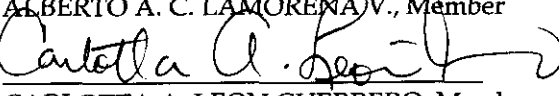
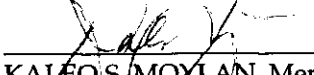


MARK FORBES

Attachments

Committee on Rules, Government Reform, Reorganization and Federal Affairs
I Mina' Bente Singko Na Liheslaturan Guåhan

Voting Record

Bill No. 56, as substituted, "An act to create the 'Dipattmenton I Kaohao Guinahan Chamorro,' or 'Department of Chamorro Affairs.' "

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK FORBES, Chairman	✓			
EDDIE B. CALVO, Vice-Chairman				
ANTHONY C. BLAZ, Member				
 JOANNE M. S. BROWN, Member	✓			
MARCEL G. CAMACHO, Member				
 LAWRENCE F. KASPERBAUER, Member	x			
ALBERTO A. C. LAMORENA V., Member				
 CARLOTTA A. LEON GUERRERO, Member	✓			
 KALEO S. MOYLAN, Member	✓			
 JOHN C. SALAS, Member	✓			
 SIMON A. SANCHEZ, II, Member	✓			
ANTONIO R. UNPINGCO, Member				
FRANK B. AGUON, JR., Member				
ELOY G. BERMUDEZ, Member				
VICENTE C. PANGELINAN, Member				

I Mina' Bente Singko Na Liheslaturan Guåhan

**Committee On Rules,
Government Reform, Reorganization & Federal Affairs
Senator Mark Forbes, Chairman**

**Committee Report
on
Bill No. 56, as substituted,
"An act to create the 'Dipattmenton I Kaohao Guinahan
Chamorro,' or 'Department of Chamorro Affairs.' "**

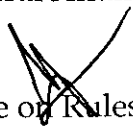


MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
Kumitean Areklamëto, Refotman Gubetnaimëto Siha, Inetnon di Nuebu, yan Asuntion Fidirat
Senator Mark Forbes, Chairman

FEB 10 1999

MEMORANDUM

TO: Chairman
Committee on Rules, Government Reform, Reorganization
and Federal Affairs

FROM: Chairman 
Committee on Rules, Government Reform, Reorganization
and Federal Affairs

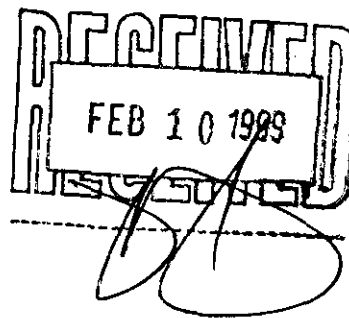
SUBJECT: Principal Referral – Bill No. 56

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment



**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session**

Bill No. 56 (COR)

As Substituted by the Committee

Introduced by:

Mark Forbes

**AN ACT TO CREATE THE "DIPATTAMENTON I
KAOHAO GUINAHAN CHAMORRO," OR
"DEPARTMENT OF CHAMORRO AFFAIRS."**

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

2 **Section 1. Legislative Intent.** We are a strong and enduring people,
3 proud of our ancient heritage and ready to meet the challenges of the modern
4 high-tech world in which we live. As we prepare to enter a new millennium and
5 assure our place in the community of nations, we draw from the legacy of the
6 past four millennia of Chamorro presence on this island. The continuity of
7 Chamorro language and culture is at a precipice and is in danger of extinction
8 unless we as a community, consciously and deliberately, take the necessary
9 measures to assure the preservation, maintenance, development, and integrity of
10 our rich indigenous heritage. The establishment of the "Dipattamenton I Kaohao
11 Guinahan Chamorro," or Department of Chamorro Affairs, is a major
12 undertaking that will give utmost priority to this quest.

1 The lives of the Chamorro people have been influenced for centuries by
2 colonization, conquest, war, natural disasters, and tremendous demographic
3 changes in Guam’s population. Chamorro language and culture, however
4 threatened, have continued to survive and co-exist with other ethnic groups in
5 our diverse community. The creation of the “Dipåttamenton I Kaohao
6 Guinahan Chamorro,” while giving prominence to the Chamorro heritage, will
7 embrace the cultural histories and contributions of all people who have made
8 Guam their home.

9 **“Dipåttamenton I Kaohao Guinahan Chamorro”** represents a unique
10 reorganization effort in government. The bringing together of cultural programs,
11 agencies, and divisions within government, which have a shared vision and
12 mandate, into an integrated institutional framework makes this the first effort of
13 its kind in the government of Guam. The corporate structure being established
14 will enable these programs to resource share, facilitate communications, share
15 expertise, collaborate on the development and planning of projects, develop and
16 enhance cultural facilities and tourist attractions while minimizing the burden on
17 the General Fund. Most importantly, the Corporation will prove to be effective
18 and efficient, provide opportunities to obtain new resources, facilitate
19 international partnerships and support for cultural resource sharing, and
20 enhance collaboration with educational institutions. Not only will this effort
21 assure Guam’s identity in a global and regional context, it will uplift the
22 Chamorro spirit in our homeland.

23 **Section 2. Creation of Department of Chamorro Affairs.** A new
24 Chapter 87 is added to Division 8 of Title 5, Guam Code Annotated, to read:

1 the personnel and compensation law; to require bonds from those that the
2 Corporation may designate, the premiums to be paid by the Corporation; and to
3 remove and discharge employees and other clerical and technical assistance,
4 pursuant to the provisions of the personnel regulations adopted pursuant to the
5 provisions of §§ 4105 and 4106 of Title 4, Guam Code Annotated;

6 (k) To accept monetary or in-kind gifts or donations of services, or of
7 property, whether real, personal or mixed, and whether tangible or intangible, in
8 aid of any of the activities authorized by this Chapter. All donations to the
9 Corporation and any of its programs and units, associations, subsidiaries,
10 affiliates, but not limited to the same, shall be tax-deductible to the donors in the
11 same manner and extent that donations to charitable or educational non-profit
12 organizations are deductible as provided by law;

13 (l) In accordance with Chapter 5 of Title 5, Guam Code Annotated (Guam
14 Procurement Law), to construct, equip, operate and maintain buildings, works,
15 forms, fisheries and other facilities, including all equipment, supplies and
16 machinery incident thereto;

17 (m) To form or cause to be formed, to promote, to aid, and to invest in any
18 manner within its means in the promotion of any corporation or other
19 association, and to cause or participate in the merger, consolidation,
20 reorganization, liquidation or dissolution of any corporation or association in
21 which, or in the business of which, the Corporation has a direct or indirect
22 interest;

23 (n) To settle and adjust claims held by the Corporation against other
24 persons or parties, and by other persons or parties against the Corporation;

1 (o) To borrow funds required to finance revenue-producing projects, and
2 to dedicate revenue derived from the projects for the repayment of loans;

3 (p) To work closely with the Guam Economic Development Authority,
4 Guam Visitors Bureau, all educational and religious institutions on Guam, public
5 and private organizations both on and off-island, and other appropriate agencies
6 to maximize the public benefits and opportunities which enhance the purposes
7 of the Corporation;

8 (q) The Corporation shall submit to I Liheslatura, through I Maga'lahen
9 Guahan, from time to time, legislation that it deems necessary to expeditiously
10 and effectively foster desirable projects and facilities authorized by this Chapter;

11 (r) To endorse, guarantee and secure the payment and satisfaction of
12 bonds, coupons, mortgages, deeds of trust, debentures, obligations, evidences of
13 indebtedness, and shares of stock of other corporations, as far as and to the
14 extent that it is necessary and appropriate to carry out the Corporation's
15 authorized and permissible activities under its powers and functions;

16 (s) To negotiate agreements for the construction of tourist attractions
17 depicting the historical and cultural development of the Chamorro people. Any
18 agreement shall provide that the real property and improvements may be
19 pledged to the lender as security for repayment of the loan. Revenues collected
20 by any tourist attraction facility may be pledged for repayment of the loan;

21 (t) To acquire in accordance with Chapter 5 of Title 5, Guam Code
22 Annotated (Guam Procurement Law), any tangible personal property, and to
23 hold, maintain, use and operate the same; and to sell, lease, encumber or
24 otherwise dispose of the same, whenever any of these transactions are deemed

1 necessary or appropriate to the conduct of the activities authorized by this
2 Chapter, and on the terms that are prescribed by the Corporation;

3 (u) To acquire, in any lawful manner, any intangible personal property,
4 and to hold, maintain, use and operate the same; and to sell, encumber or
5 otherwise dispose of the same, whenever any of the foregoing transactions are
6 deemed necessary or appropriate to the conduct of the activities authorized by
7 this Chapter, and on the terms that are prescribed by the Corporation;

8 (v) Upon request by the Board of Trustees, I Maga'lahi, with the consent
9 of I Liheslatura, may convey in fee simple tracts of government-owned land
10 suitable for development of tourist facilities in accordance with this Chapter. If
11 the government does not own tracts suitable for these purposes, I Maga'lahi may
12 negotiate with the Chamorro Land Trust or with private landowners for the
13 acquisition of suitable property, provided that, if necessary, funds have been
14 appropriated for the acquisition;

15 (w) To formulate and develop standards and procedural requirements
16 with regard to the development, promotion and preservation of the Chamorro
17 language and culture with all relevant institutions and programs;

18 (x) To establish a joint appointment program with Guam colleges and
19 universities in the teaching of Chamorro language, culture and history; and
20 further, to establish reciprocal relationships with other institutions.

21 (y) To take custody and preserve any underwater historic and cultural
22 property in accordance with §87111 of this Chapter; and

1 (z) To take any action and carry on any other operations and do all that
2 may be necessary or appropriate to carry out the powers and duties in this
3 Chapter or hereafter specifically granted to or imposed upon the Corporation;

4 **§87105. Board of Trustees.** (a) All functions and powers of the
5 Corporation shall be vested in and be exercised by and under the direction of a
6 Board of Trustees (hereinafter referred to as the 'Trustees'), composed of nine
7 members. The Trustees shall be U.S. citizens and residents of Guam and no less
8 than five (5), or fifty percent (50%) of the members of the governing body must
9 be Chamorro. Trustees shall be appointed who possess the qualities, knowledge,
10 experience and diversified ability necessary to pursue effectively the programs of
11 the Corporation. I Maga'lahi shall appoint a Chamorro member of the Trustees
12 to serve as Chairperson;

13 (b) I Maga'lahi shall appoint the Trustees of the Corporation which shall
14 be comprised of representatives in the field of Business, History or Archaeology,
15 Tourism, Economics or Finance, Chamorro Language & Culture, Arts and three
16 members at large;

17 (c) All Trustees shall serve at the pleasure of I Maga'lahi for a four (4) year
18 term;

19 (d) Five (5) Trustees constitute a quorum, and five (5) affirmative votes are
20 required for the transaction of all business. The Trustees shall meet in regular
21 session at least once each month and in special session as the Chair may deem
22 necessary. All meetings of the Trustees are open to the public, as provided by
23 law;

1 **Sagan Rikuetdon Guahån**

2 **Guam Archives**

3 **§87401. Short Title.** This Article may be cited as the 'Sagan Rikuetdon
4 Guahån' or 'Guam Archives' Section of the Dipåtamenton I Kaohao Guinahan
5 Chamorro or Department of Chamorro Affairs.

6 **§87402. Authority.** There is established the 'Sagan Rikuetdon Guahån'
7 or 'Guam Archives' (hereinafter referred to as 'Sagan Rikuetdo') as a Program
8 Division within the Corporation. Sagan Rikuetdo is the official depository for all
9 government publications including any printed or processed paper, book,
10 periodical, pamphlet or map, originating in, or printed with the imprint of, or at
11 the expense and by the authority of the government of Guam. Sagan Rikuetdo is
12 the official depository of those public records and other papers not in current use
13 by the Executive, Judicial and Legislative branches of the government of Guam
14 and have been determined by Sagan Rikuetdo to have sufficient legal, historical
15 or other value to warrant their continued preservation by the government of
16 Guam. Sagan Rikuetdo shall also be the custodian of non-governmental
17 historical records that contain significant information about the past or present,
18 and are therefore worthy of long-term preservation and systematic management
19 for historical or other research purposes.

20 **§87403. Definitions.** As used in this Article, unless otherwise indicated:

21 (a) '**Sagan Rikuetdo**' means the Sagan Rikuetdon Guahån or the Guam
22 Archives;

23 (b) '**Guam Archivist**' means the person employed and directed by Mas
24 Ge' Helo' to administer the Guam Archives as its Atmenestrado/dora;

1 (c) **'Governmental Publications'** means all print or non-print materials
2 produced and disseminated by any government entity;

3 (d) **'Government Records'** means public records including: all vital
4 statistics (births and deaths), marriage records, deeds, probate records, court
5 records, departmental records, gubernatorial papers, letters, maps, books,
6 photographs, administrative files, sound recordings, magnetic or other tapes,
7 electronic data processing records, computer memory, electronic government
8 information products, or documentary materials, regardless of physical form or
9 characteristics, made or received pursuant to law, rule or regulation, in
10 connection with the transaction of official business by an agency or officer of
11 government;

12 (e) **'Significant Non-Governmental Records'** means diaries, memoirs,
13 correspondence, church records, Bible records, cemetery records, business
14 records, and organizational and institutional records.

15 **§87404. Purpose.** In cooperation with libraries, museums, historical
16 societies, government agencies, genealogical societies, businesses and citizens,
17 the purpose of Sagan Rikuetdo is to insure the retention and preservation of our
18 documentary heritage. As the official repository and custodian of historical
19 government and non-government records of Guam, Sagan Rikuetdo is mandated
20 to acquire, preserve and make available for public use, records relating to the
21 cultural and documentary heritage of Guam. Sagan Rikuetdo shall foster
22 research on the records in its inventory and shall disseminate the results of this
23 and other research to the public through media as public exhibitions,
24 demonstrations, lectures, scholarly activities, television programs, publications

1 and other public programs contributing to and encouraging public
2 enlightenment.

3 **§87405. Atmenestrادت/dora Sagan Rikuetdo.** The
4 Atmenestrادت/dora is the Division Administrator and shall perform
5 administrative functions of Rikuetdo as directed by the Mås Ge'Helo' of the
6 Dipåtamenton I Kaohao Guinahan Chamorro. The Atmenestrادت/dora
7 Rikuetdo is responsible for Sagan Rikuetdo operations and programs.

8 The Atmenestrادت/dora Sagan Rikuetdo shall meet the following
9 qualifications: A local resident with advanced knowledge of Chamorro culture
10 and history; formal education or experience in the physical handling and
11 intellectual control of historical records, documents and materials; prior specific
12 training and experience in archival administration; and other requirements
13 which may be set forth by the Trustees.

14 **§87406. State Historical Records Advisory Board (SHRAB).** The Board of
15 Trustees shall serve as the Official State Historical Records Advisory Board on
16 behalf of the Sagan Rikuetdo for the purpose of participating in the grants
17 program of the National Historical Publications and Records Commission as
18 federally regulated in Title 36 Code of Federal Regulations §1206.

19 **§87407. Fees and Fines.** The Trustees have the authority to establish
20 fees for services provided by Sagan Rikuetdo and to impose fines for overdue,
21 lost or damaged materials or other misuses of Sagan Rikuetdo's resources,
22 according to the Administrative Adjudication Law.

23 **§87408. Guam Archives Fund.** (a) There is established a fund known as
24 the 'Guam Archives Fund' which the Trustees shall maintain separate and apart

1 from other funds of the Corporation, the records of which shall be kept and
2 maintained by Salâppe'. The Guam Archives Fund is under the general
3 cognizance of the Trustees, which shall manage and use it for purposes as
4 provided in this Article;

5 (b) All money received by the Sagan Rikuetdo from sources other than
6 government appropriation shall be deposited in the Guam Archives Fund;

7 (c) Except as otherwise provided by law, all non-appropriated
8 expenditures of Sagan Rikuetdo shall be made from the Guam Archives Fund.

9 **§87409. Confidentiality of patron's records.** (a) Sagan Rikuetdo shall not
10 allow disclosure of any record or other information, written or oral, which
11 identifies a user of archival services as requesting or obtaining specific materials
12 or services, or as otherwise using the Sagan Rikuetdo resources;

13 (b) Records may be disclosed:

14 (1) If necessary for the reasonable operation of Sagan Rikuetdo;

15 (2) On written consent of the user;

16 (3) On receipt of a court order;

17 (4) If required by law.

18 (c) Any person who knowingly discloses any record or other information
19 in violation of this Section is guilty of a Petty Misdemeanor.

20 **§87410. Facilities Design.** Facilities design shall assure the long-term
21 preservation of all types of records. Features shall include, but not be limited to,
22 the following: environmental controls, fire suppression system, electronic
23 security system, laboratory for restoration and conservation activities, a public
24 reading and research room, and permanent storage areas.

1 (e) Each Trustee shall receive One hundred dollars (\$100) for attendance
2 at any meeting of the Trustees, but this stipend shall not apply to more than two
3 (2) meetings in any one (1) calendar month. No member shall receive any other
4 compensation but shall be reimbursed for actual travel, subsistence and out-of-
5 pocket expenses incurred in the discharge of responsibilities, including
6 authorized attendance at meetings held off island.

7 **§87106. Mås Ge'Helo' or President.** (a) Upon the recommendation of
8 the Trustees, I Maga'lalen Guahan, shall appoint a Mås Ge' Helo' from a pool of
9 qualified candidates who shall possess the following qualifications: a local
10 resident with demonstrated knowledge of Chamorro language, culture and
11 history, formal education, and administrative experience, whose appointment
12 shall be confirmed by the Board of Trustees. The Mås Ge'Helo' shall be directly
13 responsible to the Trustees for the day-to-day operations of the Corporation and
14 shall administer its programs and policies. The Mås Ge' Helo' shall be an ex-
15 officio member of the Board of Trustees, without the right to vote, and shall serve
16 a term of office to be fixed by the Trustees, unless sooner terminated by I
17 Maga'lahi upon recommendation of the Trustees;

18 (b) **Salary and Expenses.** The Mås Ge'Helo' shall be paid a salary and
19 other allowances and benefits as the Trustees may approve.

20 **§87107. Effective Dates and Transition.** (a) Upon enactment of this
21 Chapter, the Executive Directors of the Chamorro Language Commission, the
22 Guam Museum, the Guam Preservation Trust, the Guam Council on the Arts
23 and Humanities Agency, the Administrator of GEDA; and the Directors of the
24 Guam Public Library System, and the Department of Parks and Recreation shall,

1 in preparation for transfer to the Dipåtamenton I Kaohao Guinahan Chamorro,
2 conduct an inventory of the following: all administrative records, financial
3 accounts, all classes of employees and positions, including contracts for
4 personnel services; and, applicable property within the instrumentalities,
5 agencies, public and non-profit corporations, and organizations, subsidiaries,
6 and affiliates and shall cause the transfer of these programs that have been
7 identified to be related to the preservation and promotion of Chamorro heritage
8 and culture consistent with the intent of this Act and §87103 to the
9 Dipåtamenton I Kaohao Guinahan Chamorro;

10 (b) Administrative authority over the respective instrumentalities,
11 agencies, public and non-profit corporations and organizations, subsidiaries and
12 affiliates shall remain with the same until the Trustees of the Corporation have
13 accepted the transfer of all or applicable personnel, properties, contracts and
14 accounts;

15 (c) Within ninety (90) days of a formal request by the Trustees, the
16 respective instrumentalities, agencies, public and non-profit corporations, and
17 organizations, subsidiaries and affiliates shall transfer to the Corporation all or
18 applicable personnel, properties, contracts and accounts;

19 (d) All land, real property, buildings, and their attachments, equipment,
20 materials, and other assets, both tangible and in tangible, of the following
21 instrumentalities: the Chamorro Language Commission, the Guam Museum, the
22 Guam Preservation Trust, the Guam Council of the Arts and Humanities
23 Agency, the Guam Economic Development Authority, the Guam Public Library,
24 the Historic Resources Division of the Department of Parks and Recreation

1 Articles of Incorporation, By-laws or resolutions adopted after notice by Trustees
2 entitled to vote.

3 **§87120. Conflict of Interest.** While serving in office, no individual
4 member of the Trustees or the Divisions' Boards, no employee, no member of its
5 committees, sub-committees, panels or advisory groups shall be eligible to
6 receive in his or her name a grant, loan or other form of assistance from the
7 Dipåtamenton I Kaohao Guinahan Chamorro or any related or administered
8 program.

9 **§87121. Property of the Corporation.** Any property acquired, developed
10 or produced in the name of the Corporation, whether physical or intellectual,
11 and whether tangible or intangible, shall remain with the Corporation including,
12 but not limited to, copyrights, patents and trademarks.

13 **Article 2**

14 **Ufisinan Minaneha**

15 **Administrative and Program Support Office**

16 **§87201. Short Title.** This Article may be cited as the 'Ufisinan Minaneha'
17 or 'Administrative and Program Support Office' Section of the Dipåtamenton I
18 Kaohao Guinahan Chamorro or Department of Chamorro Affairs.

19 **§87202. Authority.** There is established the 'Ufisinan Minaneha'
20 (hereinafter referred to as 'Minaneha') or Administrative and Program Support
21 Office which is comprised of the following Sections:

- 22 (a) 'Minanehan Salåppe' or 'Fiscal' Section;
- 23 (b) 'Emplehao' or 'Human Resources' Section;
- 24 (c) 'Minanehan Ligåt' or 'Compliance' Section;

- 1 (d) 'Minanehan Lugåt yan Guinaha' or 'Properties Management' Section;
2 (e) 'Kulo' or 'Media and Public Information' Section; and
3 (f) others as deemed necessary by the Corporation.

4 **§87203. Definitions.** As used in this Chapter, unless otherwise indicated:

- 5 (a) 'Minaneha' means Ufisinan Minaneha or the Administrative and
6 Program Support Office;
7 (b) 'Ligåt' means Minanehan Ligåt or the Compliance Section;
8 (c) 'Salåppe' means Minanehan Salåppe or the Fiscal Section;
9 (d) 'Lugåt' means Minanehan Lugåt yan Guinaha or the Properties
10 Management Section;
11 (e) 'Emplehao' means the Human Resources Section;
12 (f) 'Kulo' means the Media and Public Information Section;
13 (g) 'Atmenestrado/dora' means Division Administrator.

14 **§87204. Purpose.** The purpose of Minaneha is to consolidate, facilitate
15 and enhance resource sharing for the administrative, fiscal and accounting
16 responsibilities, human resources functions, properties and facilities
17 management, public information and media communication efforts, and
18 regulatory compliance requirements for all of the programs, divisions and
19 responsibilities under the Corporation.

20 **§87205. Segundo/a Mås Ge'Helo' or Vice President.** (a) Upon the
21 recommendation of the Trustees, I Maga'lahi shall appoint a Segundo/a Mås
22 Ge'Helo' from a pool of qualified candidates who shall possess the following
23 minimum qualifications: a local resident with a bachelor's degree in Business
24 Administration/Management, or Finance/Economics, with seven (7) years of

1 experience as a manager in the area of business or financial administration and
2 with the knowledge and ability to manage diverse work units, oversee day-to-
3 day activities, understand property and fiscal management concepts and human
4 resources management. The Segundo/a Mås Ge'Helo' shall be under the direct
5 supervision of the Mås Ge'Helo' and shall be responsible for the operations of
6 the Ufisinan Minaneha and may perform the duties of Comptroller of the
7 Corporation.

8 **(b) Salary and Expenses.** The Segundo/a Mås Ge'Helo' shall be paid a
9 salary and other allowances and benefits as approved by the Trustees.

10 **Article 3**

11 **Dibision Inaligao, Tinige', Yan Fina'nå'gue'**

12 **Research, Publications and Training Division**

13 **§87301. Short Title.** This Article may be cited as the 'Dibision Inaligao,
14 Tinige', Yan Fina'nå'gue' ' or 'Research, Publications, and Training Division'
15 Section of the Dipåttamenton I Kaohao Guinahan Chamorro or Department of
16 Chamorro Affairs.

17 **§87302. Authority.** There is established the 'Dibision Inaligao, Tinige',
18 Yan Fina'nå'gue' ' or 'Research, Publications, and Training Division' as a
19 Program Division within the Corporation. Inaligao, Tinige' Yan Fina'na'gue' will
20 conduct research, develop and publish textual materials, textbooks, other
21 literature and multi-media materials relating to Guam's history, culture,
22 language arts, traditions, values and political development; and conduct training
23 to disseminate and promote increased understanding of its programs and the
24 Chamorro heritage and for purposes of validation.

1 **§87303. Definitions.** As used in this Article, unless otherwise indicated:

2 (a) **'Inaligao, Tinige' Yan Fina'na'gue'** means the Division Inaligao,
3 Tinige', Yan Fina'na'gue' or Research, Publications, and Training Division;

4 (b) **'Atmenestrado/dora Inaligao, Tinige' Yan Fina'na'gue'** means the
5 person employed by the Trustees and directed to supervise the administration of
6 the Division Inaligao, Tinige' Yan Fina'na'gue'.

7 **§87304. Purpose.** The purpose of the Inaligao, Tinige' Yan
8 Fina'na'gue' is to develop articulated curriculum and course text for mandated
9 courses in Guam's schools and institutions of higher learning related to Guam's
10 history, language and culture. The Inaligao, Tinige' Yan Fina'na'gue' shall
11 conduct research, publish and produce multi-media and print materials relating
12 to the Chamorro heritage. Inaligao, Tinige' Yan Fina'na'gue' shall provide
13 training to promote increased understanding of Chamorro Heritage.

14 **§87305. Atmenestrado/dora Inaligao, Tinige' Yan Fina'na'gue'.** The
15 Atmenestrado/dora Inaligao, Tinige' Yan Fina'na'gue' shall be the Division
16 Administrator and shall perform the administrative functions of Inaligao, Tinige'
17 Yan Fina'na'gue' that are directed by the Mās Ge' Helo' of the Corporation. The
18 Atmenestrado/dora Inaligao, Tinige' Yan Fina'na'gue' is responsible for
19 Inaligao, Tinige' Yan Fina'na'gue' operations and programs.

20 The Atmenestrado/dora Inaligao, Tinige' Yan Fina'na'gue' shall meet the
21 following qualifications:

22 A local resident with advanced knowledge of Chamorro language, culture
23 and history; formal education and experience in research and publications or
24 other requirements as set forth by the Trustees.

1 **§87306. Editorial Committee.** There shall be established an Editorial
2 Committee, appointed by the Trustees, whose functions shall be to oversee,
3 review, coordinate and approve the development of curriculum and other
4 publications and products of Inaligao, Tinige' Yan Fina'na'gue'.

5 **§87307. Research and Publication Fund.** (a) There is established a
6 fund known as the 'Research and Publication Fund', which shall be maintained
7 separate and apart from other funds of the Corporation, the records of which
8 shall be kept and maintained by the Salappe' of the Ufisinin Minaneha. The
9 Research and Publications Fund is under the general cognizance of the Trustees,
10 which shall manage and use it for the Inaligao, Tinige' Yan Fina'na'gue'
11 purposes as provided in this Article;

12 (b) All income generated by the sales of publications and other products
13 and money received from sources other than government appropriation shall be
14 deposited in a revolving account to be used by Inaligao, Tinige' Yan Fina'na'gue'
15 in carrying out its functions;

16 (c) Except as otherwise provided by law, all non-appropriated
17 expenditures of the Inaligao, Tinige' Yan Fina'na'gue', shall be made from the
18 Research and Publications Fund.

19 **§87308. Transfer of Staff and Inventories.** Upon enactment of this
20 Chapter, the funds, book inventories, assets, equipment and personnel including
21 the Acting Executive Director and previously mandated positions assigned to the
22 Department of Chamorro Affairs Planning Group shall be transferred to Inaligao,
23 Tinige' Yan Fina'na'gue' to enable it to carry out its functions.

24 **Article 4**

1 (b) **'Kottura Board'** means the Board of Advisors of the 'Dibision
2 Faninadahen Fino' yan Kotturan Chamorro';

3 (c) **'Atmenestrado/dora Kottura'** means the person employed and
4 directed by the Mas Ge'Helo' and advised by the Kottura Board of Advisors to
5 supervise the programs of the Dibision Faninadahen Fino' yan Kotturan
6 Chamorro;

7 (d) **'Faneyåkan'** means the Chamorro Language and Culture Institute.

8 §87504. **Purpose.** The purpose of the Kottura is to study, research and
9 prescribe good usage for the Chamorro language; continue to update the
10 Chamorro-English/English-Chamorro dictionary and promote increased
11 understanding of the Chamorro language and culture; and to provide
12 continuous research, promotion and enhancement of the Chamorro orthography.
13 Kottura shall foster the continued use of the Chamorro language and culture
14 through media as demonstrations, lectures, publications and programs; establish
15 place names for all places within the jurisdiction of the government of Guam on
16 the basis of historical and cultural background, community usage and suitability.

17 §87505. **Kottura Board of Advisors. (a) Composition.** The Kottura Board
18 of Advisors shall consist of five (5) members appointed by I Maga'lahi, one (1) of
19 whom may be a Saina representative, one (1) of whom may be a Manhoben
20 representative, and one (1) of whom shall be a representative of the religious
21 community of Guam;

22 (b) **Term.** Members of the Kottura Board shall serve a term of four (4)
23 years commencing with the date of appointment and until their successors are
24 appointed and qualified; provided, that those persons who are board members

1 on the effective date of this Chapter of the Chamorro Language Commission may
2 serve out their full terms as members of the Kottura Board of Advisors. When a
3 vacancy occurs, it shall be filled by appointment of I Maga'lahi for the remainder
4 of the vacating member's term. Members serve at the pleasure of I Maga'lahi and
5 work directly with the Board of Trustees. Current Board members may continue
6 their appointments until their terms expires or they resign, whichever comes
7 first;

8 (c) **Qualifications.** Members of the Kottura Board shall be residents of
9 Guam, must be demonstrated speakers and writers of the Chamorro language;

10 (d) **Meetings.** The Kottura Board of Advisors shall meet in regular
11 session at least once a month and in special session as the Chairperson may deem
12 necessary. The Chairperson shall be counted for a quorum. Three (3) members
13 shall constitute a quorum and three (3) affirmative votes are required for the
14 transaction of all business. All meetings of the Kottura Board shall be open to the
15 public as provided by law;

16 (e) **Officers.** The Chairperson of the Kottura Board of Advisors shall
17 be appointed by I Maga'lahi and confirmed by resolution of the Board of
18 Trustees of the Kaohao Guinahan Chamorro and serves at the pleasure of I
19 Maga'lahi. The Kottura Board shall annually elect from among its members a
20 Vice-Chairperson. The Chairperson of the Kottura Board shall preside at all
21 meetings, act as the spokesperson and perform other duties as the Trustees shall
22 direct. The Vice-Chairperson shall succeed to the duties of the Chairperson in the
23 absence or inability of the Chairperson. From among its members, the Kottura

1 Board may select a Secretary and any other officers which the board may deem
2 necessary, to serve on an annual basis;

3 (f) **Compensation.** No member shall receive any compensation, except
4 as established by the Trustees and may be reimbursed for actual travel,
5 subsistence and out-of-pocket expenses incurred in the discharge of
6 responsibilities, including authorized attendance at meetings held off-island.

7 **§87506. Kottura Board Duties.** The Kottura Board shall serve in an
8 advisory capacity to the Trustees and shall:

9 (a) Annually elect a Vice-Chairperson and other officers from among its
10 members;

11 (b) Perform its duties and exercise its powers by resolution adopted by at
12 least five (5) votes in a public meeting;

13 (c) Recommend qualified candidates to the Board of Trustees who shall
14 appoint the Kottura Atmenestrado/dora;

15 (d) Recommend for removal Kottura Board members who fail to comply
16 with their responsibilities as Kottura Board members;

17 (e) Continue to study and update the orthographic rules of the Chamorro
18 language and to update the Chamorro-English/English-Chamorro dictionary;

19 (f) Review all applicants for Chamorro certification using standard
20 guidelines recommended by the Kottura Board and adopted by the Trustees;

21 (g) Certify all qualified applicants for placement in the Chamorro
22 Language and Culture Registry;

1 **§87602. Authority.** There is established a Dibision Faninadahen Kosas
2 or the Museum Division (hereinafter referred to as 'Kosas') as a Program
3 Division within the Corporation. Kosas is the official repository and custodian of
4 historical artifacts in Guam and is charged to foster an appreciation for the
5 cultural and natural heritage of Guam through the operation of a public museum
6 and collateral exhibits.

7 **§87603. Definitions.** As used in this article, unless otherwise indicated:

8 **(a) 'Kosas'** means the Dibision Faninadahen Kosas or the Museum
9 Division;

10 **(b) 'Kosas Board'** means the Board of Advisors of the Dibision
11 Faninadahen Kosas;

12 **(c) 'Atmenestrado/dora Kosas'** means the person employed and directed
13 by the Mas Ge'Helo' and advised by the Kosas Board of Advisors to supervise
14 the administration of the Dibision Faninadahen Kosas .

15 **§87604. Purpose.** The purpose of Kosas is to promote increased
16 understanding of Guam's geology, biota, history and contemporary culture. As
17 the official repository and custodian of historical artifacts of Guam, Kosas is
18 mandated to acquire, preserve and make available for public viewing artifacts
19 relating to the cultural and natural heritage of Guam. Kosas shall foster research
20 on the artifacts in its inventory and shall disseminate the results of this and other
21 research to the public through media as public exhibitions, demonstrations,
22 lectures and other public programs and publications.

23 **§87605. Kosas Board of Advisors.(a) Composition.** The Kosas Board of
24 Advisors shall consist of five (5) members appointed by I Maga'lahi, one (1) of

1 whom may be a Saina representative, one (1) of whom may be a Manhoben
2 representative, and one (1) of whom shall be a member with extensive formal
3 experience or education in Guam History or Museum Administration;

4 **(b) Term.** Members of the Kosas Board shall serve a term of four (4)
5 years commencing with the date of appointment, and until their successors are
6 appointed and qualified; provided, that those persons who are members of the
7 Guam Museum Board of Trustees on the effective date of this Chapter may serve
8 out their full term as members of the Kosas Board of Advisors. When a vacancy
9 occurs, it shall be filled by appointment of I Maga'lahi for the remainder of the
10 vacating member's term. Members serve at the pleasure of I Maga'lahi and work
11 directly with the Board of Trustees. Current Board members may continue their
12 appointments until their term expires or resign, whichever comes first;

13 **(c) Qualifications.** Members of the Kosas Board shall be residents of
14 Guam and must demonstrate extensive knowledge of Guam's history and
15 culture;

16 **(d) Meetings.** The Kosas Board of Advisors shall meet in regular session
17 at least once each month and in special session as the Chairperson may deem
18 necessary. The Chairperson shall be counted for a quorum. Three (3) Kosas
19 members shall constitute a quorum and three (3) affirmative votes are required
20 for the transaction of all business. All meetings of the Kosas Board of Advisors
21 are open to the public, as provided by law;

22 **(e) Officers.** The Chairperson of the Kosas Board of Advisors shall be
23 appointed by I Maga'lahi and confirmed by resolution of the Board of Trustees of
24 the Kaohao Guinahan Chamorro and shall serve at the pleasure of I Maga'lahi.

1 The Kosas Board shall annually elect from among its members a Vice-
2 Chairperson. The Chairperson of the Kosas Board shall preside at all meetings,
3 act as the spokesperson and perform other duties as the Trustees shall direct. The
4 Vice-Chairperson shall succeed to the duties of the Chairperson in the absence
5 or inability of the Chairperson. From among its members, the Kosas Board may
6 select a Secretary and any other officers which the board may deem necessary, to
7 serve on an annual basis;

8 **(f) Compensation.** No member shall receive any compensation, except
9 as established by the Trustees, and may be reimbursed for actual travel,
10 subsistence and out-of-pocket expenses incurred in the discharge of
11 responsibilities, including authorized attendance at meetings held off-island.

12 **§87606 Kosas Board Duties.** The Kosas Board shall serve in an advisory
13 capacity to the Trustees and shall:

14 (a) Annually elect a Vice-Chairperson, and select other officers from
15 among its members to serve a four (4) year term;

16 (b) Perform its duties and exercise its powers by resolution adopted by at
17 least four (4) votes in a public meeting;

18 (c) Recommend qualified candidates to the Board of Trustees who shall
19 appoint the Atmenestrادت/dora Kosas;

20 (d) Recommend for removal Kosas Board members who fail to comply
21 with their responsibilities as Kosas board members;

22 (e) Ensure that collection storage conditions conform to the guidelines and
23 standards established by the U.S. Department of Interior (Title 36, Code of
24 Federal Regulations, Part 79), and adopt policies for exhibitions, collections,

1 acquisitions, collection deaccessioning, and for merchandise sales by Kosas or by
2 vendors operating under lease agreements;

3 (f) Report to the Board of Trustees by annual report within sixty (60) days
4 after the end of each fiscal year, and upon request by the Trustees, present
5 special reports within thirty (30) days of the request;

6 (g) Perform general reviews and evaluations of Kosas programs; and

7 (h) Do any and all things necessary to the full and convenient exercise of
8 the above duties in accordance with this Article or as designated by the Trustees.

9 **§87607. Atmenestrادت/dora Kosas.** The Atmenestrادت/dora Kosas
10 shall be the Division Administrator and shall perform the administrative
11 functions of Kosas that are directed by the Mås Ge'Helo' of the Kaohao Guhana
12 Chamorro, and shall serve as the Executive Secretary of the Kosas Board without
13 additional compensation. The Atmenestrادت/dora Kosas shall be responsible
14 for Kosas operations and programs.

15 The Atmenestrادت/dora Kosas shall meet the following qualifications: A
16 local resident with advanced knowledge of Chamorro culture and history;
17 formal education or experience in historical artifact preservation, storage and
18 display; prior specific training and experience in museum administration; and
19 other requirements as may be set forth by the Trustees.

20 **§87608. Kosas Fund.** (a) There is established a fund known as the 'Kosas
21 Fund' which shall be maintained separate and apart from other funds of the
22 Kaohao Guinahan Chamorro, the records of which shall be kept and maintained
23 by Salappe' of the Ufisinan Minaneha. The Kosas Fund is under the general
24 cognizance of the Board of Trustees, which shall manage and use it for Kosas

1 purposes as recommended by the Kosas Board of Advisors as provided in this
2 Article;

3 (b) All income generated by sales and admission fees, and money received
4 by Kosas from sources other than government appropriation shall be deposited
5 in the Kosas Fund;

6 (c) All non-appropriated expenditures of Kosas, except as otherwise
7 provided by law, shall be made from the Kosas Fund.

8 Article 7

9 Dibision Faninadahen Irensia

10 Historic Preservation and Resources Division

11 §87701. **Short Title.** This Article may be cited as 'Dibision Faninadahen
12 Irensia' or the 'Historic Preservation and Resources Division' Section of the
13 Dipåttamenton I Kaohao Guinahan Chamorro or Department of Chamorro
14 Affairs.

15 §87702. **Authority.** There is established the Division Faninadahen Irensia
16 or Historic Preservation and Resources Division (hereinafter referred to as
17 'Irensia'), a Program Division within the Corporation which is responsible for
18 establishing, developing, and maintaining a comprehensive historic preservation
19 program for Guam.

20 §87703. **Definitions.** As used n this Article, unless otherwise indicated:

21 (a) 'Irensia' means the Dibision Faninadahen Irensia or the Historic
22 Preservation and Resources Division.

23 (b) 'Irensia Board' means the Guam Historic Preservation and Resources
24 Board of Advisors of the Dibision Faninadahen of Irensia.

1 (c) **'Atmenestrادت/dora Irensia'** means the person employed and
2 directed by the Mas Ge'Helo' and advised by the Irensia Board of Advisors to
3 supervise the programs of the Dibision Faninadahen and the Guam Preservation
4 Trust Fund.

5 (d) **'Ufisiât Faninadahen Hestorian Guåhan'** means the person employed
6 as Guam Historic Preservation Officer, the holder of which position shall be State
7 Historic Preservation Officer for federal purposes and who shall be under the
8 supervision of the Atmenestrادت/dora Irensia.

9 (e) **'Irensia Fund'** means the Guam Preservation Trust Fund.

10 §87704. **Purpose.** The purpose of Irensia is to establish, develop, and
11 maintain a comprehensive program for historic preservation, restoration, and
12 presentation, which shall include but not be limited to the following:

13 (a) Develop plans to acquire, restore, or preserve historic areas,
14 buildings, and sites significant to Guam's past;

15 (b) Establish and maintain the Guam Register of Historic Places;

16 (c) Establish regulations on the uses of historic areas, buildings, sites and
17 places;

18 (d) Develop a comprehensive survey of historic areas, buildings, and
19 sites with a phrased preservation and restoration development plan and
20 accompanying budget and land use recommendations;

21 (e) Cooperate with the Territorial Land Use Commission, the Chamorro
22 Land Trust Commission, the Territorial Seashore Protection Commission and
23 other land use and regulation agencies to fulfill the purposes of this Article;

1 (f) Advise and cooperate with other public and private agencies
2 engaged in similar work.

3 **§87705. Irensia Board of Advisors.** (a) Composition. The Irensia Board
4 shall consist of five (5) members appointed by *I Maga'lahi*.

5 (b) **Term.** Members of the Irensia Board shall serve a term of four (4)
6 years commencing with the date of appointment, and until their successors are
7 appointed and qualified; provided, that the persons who are board members of
8 the Guam Historic Preservation Review Board on the effective date of this
9 Chapter may serve out their full term as members of the Irensia Board. When a
10 vacancy occurs, it will be filled by appointment of *I Maga'lahi* for the remainder
11 of the vacating member's term. Members serve at the pleasure of *I Maga'lahi* and
12 work directly with the Board of Trustees. Current Board members may continue
13 their appointments until their term expires or they resign, whichever comes first.

14 (c) **Qualifications.** Four (4) members must be knowledgeable of the
15 Chamorro language, history, and culture. The remaining five (5) members must
16 be recognized professionals from among the disciplines listed in the National
17 Historic Preservation Act, as amended.

18 (d) **Meetings.** The Irensia Board of Advisors shall meet in regular session
19 at least once each month, and in special session as the Chairperson deems
20 necessary. The Chairperson shall be counted for a quorum. Three (3) Irensia
21 members shall constitute a quorum and three (3) affirmative votes are required
22 for the transaction of all business. All meetings of the Irensia Board are open to
23 the public as provided by law.

1 **(e) Officers.** The Chairperson of the Irensia Board shall be appointed by *I*
2 *Maga'lahi* and confirmed by resolution of the Board of Trustees of the Kaohao
3 Guinahan Chamorro and shall serve at the pleasure of *I Maga'lahi*. The Irensia
4 Board of Advisors shall annually elect among its members a Vice-Chairperson.
5 The Chairperson of the Irensia Board shall preside at all meetings, act as the
6 spokesperson, and perform other duties as the Trustees shall direct. The Vice-
7 chairperson shall succeed to the duties of the Chairperson in the absence or
8 inability of the Chairperson. From among its members, the Irensia Board may
9 select a Secretary and any other officers which the Board may deem necessary, to
10 serve on an annual basis.

11 **(f) Compensation.** No member shall receive any compensation, except
12 as established by the Trustees, and may be reimbursed for actual travel,
13 subsistence, and out-of-pocket expenses incurred in the discharge of
14 responsibilities, including authorized attendance at meetings held off-island.

15 **§87706. Irensia Board Duties.** The Irensia Board shall serve in an advisory
16 capacity to the Trustees and shall:

17 (a) Evaluate applications for nominating properties to the National
18 Register of Historic Places;

19 (b) Review the Guam survey of Historic Properties;

20 (c) Review the content of the comprehensive preservation plan
21 established pursuant to §13985.2 of the Government Code, enacted in Public law
22 No. 10-68, amended in Public Law Nos. 12-126 and 20-151;

23 (d) Enter historic properties into the Guam Register of Historic Places;

1 **§87711. Underwater historic and cultural property.** (a) Definition of
2 underwater historic and cultural property. ‘Underwater historic and cultural
3 property’ means any shipwreck, vessel, cargo, tackle, or underwater
4 archaeological specimen, including any found at refuse sites or submerged sites
5 of former habitation, that has remained unclaimed for more than ten (10) years
6 on the bottoms of any waters.

7 **(b) Title.** Subject to any statute of the United States and any vested
8 riparian rights, the title to all bottoms of navigable water within Guam’s
9 boundaries and the title to an underwater historic property living on or under
10 these bottoms is declared to be in Guam, and the bottoms and underwater
11 historic and cultural properties shall be under the exclusive dominion and
12 control of Guam through the Corporation.

13 **(c) Custody.** The custodian of underwater historic and cultural property
14 as defined in Subsection (b) of this Section shall be the Corporation, which shall
15 administer the preservation and protection of these properties as directed by this
16 Section. The Corporation is empowered to prescribe rules and regulations as may
17 be necessary to preserve, protect, and recover underwater historic and cultural
18 properties.

19 **(d) Salvage research.** The Corporation shall establish a center responsible
20 for salvage research in areas designated by the Corporation as endangered by the
21 lease, sale, or use of public or private lands.

22 **(e) Permits.** Any qualified persons, firm, or corporation desiring to
23 conduct any type of exploration or recovery operations, in the course of which
24 any underwater historic or cultural property may be removed, displaced, or

1 destroyed, shall first make application to the Corporation for a permit to conduct
2 the operation. If the Corporation finds that the granting of the permit is in the
3 best interest of Guam, it may grant to the applicant a permit for a period of time
4 and under conditions as the Corporation deems to be in the best interest of
5 Guam. The permit may provide for the fair compensation to the permittee in
6 terms of a percentage of the reasonable cash value of the objects recovered or a
7 fair share of the objects recovered, the fair compensation or share to be
8 determined by the Corporation. Superior title to all objects recovered shall be
9 retained by Guam unless or until the objects are released to the permittee by the
10 Corporation. All exploration and recovery operations undertaken pursuant to a
11 permit issued under this Section shall be carried out under the general
12 supervision of the Corporation and in accordance with rules and regulations
13 prescribed by the Corporation and in a manner that the maximum amount of
14 historic, scientific, archaeological, and educational information may be recovered
15 and preserved in addition to the physical recovery of items. Permits may be
16 renewed upon or prior to expiration upon the terms that the Corporation may
17 specify. Holders of permits shall be responsible for obtaining permission of any
18 federal agencies having jurisdiction prior to conducting any salvaging
19 operations.

20 **(f) Penalties.** Any person violating the provisions of this Section or any
21 rules and regulations established in accordance with this Section shall be
22 punished as provided by Title 9, Guam Code annotated, for Misdemeanor, and
23 shall forfeit to Guam through the Corporation any artifacts or objects collected.

1 features on the property. In the event that there is no alternate recourse in
2 protecting or salvaging the cultural or historic significance of property, the
3 decision of the Irensia to deny issuance of a permit or to cease work on a project
4 shall prevail;

5 (c) In the event a project has commenced, where items of cultural or
6 historic significance have been disturbed, the developer shall be responsible for
7 the restoration of the property to its original form and the burden of expense
8 shall be on the developer. Irensia has oversight in insuring that restoration is
9 executed in accordance with Irensia rules and regulations;

10 (d) Projects with potential adverse impact on cultural or historic features
11 may be resolved by Irensia through agreement or mitigation. This resolution
12 may include, but not be limited to, project redesign, relocation, curation, and
13 display of cultural resources, and land dedication to the Corporation. The
14 Irensia Board shall develop and recommend policies and procedures for the
15 resolution of any controversial findings, in accordance with the Administrative
16 Adjudication Law.

17 **§87714. Treatment of human remains.** Human remains shall receive
18 respect and consideration when discovered. Disturbance of burial sites shall be
19 avoided when possible but when necessary, shall be at the expense of the
20 developers, using procedures and standards developed by Irensia.
21 Anthropological study of human remains shall be at a minimum level and only
22 for the time authorized by Irensia prior to reburial.

23 **§87715. Abatement of taxes.** The Corporation shall issue a certificate of
24 tax abatement of property taxes on private property which is included within an

1 historic preservation easement. The private owner shall apply to the Irensia
2 Board of Advisors for the tax benefit and recommend approval to the Board of
3 Trustees of the Kaohao Guinahan Chamorro and final approval by I Maga'lahi.
4 The Corporation shall provide a certificate of compliance annually to the
5 recipient and the Tax Commissioner. The Corporation shall promulgate rules
6 and regulations for this purpose consistent with the Administrative Adjudication
7 Act.

8 **§87716. Irensia Fund.** (a) There is established a fund known as the
9 'Irensia Fund', which the Trustees shall maintain separate and apart from other
10 funds of the Corporation, the records of which shall be kept and maintained by
11 Salåppe'. The Irensia Fund is under the general cognizance of the Board of
12 Trustees, which shall manage and use it for Irensia purposes as recommended by
13 the Irensia Board of Advisors as provided in this Article;

14 (b) All income generated by fees collected pursuant to Subsection (a) of
15 §31047 of the Government Code, fines collected for violations of this Article, and
16 money received from sources other than government appropriation shall be
17 deposited in a revolving account to be used by Irensia in carrying out the
18 purposes of this Article;

19 (c) Except as otherwise provided by law, all non-appropriated
20 expenditures of the Irensia shall be made from the Irensia Fund.

21 **§87717. Atmenestrادت/dora Irensia.** The Atmenestrادت/dora Irensia
22 shall be the Division Administrator and shall perform the administrative
23 functions of Irensia as directed by the Mås Ge' Helo' of Kaohao Guinahan
24 Chamorro, and shall serve as the Executive Secretary of the Irensia Board

1 without further compensation. The Atmenestrادت/dora Irensia shall be
2 responsible for Irensia's operations and programs.

3 **§87718. Establishment of the 'Nåftan Mañaina-ta.'** The Corporation is
4 directed to establish a Chamorro Shrine to be called, 'Nåftan Mañaina-ta' for the
5 entombment of ancestral remains collected from sites throughout the island. The
6 establishment of the Chamorro Shrine, 'Nåftan Mañaina-ta', shall include the
7 planning, design, construction, and maintenance of the facility. The shrine shall
8 include a Chamorro tombstone reflecting information on the ancient villages
9 where the human remains originated, death rites, burial practices, and life
10 around the immediate area. The shrine shall be designated to recognize and
11 respect the ancestry and lineage of the Chamorro people, and shall be the burial
12 ground for ancestral remains designated by the Corporation. The Chamorro
13 Land Trust is authorized and directed to identify an appropriate site in
14 coordination with the Corporation, and to deed the property to the Corporation
15 for the purposes of this Section.

16 **§87719. Appropriation.** The Corporation shall submit an appropriation
17 request for the design and construction of the Chamorro Shrine, 'Nåftan
18 Mañaina-ta', to the Maga'lahen Guåhan.

19 **Article 8**

20 **Dibision Kåhan Kottueran Guahan**

21 **Arts and Humanities Division**

22 **§87801. Short Title.** This Article may be cited as the 'Dibision Kåhan
23 Kottueran Guahan' or 'Arts & Humanities Division' Section of the

1 (e) to join or contract on behalf of the Corporation with private patrons
2 individual artists, ensembles, and with institutions, local sponsoring
3 organizations, and professional regional and national organizations on behalf of
4 the Corporation in carrying out the duties of Kåha;

5 (f) to enter into contracts, to provide grants, loans, or advances to
6 individuals, organizations, or institutions, whether public or private, engaged in
7 cultural or arts and humanities programs in carrying out the duties of Kåha;

8 (g) to accept gifts, contributions, and bequests of funds or artifacts and
9 loans of artistic property on behalf of the Corporation in carrying out the duties
10 of Kåha;

11 (h) to serve as the sole government agency for administering any state
12 plan of the National Endowment for the Arts and the National Endowment for
13 the Humanities;

14 (i) to make applications for federal funds from any office or agency of the
15 United States for participation in or receipt of aid from federal programs as
16 related to this Article;

17 (j) to receive requests for grants and to make grants to institutions,
18 individuals, and agencies of government in furtherance of the arts and
19 humanities on behalf of the Corporation in carrying out the duties of Kåha;

20 (k) to maintain dialogue and membership with and in international,
21 national, and regional arts and humanities organizations necessary to the needs
22 of Guam;

23 (l) to administer and disburse sub-grants and designated funds as related
24 to arts and humanities programs; and

1 (m) to expend authorized appropriations made by I Liheslatura to Kåha in
2 support of arts and humanities related programs on behalf of the Corporation in
3 carrying out the duties of Kåha;

4 **§87805. Kåha Board. (a) Composition.** The Kåha Board shall consist of
5 seven (7) members appointed by the Trustees of the Board of the Kaohao
6 Guinahan Chamorro, one (1) of whom may be a Saina representative, one (1) of
7 whom may be a Manhoben representative, and one (1) of whom shall be a
8 member with extensive formal experience or education in Arts & Humanities;

9 **(b) Term.** Members of the Kåha Board shall serve a term of four (4) years
10 commencing with the date of appointment and until their successors are
11 appointed and qualified; provided, that those persons who are board members of
12 the Guam Council on the Arts and Humanities on the effective date of this
13 Chapter may serve out their full term as members of the Kåha Board. When a
14 vacancy occurs, it shall be filled by the appointment of *I Maga'lahi* for the
15 remainder of the vacating member's term. Members serve at the pleasure of *I*
16 *Maga'lahi* and work directly with the Board of Trustees. Current Board members
17 may continue their appointments until their term expires or they resign,
18 whichever comes first;

19 **(c) Qualifications.** Members of the Kåha Board shall be residents of
20 Guam, selected at-large, who have recognized professional interest and
21 experience in, or who are widely known for, their interest and support of the arts
22 and humanities. The Kåha Board shall have at least one (1) professional or
23 artistic member from each of the following areas: performing arts, visual arts,
24 literature, folk and traditional arts, and music;

1 **(d) Meetings.** The Kåha Board shall meet in regular session at least once
2 each month and in special sessions as the Chairperson may deem necessary.
3 Four (4) Kåha Board members shall constitute a quorum and four (4) affirmative
4 votes are required for the transaction of all business. The Chairperson shall be
5 counted for a quorum. All meetings of the Kåha Board are open to the public, as
6 provided by law;

7 **(e) Officers.** The Chairperson of the Kåha Board of Advisors shall be
8 appointed by I Maga'lahi and confirmed by resolution of the Board of Trustees of
9 the Kaohao Guinahan Chamorro and serves at the pleasure of I Maga'lahi. The
10 Chairperson of the Kåha Board shall preside at all meetings of the Kåha Board of
11 Advisors, and shall perform other duties as the Trustees shall direct. The
12 Chairperson shall also serve as the Kåha Board representative to the Trustees.
13 The Vice-Chairperson shall succeed to the duties of the Chairperson in the
14 absence or inability of the Chairperson. From among its members, the Kåha
15 Board shall select a Secretary of the Kåha Board and any other officers which the
16 Kåha Board may deem necessary, to serve not more than two (2) year period
17 without disruption;

18 **(f) Compensation.** Members shall not receive any compensation, except
19 as established by the Trustees and may be reimbursed for actual travel,
20 subsistence, and out-of-pocket expenses incurred in the discharge of their
21 responsibilities, including authorized attendance at meetings held off-island.

22 **§87806. Board Powers and Duties.** The Kåha Board has those powers
23 necessary to carry out the duties imposed on it by this Article, including, but not
24 limited to, the power to:

- 1 (a) annually elect a Vice-Chairperson and other officers from among its
2 members;
- 3 (b) perform its duties and exercise its powers by resolution adopted by at
4 least four (4) votes in a public meeting;
- 5 (c) recommend qualified candidates to the Trustees who shall appoint the
6 Atmenstradot/dora Kåha and Segundo Atmenestraadot/dora Kåha.
- 7 (d) Recommend for removal to the Board of Trustees of Kaohao Guinahan
8 Chamorro Kåha Board members who fail to comply with their responsibilities as
9 Kåha Board members;
- 10 (e) Recommend application and acceptance for the arts and humanities to
11 the Corporation any federal funds granted by Acts of Congress or by executive
12 order for any and all purposes of this Article. Dipåttamento I Kaohao Guinahan
13 Chamorro or Department of Chamorro Affairs is the official Corporation and
14 state representative of Guam upon recommendation of the Kåha Board of
15 Advisors to apply for, receive, and disburse the basic state grant from the
16 National Endowment for the Arts and the National Endowment for the
17 Humanities;
- 18 (f) accept any gifts, donations, or bequests for all or any of the purposes of
19 Kåha, and to expend the funds that are appropriated to it by the Corporation or
20 the government of Guam;
- 21 (g) appoint committees, sub-committees, panels, and commissions in
22 furtherance of its duties;

1 (h) develop grant application criteria and procedures, and to award
2 funding and direct grants to individuals and organizations in accordance with
3 the criteria and procedures established;

4 (i) report to the Trustees by annual report within sixty (60) days of the
5 end of each fiscal year, and upon request by the Trustees, present reports within
6 thirty (30) days of the request;

7 (j) do any and all things necessary to the full and convenient exercise of
8 the above duties in accordance with this Article, or as designated by the Trustees.

9 **§87807 Atmenestrادت/dora Kåha.** The Atmenestrادت/dora Kåha shall
10 be the Division Administrator and shall perform the administrative functions of
11 Kåha that are directed by the Mås Ge Helo' of Dipåtamento I Kaohao Guinahan
12 Chamorro, and shall serve as the Executive Secretary of the Kåha Board without
13 further compensation. The Atmenestrادت/dora Kåha shall be responsible for
14 Kåha operations and programs. Atmenestrادت/dora Kåha shall meet the
15 following qualifications: A local resident with advanced knowledge of Guam
16 culture and history; formal education or experience in the arts or humanities by
17 reason of education or expertise and shall have demonstrated proficiency in
18 administration of programs relating to the arts and humanities.

19 **§87808. Art in Public Places.** The Corporation shall oversee compliance of
20 this program as it pertains to public and non-public development projects in
21 consultation with Admenestrادت/dora Kåha. Kåha shall be responsible for the
22 implementation and administration of Guam's Arts in Public Places, as defined
23 under law and governed under established rules and regulations. The
24 Corporation shall oversee the necessary legal compliance of this program as it

1 pertains to public and non-public development projects in consultation with
2 Atmenestrado/dora Kåha and the responsible program coordinator.

3 **§87809. Censorship.** In carrying out the duties and powers under this
4 Article, the Corporation shall not directly or indirectly interfere with or infringe
5 upon the freedom of artistic expression, nor shall it act or make any
6 recommendations that may be interpreted to be a form of censorship.

7 **§87810. Kåha Fund.** (a) There is established a revolving fund known as
8 the Kåha Fund, which shall be maintained separate and apart from other funds
9 of the Corporation, the records of which shall be kept and maintained by
10 Salåppe'. The Kåha Fund is under the general cognizance of the Trustees, which
11 shall manage it and use it for the Kåha purposes as provided in this Article;

12 (b) All money received by the Kåha generated from gallery commissions,
13 season tickets, and other fund-raising activities shall be deposited into the
14 Revolving Fund to be used to further art projects;

15 (c) Individual accounts may also be opened under the revolving fund for
16 specific projects."

17 **Section 3.** All rules and regulations duly promulgated shall remain in
18 effect until such time the Corporation determines the need for amendments and
19 modification pursuant to the Administrative Adjudication Act.

20 **Section 4.** Amendment and repeal of code sections regarding Guam
21 Public Library System. (a) Amendment of code section specifying that Guam
22 Public Library System is the only repository of government publications. §80120
23 of Title 5, Guam Code Annotated, is amended to read:

1 **"§80120. Government Depository.** The Guam Public Library System is
2 designated depository for all governmental [~~government~~] publications including
3 any printed or processed paper, book, periodical, pamphlet, or map, originating
4 in, or printed with the imprint of, or at the expense and by the authority of the
5 government of Guam."

6 (b) Repeal of code sections specifying that the Guam Archives is under the
7 Guam Public Library System Board of Trustees and that all records shall be
8 delivered to the Guam Archives. §§80121 and 80122 of Title 5, Guam Code
9 Annotated, are repealed.

10 **Section 5.** Repeal of code sections regarding Commission on the
11 Chamorro Language (Chamorro Language Commission) (a) Repeal of current
12 Chamorro Language Commission. §§46101 through 46109, Chapter 46 of Title
13 17, Guam Code Annotated, are repealed.

14 (b) Repeal of Guam Place Name Commission and repeal of the
15 designation of the Chamorro Language Commission as the Guam Place Name
16 Commission. Sections 13999, 1399.1, 13999.2, 13999.3, and 13999.4 of the
17 Government Code, as they may be amended, are repealed.

18 **Section 6.** Repeal of code sections regarding the Guam Museum.
19 §§83101 through 83111 of Title 5, Guam Code Annotated, are repealed.

20 **Section 7.** Repeal of code sections regarding the Guam Historic
21 Resources Division within the Department of Parks and Recreation. Parks I, II,
22 III, IV, and V of Chapter XIII of the Government Code, consisting of Sections
23 13985 and 13985.1 through 13985.42, found in the 1974 Supplement of the
24 Government Code, are repealed. Sections 1 through 6, Sections 10 and 11,

1 Sections 14 through 19, Section 21, Section 23, and Sections 26 and 27 of Public
2 Law No. 20-151 are repealed. Public Law No. 21-104 is repealed.

3 **Section 8.** Amendment of Department of Parks and Recreation into 2
4 instead of 3 divisions. Section 26002 of the Government Code is reenacted to
5 read:

6 **“Section 26002.** The Department of Parks and Recreation is divided
7 into two (2) divisions, to be known as the Parks Division and the Recreation
8 Division.”

9 **Section 9.** Repeal of code sections regarding the Guam Historic
10 Preservation Review Board and the Guam Preservation Trust. Sections 7
11 through 9, and Sections 12 and 13 of Public Law No. 20-151 are repealed. Public
12 Law No. 21-07 is repealed.

13 **Section 10.** Repeal of code sections regarding the Guam Council on the
14 Arts and Humanities. §5123 of the Government Code, now §3119 of Title 5,
15 Guam Code Annotated, and §§65000 through 65009 of the Government Code,
16 now §§85101 through 85109 of Title 5, Guam Code Annotated, first enacted in
17 Public Law No. 16-122, are repealed.

18 **Section 11.** Amendment of Chapter 86 of Title 5, Guam Code
19 Annotated, Inetnon Minauleg Guam, to accommodate the creation of the
20 Dipåttamenton I Kaohao Guinahan Chamorro or Department of Chamorro
21 Affairs. (a) Amendment of Legislative findings and intent. The second
22 paragraph of §81101 of Title 5, Guam Code Annotated, is amended to read:

23 **“It is therefore the intent of I Liheslatura to create the Inetnon Minauleg**
24 **Guam (IMG), to be comprised of the Guam Beautification Task Force, the [Guam**

1 Preservation Trust] the Dipåtamenton I Kaohao Guinahan Chamorro or
2 Department of Chamorro Affairs, the Department of Parks and Recreation
3 (DPR), the Guam Visitors Bureau (GVB), and the Department of Public Works
4 (DPW). The Mayors of the villages in which sites enumerated in this Act are
5 located shall also be members of the IMG. I Liheslatura intents that the IMG
6 develop a prioritized schedule for the renovation, beautification, and upgrading
7 of each site, taking into account the historical and cultural importance of each
8 site, the feasibility of each project, and the availability of supplementary funding
9 from sources other than the Tourist Attraction Fund (TAF). The IMG shall add
10 appropriate sites to the list as it deems necessary. Their findings shall be
11 reported to *I Maga'lahaen Guåhan*, the Speaker of *I Liheslatura*, and the
12 Chairpersons of *I Liheslatura's* Committees with oversight responsibilities for
13 Parks and Recreation and the TAF."

14 (b) Amendment of creation and duties of Inetnon Minauleg Guam.
15 §86103 of Title 5, Guam Code Annotated, is amended to read:

16 **§86103. Creation and Duties of Inetnon Minauleg Guam.** There is hereby
17 created the Inetnon Minauleg Guam (hereinafter the 'IMG') which shall be
18 comprised of the following entities:

- 19 1. The Guam Beautification Task Force
- 20 2. [Guam Preservation Trust] the Dipåtamenton I Kaohao
21 Guinahan Chamorro or Department of Chamorro Affairs
- 22 3. Department of Parks and Recreation
- 23 4. Guam Visitors Bureau
- 24 5. Department of Public Works, and

If we truly believe in the preservation of our heritage, we must act now. This is not to say that we must renounce everything American or Spanish. Indeed, there were aspects of civilization that were brought to our shores by the Spaniards and Americans that were noble and have become part of our lives. The point I am making is simply that we must preserve and pass on the attributes and legacies that made us what we are today. I like to say that I am an American by choice, a distant descendant of a Spaniard named Palomo who came to Guam in 1725, and possessing a soul that is totally Chamorro. At least a few drops of Chamorro blood run in my vein.

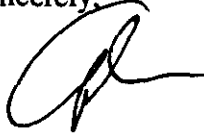
With respect to specifics on the two bills, the following are my comments:

1. Merging of culture and heritage-oriented government agencies and parts of agencies would result in better coordination, more efficiency, less cost, and creates a more unified approach in determining general policies. Sharing of resources would be a distinct benefit. Archaeologists, curators, language specialists, historians, accountants, personnel specialists and other technical personnel would be shared by all.
2. Creation of a public corporation would lend more credence to community participation and there will be less bureaucracy. This will not simply be a corporate entity within a government but a public corporation that works with and for the benefit of the entire community.
3. This committee should give serious thought to giving subsidiary boards some authority in making decisions. When the original bill was submitted for introduction by Governor Carl T.C. Gutierrez in the 24th Guam Legislature, I consulted with the American Association of Museums to see whether the proposed legislation would meet the criteria in obtaining Federal funds and other assistance. In its response to my request, the AAM stated, in part: "IMLS (Institute of Museum and Library Services) is most emphatic that museums within a parent organization must operate independently in order to receive grants in their own name (as opposed to a grant in the parent's name). To be independent they must have a separate advisory body, separate staff, and separate budget." A copy of the AAM's letter, along with my letter requesting AAM's advice, is attached. I certainly would be happy to submit amendments to satisfy this requirement. This question may also be applicable to other subsidiary boards. For your information, the IMLS and AAM have been very helpful to the Guam Museum during the recent past, and we expect more assistance from them in the months and years ahead.
4. Bill Nos. 38 and 56 should be reviewed and merged as one since their ultimate goal is, to a great extent, the same. Cultural tourism seems to be the wave of the future and if it can help finance our operation, we should

welcome it. This is where the Guam Visitors Bureau and the Guam Economic Development Authority can help promote our cultural attributes and thus help meet our financial obligations.

Passage of this important legislation means a commitment to the preservation of our culture and heritage. It means an acknowledgment of our past and a desire to pass on our noble values and heritage to posterity.

Sincerely,

A handwritten signature in black ink, appearing to be 'A. Palomo', written over a horizontal line.

ANTONIO M. PALOMO
Executive Director

Attachment

Guam Museum
December 4, 1997
Page 2

The section of the legislation relating to the Arts and Humanities Division that you pointed out in your letter mentions that this Division would "...apply for, receive, and disburse the basic state grant from the National Endowment for the Arts and the National Endowment for the Humanities." (Emphasis mine.) One could assume from reading this that the Museums Division could apply for specific grant projects for the museums and not have to go through the Arts and Humanities Division. However, you might wish to clarify this.

I hope this explanation is helpful. Please let us know if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Able, Jr.', with a long horizontal flourish extending to the right.

Edward H. Able, Jr.

- be open and providing museum services to the general public (an institution which exhibits objects to the general public for at least 120 days a year fulfills this requirements); *and*
- be located in one of the fifty States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

Regulations pertaining to eligibility are included at the end of the booklet.

MUSEUM HOURS

To apply for a MAP grant, you must provide your museum hours (on Application Form page 2.4). Describe the hours that your museum is open to the public each day of the week throughout the year, as in the following example:

MONTH TO MONTH	SUN	MON	TUES	WED	THURS	FRI	SAT
January to March				1-5	1-5	12-5	
April to December		1-5	1-5	1-5	1-5	1-5	12-5

MUSEUMS WITHIN MULTIPURPOSE ORGANIZATIONS

If your museum is located within a multipurpose public or private nonprofit organization such as a municipality, university, historical society, foundation or cultural center, you may apply for IMLS funds. To be eligible, however, you must function as a discrete unit within your parent organization.

In addition, your museum must:

- have at least one full-time professional staff member, or the equivalent, paid or unpaid, who is responsible solely for your museum's services and operations; *and*
- have a fully segregated and itemized operating budget within that of your parent organization; *and*
- be able to separately and distinctly fulfill all IMLS eligibility and application requirements.

Support, auxiliary, one parent organizations that apply on behalf of museums which they own or operate or with which they are affiliated are not eligible to apply for IMLS funds on their own behalf. Funds may be used for the *designated project only*; they may *not* be used for other purposes by the larger organization.



GUAM MUSEUM

Honorable Carl T. C. Gutierrez
Governor of Guam

Honorable Madeleine Z. Bordallo
Lieutenant Governor of Guam

Antonio M. Palomo
Executive Director

BOARD OF TRUSTEES

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13-6 Soagall Avenue
Tiyon, Guam

P. O. Box 2950
Agaña, Guam 96932

TEL. NO.: (671) 475-4229
FAX NO.: (671) 475-6727

November 19, 1997

Director
Association of American Museums
Department 4002
Washington, D. C. 20042-4002

FILE COPY

Dear Sir/Madam:

The Governor of Guam recently submitted proposed legislation to the Guam Legislature which would, if enacted into law, establish a Chamorro Heritage Institute which would merge all Government of Guam agencies involved in historical and cultural activities, including language, arts, and historical and archival preservation. The Guam Museum is among these agencies.

The Guam Museum is a relatively new agency of the Government of Guam, having been created by law as a separate institution in 1992 after having been under the umbrella of the Guam Public Library for many years.

The Museum currently is governed by a Board of Trustees invested with certain powers, including the adoption of museum policies by resolution, the power to enter into contracts, and the authority to disburse funds from the Guam Museum Fund, to which admission and other fees, along with donations and contributions are deposited.

Under the proposed legislation, the Guam Museum will be governed by a super Board of Trustees, whose authority will encompass all the various agencies, which become divisions of the Chamorro Heritage Institute. The current board will continue to exist but only as an advisory board. All properties, real and personal, belonging to the museum will be transferred to the Institute.

While I personally support the preservation of Guam's cultural heritage, and the proposed merger of agencies may be the way to do it, our current trustees and I are concerned whether the proposal might inhibit the ability of the Guam Museum to perform its mission, including the ability to apply and receive Federal grants and other assistance.

We would be most appreciative if your good organization will review the proposed legislation and advise us on possible changes. You will note that on the section relating to the Arts and Humanities Division (pages 45 through 51), that division generally has a free hand on pursuing its goals and programs on behalf of the Corporation, which is not so with the other divisions.

Page 1 of 2

Carl T.C. Gutierrez
Governor

Deborah J. Bordallo
Executive Director



GUAM
COUNCIL ON THE
ARTS AND
HUMANITIES AGENCY

Madeleine Z. Bordallo
Lieutenant Governor

Jeanne Pangelinan
Deputy Director

KAHAN I KUTTURAN GUAHAN

February 24, 1999

The Honorable Mark Forbes
Senator & Chairman, Committee on Rules,
Government Reform, Reorganization and Federal Affairs
Twenty-fifth Guam Legislature
155 Hesler Street
Hågatña, Guam 96910

Dear Mr. Chairman:

Ha'anen Maolek. The Guam Council on the Arts and Humanities Agency supports the passage of:

**Bill No. 56 "An Act to Create the "Dipåtamenton I Chamorro", or
"Chamorro Heritage Institute"**

with two amendments recommended. The amendments are relative to:

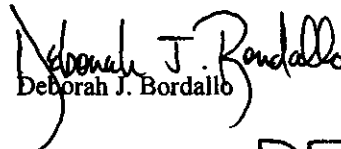
- (1) The Art in Public Places (1% for the Arts) portion of the legislation; and
- (2) Division name being given to the Arts and Humanities Division.

These were both addressed at the August 25, 1998 hearing on Bill No. 410, and to which received full support during the hearing, and a copy of the testimony and correspondence relative to these items is attached for your review.

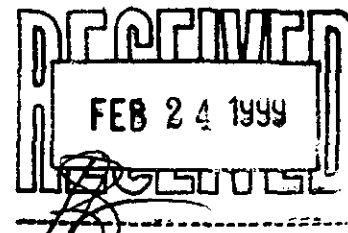
KAHA respectfully requests that these two items be included in the measure before the Guam Legislature through Bill No. 56.

Si Yu'os Ma'ase for your understanding in this matter and for your continued support in the perpetuation of the arts and culture of our Island of Guam.

Piniten Ma'ngge,


Deborah J. Bordallo

cc: Members, Committee on Rules



It is most crucial that the intent of the 1% law be followed to the letter and not compromised or diluted in any way by art-related projects no matter how much merit they may offer. Art related projects that the Corporation may consider a worthy investment may not necessarily qualify if the benefit is not strictly for the artists and would thus circumvent the spirit of the law. The law is very specific about its intent and it is Guam KAHA's responsibility to ensure that this is honored. Given these facts, even the humanities entity of Guam KAHA may not qualify.

On page 40 of the Chamorro Institute's Planning proposal it states, GUAM KAHA "shall be the sole responsible entity for the implementation and administration of Guam's Art in Public Places, or 1% for Art Program. The Corporation shall oversee the necessary legal compliance of said program as it pertains to public and non-public development projects in consultation with" Guam KAHA.

The enactment of the 1% Law was to address a universal issue that artists are always faced with. Their needs are always secondary to their art. Art is an expression encapsulating the soul of a people and though associating money with art is always considered in bad taste, one must not lose sight of the needs of the artists. Artwork should not necessarily supersede the creator but it almost always does. The 1% law protects the artist from this injustice that they often encounter in their profession. Guam KAHA should have complete jurisdiction over the 1% law because it is our duty to not only perpetuate and protect the art and culture of the People of Guam, but to ensure that the needs and rights of our local artists are upheld. Also, Guam KAHA has the expertise to oversee all aspects of the 1% law and should be allowed to continue their status quo position and responsibilities without any interference. Governor Gutierrez has stated in the past that monies of the 1% Law should be placed in trust with Guam KAHA. We are in complete agreement with the Governor.

Guam KAHA represents much more than a government agency that implements and administers Guam Art in Public Places or 1% for the Art Programs as stated in your proposal for the Chamorro Heritage Institute. The translation of the Chamorro word KAHA means "Treasure Box." Guam KAHA is the keeper or "Treasure Box" of the People of Guam. Our local artists are as much treasures of the People as their artwork, therefore, Guam KAHA should also be the keeper or "Box" of our local artists.

I have just been informed that the Planning Group has requested for the KAHA representative to re-draft the 1% law to incorporate language in which 50% of the 1% would go to the Corporation for art-related projects. Such a request is exactly what we are opposed to since it goes against the very grain of the intent of the law. The entire discussion presented in this correspondence on the necessity to keep the program completely under the jurisdiction of KAHA has now been validated by this new request which would dilute the 1% law by 50% to benefit the Corporation. Because of this new request, I believe further discussions on Guam KAHA's concerns are in order.

KAHA Division Name

Another serious concern that affects the Guam Council on the Arts and Humanities Agency is relative to a proposed name change of the agency and of the new name being proposed by the Chamorro Heritage Institute Planning Group.

We are happy to see the Division names emphasized in Chamorro, something which is long overdue, however, from the initial meetings with the Planning Group, the request to retain the present Chamorro translation of the agency was made. This request was made for two reasons.

First, KAHA in the Chamorro translation means "Treasure Box" (this was explained in the previous statements under the 1% law). Because of this explanation, we feel strongly that KAHA is most appropriate for the agency because in essence Guam KAHA is the keeper of the Treasures of the People of Guam.


Second, because of our goals to implement Cultural Tourism we feel that the word KAHA is already established not only in the local community but in the tourist industry as well. It is crucial that we maintain an established name that has become familiar without compromising the integrity of the Chamorro meaning of what our agency represents in our community. The word KAHA does just that.

I fully support the Chamorro Heritage Institute and their vision for our island. However, the issues which have been addressed in this letter must have further discussion before Guam KAHA signs their approval of the agency's portion of the Planning Group's proposal to the Governor.

As the present Executive Director of Guam KAHA, I have been given the responsibility as well as the confidence to fulfill my obligations to our local artists as well as to the People of Guam. For this reason, I am seeking your consideration and understanding in regards to the two issues stated above.

Si Yu'os Ma'ase for your kind attention to this matter.

Mas fi'et.


Deborah J. Bordallo
Executive Director, Guam KAHA

cc: Honorable Carl T.C. Gutierrez, Governor of Guam
Senator Alberto Lamorena V, Chairman of Cultural Affairs
CHI Planning Group - All members



Chamorro Heritage Institute Planning Group

Office of the Governor

P.O. Box 2950

Agana, Guam 96932

(671) 477-6447 Fax: (671) 477-2219

Electronic mail: kbaquon@ns.gov.gu

April 15, 1999

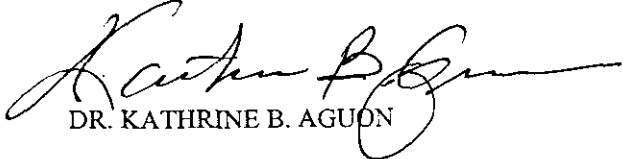
To: Senator Mark Forbes, Chairman
Committee on Rules, Government Reform,
Reorganization and Federal Affairs

From: Acting Executive Director
Chamorro Heritage Institute Planning Group

Subject: **Bill No. 56**

Thank you for the opportunity to listen to our concerns and testimonies with regard to Bill No. 56 "An Act to Create The "Dipattamenton I Chamorro", or "Chamorro Heritage Institute". As a result, we are submitting to you the markup of the bill you asked us to do for your consideration.

Submitted for your further disposition. Should you have any questions please do not hesitate to contact our office at 477-6447.


DR. KATHRINE B. AGUON

cc: Chamorro Heritage Institute Planning Group

PAGE 5:

Line 3:

From: (g) To acquire property or any interest in property by condemnation under the laws of...
To: (g) To acquire property or any interest in property that has been determined by the Corporation to preserve and protect the Chamorro heritage by condemnation under the laws of...

PAGE 8:

Line 16-17:

From: referred to as the 'Trustees'), composed of ~~sixteen (16) members, of which thirteen (13) are voting members and (three 3) are ex-officio members;~~
To: referred to as the 'Trustees'), composed of nine (9) members.

Line 18-27:

From: ~~The Trustees are comprised of the following: the Chairpersons of each of the Boards of the Dibision Faninadahen Fino' yan Kotturan Chamorro (Chamorro Language and Culture Division), Dibision Faninadehens Kosas (Museum Division), Dibision Faninadahen Iremsia (Historic Preservation and Resources Division), and the Dibision Manmenhalom (Arts and Humanities Division) of the Corporation; a representative of the Mayors Council; and eight (8) members appointed by I Maga'lahi representing the following groups, as indicated: one (1) elder, one (1) youth, one (1) historian or archivist, two (2) recognized experts in Chamorro language, culture and history, three (3) from the community at large, the Corporation's President who shall serve as an ex-officio member, one (1) ex-officio member appointed as a representative from the Guam Visitors Bureau and one (1) ex-officio member~~

To: The Maga'lahi shall appoint the Trustees of the Corporation which shall be comprised of representatives in the field of Business, History or Archeology, Tourism, Economic or Finance, Chamorro Language & Culture, Arts and three members at large.

PAGE 9:

Line 1-2:

From: ~~appointed as a representative from the Guam Economic Development Authority. The Trustees shall be U.S. citizens and residents of Guam and no less than eight (8), or fifty percent (50%) of~~

To: The Trustees shall be U.S. citizens and residents of Guam and no less than five (5), or fifty percent (50%) of...

Line 7-9:

From: ~~(e) Except in the case of Chairpersons of the Division Boards, whose terms shall not exceed the duration of their appointments, all Trustees shall serve at the pleasure of I Maga'lahi for a four (4) year term;~~

To: (c) All Trustees shall serve at the pleasure of I Maga'lahi for a four (4) year term;

Line 10:

From: ~~(d) Seven Trustees constitute a quorum, and seven (7) affirmative votes are~~
To: (d) Five Trustees constitute a quorum and five affirmative votes are

Line 23:

From: whose appointment shall be confirmed by ~~I-Liheslatura~~. The Mas Ge' Helo' shall be directly

To: whose appointment shall be confirmed by the Board of Trustees. The Mas Ge' Helo' shall be directly

PAGE 10:

Line 9:

From: and Recreation shall, in preparation for transfer to the ~~Dipåtamenton I Chamorro~~, conduct an

To: and Recreation shall, in preparation for transfer to the Dipåtamenton I Kaohao Guinahan Chamorro, conduct an

Line 13-14:

From: subsidiaries, and affiliates and shall cause the transfer of these to the ~~Dipåtamenton I Chamorro~~;

To: subsidiaries, and affiliates and shall cause the transfer of these programs that have been identified to be related to the preservation and promotion of Chamorro heritage and culture consistent with the intent of this Act and §87103 to the ~~Dipåtamenton I Chamorro~~ Dipåtamenton I Kaohao Guinahan Chamorro;

PAGE 11:

Line 3:

From: Parks and Recreation deemed transferable for the Corporation's purposes, shall be transferred

To: Parks and Recreation deemed transferable consistent with Section 1 of this Act for the Corporation's purposes, shall be transferred

Line 24-25:

From: commissions, agencies and departmental divisions that are subsumed in the ~~Dipåtamenton I Chamorro~~ or Chamorro Heritage Institute.

To: commissions, agencies and departmental divisions that are subsumed in the Dipåtamenton I Kaohao Guinahan Chamorro or Chamorro Heritage Institute.

PAGE 14:

Line 5-6:

From: 'Administrative and Program Support Office' Section of the ~~Dipåtamenton I Chamorro~~ or Chamorro Heritage Institute.

To: 'Administrative and Program Support Office' Section of the Dipåtamenton I Kaohao Guinahan Chamorro or Chamorro Heritage Institute.

Line 14-16:

From: ~~(e) 'Fina'ná'gue' or 'Education and Training' Section;~~
~~(f) 'Kulo' or 'Media and Public Information' Section; and~~
~~(g) others as deemed necessary by the Corporation~~

To: ~~(e) delete from this page and transfer to page 16, line 13.~~
(e) 'Kulo' or 'Media and Public Information' Section; and
(f) others as deemed necessary by the Corporation

PAGE 15:

Line 4-7:

From: ~~(e) 'Fina'ná'gue' means the Education and Training Section;~~
~~(f) 'Emplehao' means the Human Resources Section;~~
~~(g) 'Kulo' means the Media and Public Information Section;~~
~~(h) 'Atemenstradot/dora' means Division Administrator.~~

To: ~~(e) deleted~~
(e) 'Emplehao' means the Human Resources Section;
(f) 'Kulo' means the Media and Public Information Section;

PAGE 15: (continued)

(g) 'Atmenestrادت/dora' means Division Administrator.

Line 11:

From: communication efforts, ~~education and training objectives~~, and regulatory compliance

To: communication efforts, and regulatory compliance

PAGE 16:

Line 4:

From: ~~Uffisinaan~~ Inaligao Yan Tinige'

To: **Dibision** Inaligao Tinige', **Yan 'Fina'ná'gue'**

Line 7:

From: ~~'Office of Research and Publications' Section of the Dipáttamenton I Chamorro~~ or Chamorro

To: 'Research, Publications', **and Training Dibision** of the **Dipáttamenton I Kaohao Guinahan Chamorro** or Chamorro

Line 9:

From: §87302. Authority. There is established the ~~'Uffisinaan Inaligao yan Tinige'~~ or ~~'Office~~

To: §87302. Authority. There is established the **'Dibision** Inaligao, Tinige **Yan 'Fina'ná'gue'** " or **'Dibision'**

Line 13:

From: Guam's history, culture, language arts, traditions, values and political development

To: Guam's history, culture, language arts, traditions, values and political development; **and conduct training to disseminate and promote increased understanding of its programs and the Chamorro heritage and for purposes of validation.**

Line 15:

From: (a) 'Inaligao yan Tinige' means ~~Uffisinaan~~ Inaligao yan Tinige' or Office of Research

To: (a) 'Inaligao Tinige' **Yan 'Fina'ná'gue'**" means **Dibision** Inaligao Tinige' **Yan 'Fina'ná'gue'** or **Division** of Research

Line 17-18:

From: (b) 'Atmenestrادت/dora Inaligao yan Tinige' means the person employed by the Trustees and directed to supervise the administration of the ~~Uffisinaan Inaligao yan Tinige'~~.

To: (b) 'Atmenestrادت/dora Inaligao yan Tinige' means the person employed by the **Mas Ge' Helo'** and directed to supervise the administration of the **Dibision** Inaligao Tinige' **Yan 'Fina'ná'gue'**.

Line 23:

From: Chamorro heritage.

To: Chamorro heritage. **Division 'Inaligao Tinige' Yan 'Fina'ná'gue shall provide training to promote increased understanding of Chamorro Heritage.**

PAGE 17:

Line 1-6:

From: §87305. Atmenestrادت/dora Inaligao ~~Yan~~ Tinige'. The Atmenestrادت/dora Inaligao ~~yan~~ Tinige' shall be the Division Administrator and shall perform the administrative functions of Inaligao ~~yan~~

PAGE 17: (continued)

Tinige' that are directed by the Mas Ge' Helo' of the Corporation. The Atmenestrادت/dora Inaligao yan Tinige' is responsible for Inaligao yan Tinige' operations and programs.

The Atmenestrادت/dora Inaligao yan Tinige' shall meet the following qualifications:

To: §87305. Atmenestrادت/dora Inaligao Tinige' Yan 'Fina'ná'gue. The Atmenestrادت/dora an Tinige' Yan 'Fina'ná'gue shall be the Division Administrator and shall perform the administrative functions of Inaligao Tinige' Yan 'Fina'ná'gue that are directed by the Mas Ge' Helo' of the Corporation. The Atmenestrادت/dora Inaligao Tinige' Yan 'Fina'ná'gue is responsible for Inaligao Tinige' Yan 'Fina'ná'gue operations and programs. The Atmenestrادت/dora Inaligao Tinige' Yan 'Fina'ná'gue shall meet the following qualifications:

The Atmenestrادت/dora Inaligao Tinige' Yan 'Fina'ná'gue shall meet the following qualifications:

Line 12-13:

From: approve the development of curriculum and other publications and products of Inaligao yan Tinige'.

To: approve the development of curriculum and other publications and products of Inaligao Tinige' Yan 'Fina'ná'gue.

Line 18:

From: of the Trustees, which shall manage and use it for the Inaligao yan Tinige' purposes as

To: of the Trustees, which shall manage and use it for the Inaligao Tinige' Yan 'Fina'ná'gue purposes as

Line 24:

From: Inaligao yan Tinige', shall be made from the Research and Publications Fund.

To: Inaligao Tinige' Yan 'Fina'ná'gue shall be made from the Research and Publications Fund.

PAGE 18:

Line 2-5:

From: funds, book inventories, assets equipment and personnel including the ~~Executive Coordinator or~~ Acting Executive Director and previously mandated positions assigned to the Chamorro Heritage Institute Planning Group by ~~Public Law No. 23-45~~ shall be transferred to Inaligao yan Tinige' to enable it to carry out its functions.

Line 2-6:

To: funds, book inventories, assets equipment and personnel including the Acting Executive Director and previously mandated positions assigned to the Chamorro Heritage Institute Planning Group by statute, shall be transferred to Inaligao Yan 'Fina'ná'gue to enable it to carry out its functions.

Line 10:

From: 'Guam Archives' Section of the ~~Dipattamenton I Chamorro~~ or Chamorro Heritage Institute.

To: 'Guam Archives' Section of the Dipattamenton I Kaohao Guinahan Chamorro or Chamorro Heritage Institute.

PAGE 19:

Line 1-2:

From: (b) 'Guam Archivist' means the person employed and directed by the ~~Trustees~~ to administer the Guam Archives as its Atmenestrادت/dora;

PAGE 19: (continued)

To: (b) 'Guam Archivist' means the person employed and directed by the Más Ge' Helo' to administer the Guam Archives as its Atmenestrado/dora;

PAGE 20:

Line 3:

From: the Más Ge' Helo' of the ~~Dipattamenton I Chamorro~~. The Atmenestrado/dora Rikuetdo is

To: the Más Ge' Helo' of the Dipattamenton I Kaohao Guinahan Chamorro. The Atmenestrado/dora Rikuetdo is

PAGE 22:

Line 3:

From: ~~Dipattamenton I Chamorro~~ or Chamorro Heritage Institute.

To: Dipattamenton I Kaohao Guinahan Chamorro or Chamorro Heritage Institute.

Line 12-15:

From: remain 'Chamorro'. ~~The Kottura shall implement the Chamorro language and provide instruction for the certification of Chamorro Language and Culture teachers.~~ Kottura shall set a standard for certification for mastery of the Chamorro language and culture, and shall compile a registry of

To: remain 'Chamorro'. Kottura shall set a standard to be used and certification for mastery of the Chamorro language and culture, and shall compile a registry of

Line 22-23:

From: (c) 'Atmenestrado/dora Kottura' means the person employed by the ~~Trustees~~ and advised by the Kottura Board to supervise the ~~administration~~ of the Dibision Faninadahen

To: (c) 'Atmenestrado/dora Kottura' means the person employed and directed by the Más Ge' Helo' and advised by the Kottura' Board of Advisors to supervise the programs of the Dibision Faninadahen;

PAGE 23:

Line 10-12:

From: §87505. Kottura Board. (a) Composition. The Kottura Board shall consist of ~~nine (9)~~ members appointed by the I Maga'lahi, one (1) of whom ~~shall~~ be a ~~Manaina~~ representative, one (1) of whom ~~shall~~ be a Manhoben representative, and one (1) of whom shall be a representative of

To: §87505. Kottura Board of Advisors. (a) Composition. The Kottura Board of Advisors shall consist of five (5) members appointed by the I Maga'lahi, one (1) of whom may be a Saina representative, one (1) of whom may be a Manhoben representative, and one (1) of whom shall be a representative of

Line 18-19:

From: the Kottura Board. When a vacancy occurs, it shall be filled by appointment of I Maga'lahi for the remainder of the vacating member's term. Members serve at the pleasure of I Maga'lahi;

To: the Kottura Board of Advisors. When a vacancy occurs, it shall be filled by appointment of I Maga'lahi for the remainder of the vacating member's term. Members serve at the pleasure of I Maga'lahi and work directly with the Board of Trustees. Current Board members may continue their appointments until their term expires or resign whichever comes first.

Line 21-22:

From: be ~~fluent~~ speakers and writers of the Chamorro language, ~~and must demonstrate extensive knowledge of the Chamorro culture;~~

PAGE 23: (continued)

To: be demonstrated speakers and writers of the Chamorro language.

Line 23-25 & Line 1 of Page 24

From: (d) Meetings. the Kottura Board shall meet in regular session at least once a month and in special session as the chair may deem necessary. the Chairperson shall be counted for a quorum, but shall vote only in case of a tie. five (5) members of the Board shall constitute a quorum and five (5) affirmative votes are required for the transaction of all business. All

To: (d) Meetings. The Irensia Board of Advisors shall meet in regular session at least once each month and in special session as the Chairperson may deem necessary. The Chairperson shall be counted for a quorum. Three (3) Kottura members shall constitute a quorum and three (3) affirmative votes are required for the transaction of all business. All

PAGE 24:

Line 3-4:

From: (e) Officers. The Chairperson of the Kottura Board shall be appointed by I Maga'lahi with the advice and consent of ~~I-Liheslatura~~ and serves at the pleasure of I Maga'lahi. The

To: (e) Officers. The Chairperson of the Kottura Board of Advisors shall be appointed by I Maga'lahi and confirmed by resolution of the Board of Trustees of the Kaohao Guinahan Chamorro and serves at the pleasure of the I Maga'lahi. The

Line 7-8:

From: perform other duties as the Trustees shall direct. ~~The Chairperson shall also serve as the Kottura Board representative to the Board of Trustees.~~ The Vice Chairperson shall succeed to

To: perform other duties as the Trustees shall direct. The Vice Chairperson shall succeed to

Line 12-16:

From: ~~(f) Compensation. Each Kottura Board member shall receive Fifty Dollars (\$50) for attendance at any meeting of the Board, but this stipend shall not apply to more than two (2) meetings in any one (1) calendar month. No member shall receive any compensation, but shall be reimbursed for actual travel, subsistence and out-of-pocket expenses incurred in the discharge of responsibilities, including authorized attendance at meetings held off-island.~~

To: (f) Compensation. No member shall receive any compensation, except as established by the Trustees and may be reimbursed for actual travel, subsistence and out-of-pocket expenses incurred in the discharge of responsibilities, including authorized attendance at meetings held off-island.

Line 22:

From: (c) Recommend qualified candidates to the Trustees who shall appoint the Kottura

To: (c) Recommend qualified candidates to the Board of Trustees who shall appoint the Kottura

PAGE 25:

Line 16-17:

From: (k) Cooperate with the Territorial Land Use Commission, the Department of Education, The University of Guam, other Dipattamenton I Chamorro Divisions, and with civil

To: (k) Cooperate with the Territorial Land Use Commission, the Chamorro Land Trust Commission, the Department of Education, The University of Guam, other Dipattamenton I Chamorro Divisions, and with civil

PAGE 26:

Line 5:

From: by the Mås Ge'Helo' of ~~Dipåtamenton I Chamorro~~, and shall serve as the Executive Secretary

To: by the Mås Ge'Helo' of Dipåtamenton I Kaohao Guinahan Chamorro, and shall serve as the Executive Secretary

Line 14:

From: which shall be maintained separate and apart from other funds of the ~~Dipåtamenton~~, the

To: which shall be maintained separate and apart from other funds of the Kaohao Guinahan Chamorro, the

Line 17:

From: provided in this Article;

To: recommended by the Kottura Board of Advisors as provided in this Article;

PAGE 27:

Line 3:

From: the 'Museum Division' Section of the ~~Dipåtamenton I Chamorro~~ or Chamorro Heritage

To: the 'Museum Division' Section of the Dipåtamenton I Kaohao Guinahan Chamorro, or Chamorro Heritage

Line 15-16:

From: (c) 'Atmenestrado/dora Kosas' means the person employed by the ~~Trustees~~ and advised by the Kosas Board to supervise the ~~administration~~ of the Dibision Faninadahen

To: (c) 'Atmenestrado/dora Kosas' means the person employed and directed by the Mås Ge'Helo' and advised by the Kosas' Board of Advisors to supervise the programs of the Dibision Faninadahen

PAGE 28:

Line 1-4:

From: §87605. Kosas Board. (a) Composition. The Kosas Board shall consist of ~~seven (7)~~ members appointed by I Maga'lahi, one (1) of whom shall be a ~~Manaina~~ representative, one (1) of whom shall be a Manhoben representative, and one (1) of whom shall be a member with extensive formal experience or education in Guam History or Museum Administration;

To: §87605. Kosas Board of Advisors. (a) Composition. The Kosas Board of Advisors shall consist of five (5) members appointed by I Maga'lahi, one (1) of whom may be a Saina representative, one (1) of whom may be a Manhoben representative, and one (1) of whom shall be a member with extensive formal experience or education in Guam History or Museum Administration;

Line 9-10:

From: Kosas Board. When a vacancy occurs, it shall be filled by appointment of I Maga'lahi for the remainder of the vacating member's term. Members serve at the pleasure of I Maga'lahi;

To: Kosas Board of Advisors. When a vacancy occurs, it shall be filled by appointment of I Maga'lahi for the remainder of the vacating member's term. Members serve at the pleasure of I Maga'lahi and work directly with the board of Trustees. Current Board members may continue their appointments until their term expires or resign whichever comes first;

PAGE 28: (continued)

Line 13-17:

From: (d) Meetings. The Kosas Board shall meet in regular session at least once each month and in special session as the Chairperson may deem necessary. The Chairperson shall be counted for a quorum ~~but shall vote only in case of a tie~~. ~~Four (4)~~ Kosas members shall constitute a quorum and ~~four (4)~~ affirmative votes are required for the transaction of all business. All meetings of the Kosas Board are open to the public, as provided by law;

To: (d) Meetings. The Kosas **Board of Advisors** shall meet in regular session at least once each month and in special session as the Chairperson may deem necessary. **The Chairperson shall be counted for a quorum. Three (3) Kosas members shall constitute a quorum and three (3) affirmative votes are required for the transaction of all business.** All meetings of the Kosas Board **of Advisors** are open to the public, as provided by law.

Line 18-19:

From: (e) Officers. The Chairperson of the Kosas Board shall be appointed by I Maga'lahi ~~with the advice and consent of I Liheslatura~~ and shall serve at the pleasure of I Maga'lahi. The

To: (e) Officers. The Chairperson of the Kosas Board **of Advisors** shall appointed by I Maga'lahi **and confirmed by resolution of the Board Trustees of the Kaohao Guinahan Chamorro** and serves at the pleasure of I Maga'lahi. The

Line 22-23:

From: ~~perform other duties as the Trustees shall direct. The Chairperson shall also serve as the Kosas Board representative to the Board of Trustees.~~ The Vice-Chairperson shall succeed to the

To: perform other duties as the Trustees shall direct. The Vice-Chairperson shall succeed to the

PAGE 29:

Line 1-5:

From: ~~(f) Compensation. Each Kosas Board member shall receive Fifty Dollars (\$50) for attendance at any meeting of the Board, but this stipend shall not apply to more than two (2) meetings in any one (1) calendar month. No member shall receive any compensation, but shall be reimbursed for actual travel, subsistence and out-of-pocket expenses incurred in the discharge of responsibilities, including authorized attendance at meetings held off-island.~~

Line 1-5:

To: (f) Compensation. No member shall receive any compensation, **except as established by the Trustees, and may be** reimbursed for actual travel, subsistence and out-of-pocket expenses incurred in the discharge of responsibilities, including authorized attendance at meetings held off-island.

Line 9:

From: members to serve a ~~two (2)~~ year term;

To: members to serve a **four (4)** year term;

Line 18:

From: and ~~recommend~~ policies for exhibitions, collections, acquisitions, collection deaccessioning,

To: and **adopt** policies for exhibitions, collections, acquisitions, collection deaccessioning,

PAGE 30:

Line 5:

From: directed by the Mås Ge'Helo' of the ~~Dipåtamenton~~, and shall serve as the Executive Secretary

To: directed by the Mås Ge'Helo' of the Kaohao Guinahan Chamorro, and shall serve as the Executive Secretary

Line 14:

From: which shall be maintained separate and apart from other funds of the ~~Dipåtamenton~~, the

To: which shall be maintained separate and apart from other funds of the Kaohao Guinahan Chamorro, the

Line 16-17:

From: Kosas Fund is under the general cognizance of the Board of Trustees, which shall manage and use it for Kosas purposes as provided in this Article;

To: Kosas Fund is under the general cognizance of the Board of Trustees, which shall manage and use it for Kosas purposes as recommended by the Kosas Board of Advisors as provided in this Article;

PAGE 31:

Line 3:

From: the 'Historic Preservation and Resources Division' Section of the ~~Dipåtamenton I Chamorro~~

To: the 'Historic Preservation and Resources Division' Section of the Dipåtamenton I Kaohao Guinahan Chamorro

Line 13:

From: ~~Directors~~ of Irensia

To: Advisors of the Dibision Faninadahen Irensia.

Line 14-15:

From: (c) 'Atmenestrado/dora Irensia' means the person employed and directed by the ~~Trustees~~ and advised by the Irensia Board to supervise the ~~administration of Irensia~~ and the

To: (c) 'Atmenestrado/dora Irensia' means the person employed and directed by the Mås Ge'Helo' and advised by the Irensia Board of Advisors to supervise the programs of the Dibision Faninadahen and the

Line 17:

From: (d) '~~Ufisiât~~ Faninadahen Hestorian Guåhan' means the person employed as Guam

To: (d) 'Ufisiât Faninadahen Hestorian Guåhan' means the person employed as Guam

PAGE 32:

Line 5:

From: (e) Cooperate with the Territorial Land Use Commission, the Territorial Seashore

To: (e) Cooperate with the Territorial Land Use Commission, the Chamorro Land Trust Commission, the Territorial Seashore

Line 10-11:

From: §87705. Irensia Board. (a) Composition. The Irensia Board shall consist of nine (9) members appointed by I Maga'lahi.

PAGE 32: (continued)

To: §87705. Irensia Board **of Advisors**. (a) Composition. The Irensia Board shall consist of **five (5)** members appointed by I Maga'lahi.

Line 17-18:

From: the I Maga'lahi for the remainder of the vacating member's term. Members serve at the pleasure of the I Maga'lahi.

To: the I Maga'lahi for the remainder of the vacating member's term. Members serve at the pleasure of the I Maga'lahi and work directly with the Board of Trustees. **Current Board members may continue their appointments until their term expires or resign, whichever comes first.**

Line 20-22:

From: (c) Qualifications. ~~Four (4)~~ members must be knowledgeable of the Chamorro language, history, and culture. The remaining **five (5)** members must be recognized professionals from among the disciplines listed in the National Historic Preservation Act, as amended.

To: (c) Qualifications. **Two (2)** members must be knowledgeable of the Chamorro language, history, architecture, and culture. The remaining **three (3)** members must be recognized professionals from among the disciplines listed in the National Historic Preservation Act, as amended.

Line 23-27:

From: (d) Meetings. ~~Five (5) Irensia Board members shall constitute a quorum and five (5) affirmative votes are required for the transaction of all business.~~ The Irensia Board shall meet in regular session at least once each month, and in special session as the Chairperson deems necessary. All meetings of the Irensia Board are open to the public as provided by law. The Chairperson shall be counted for a quorum ~~but shall vote only in case of a tie.~~

To: (d) Meetings. The Irensia Board **of Advisors** shall meet in regular session at least once each month and in special session as the Chairperson may deem necessary. The Chairperson shall be counted for a quorum. **Three (3) Irensia members shall constitute a quorum and three (3) affirmative votes are required for the transaction of all business.** All meetings of the Kosas Board are open to the public, as provided by law.

PAGE 33:

Line 1-3:

From: (e) Officers. The Chairperson of the Irensia Board shall be appointed by I Maga'lahi ~~with the advice and consent of I Liheslatura~~ and shall serve at the pleasure of I Maga'lahi. The Irensia Board shall annually elect among its members a Vice-Chairperson. The

To: (e) Officers. The Chairperson of the Irensia Board shall be appointed by I Maga'lahi **and confirmed by resolution of the Board of Trustees of the Kaohao Guinahan Chamorro** and serves at the pleasure of I Maga'lahi. The Irensia Board **of Advisors** shall annually elect among its members a Vice-Chairperson. The

Line 5-6:

From: perform other duties as the Trustees shall direct. ~~The Chairperson shall also serve as the Irensia Board representative to the Trustees.~~ The Vice-Chairperson shall succeed to the duties

To: perform other duties as the Trustees shall direct. The Vice-Chairperson shall succeed to the duties

Line 10-15:

From: (f) Compensation. ~~Each Irensia Board member shall receive Fifty Dollars (\$50) for attendance at any meeting of the Board, but this stipend shall not apply to more than two (2) meetings in any one (1) calendar month.~~ No member shall receive any compensation, but shall be reimbursed for

PAGE 33: (continued)

actual travel, subsistence and out-of-pocket expenses incurred in the discharge of responsibilities, including authorized attendance at meetings held off-island.

To: (f) Compensation. No member shall receive any compensation, **except as established by the Trustees, and may be** reimbursed for actual travel, subsistence and out-of-pocket expenses incurred in the discharge of responsibilities, including authorized attendance at meetings held off-island.

PAGE 34:

Line 22:

From: §87708. Guam Monuments. The I Maga'lahi, by executive order, may designate historic landmarks, structures, or objects located on lands owned or controlled by the government to be Guam monuments, upon the recommendation of the Trustees.

To: §87708. Guam Monuments. The I Maga'lahi, by executive order, may designate historic landmarks, structures, or objects located on lands owned or controlled by the government to be Guam monuments, **upon the recommendation of the Board of Advisors and Board of Trustees of the Kaohao Guinahan**

PAGE 37:

Line 14-15:

From: (10) Applications to the Territorial Land Use Commission and the Territorial Seashore Protection Commission.

To: (10) Applications to the Territorial Land Use Commission, the **Chamorro Land Trust Commission** and the Territorial Seashore Protection Commission.

PAGE 38:

Line 10-14:

From: §87715. Abatement of taxes. The Corporation shall ~~grant~~ a certificate of tax abatement of property taxes on private property which is included within an historic preservation ~~easement, executed by the private owner, and approved by the Irensia Board. Subsequent certification of compliance shall be issued annually to the recipient and the tax commissioner.~~

To: §87715. Abatement of taxes. The Corporation shall issue a certificate of tax abatement of property taxes on private property which is included within an historic preservation easement. The private owner shall apply to the Irensia Board **of Advisors** for the tax benefit and recommend approval to the Board of Trustees of the **Kaohao Guinahan Chamorro and final approval by the I Maga'lahi. The Corporation shall provide a certificate of compliance annually to the recipient and the Tax Commissioner. The Corporation shall promulgate rules and regulations for this purpose consistent with the Administrative Adjudication Act.**

Line 18-19:

From: general cognizance of the Trustees, which shall manage and use it for purposes ~~as provided in this Article;~~

To: general cognizance of the **Board of Trustees**, which shall manage and use it for Irensia purposes **as recommended by the Irensia Board of Advisors** as provided in this Article;

Line 28:

From: by the Mås Ge'Helo' of ~~Dipartimento~~, and shall serve as the Executive Secretary of the Irensia

To: by the Mås Ge'Helo' of **Kaohao Guinahan Chamorro**, and shall serve as the Executive Secretary of the Irensia

PAGE 39:

Line 18:

From: Dibision ~~Manmenhalom~~

To: Dibision **Kâhan Kottueran Guahan**

Line 20-21:

From: §87801. Short Title. This Article may be cited as the ‘Dibision ~~Manmenhalom~~’ or ‘Arts & Humanities Division’ ~~Section~~ of the Dipâtamento I ~~Chamorro~~ or Chamorro Heritage

Line 20-21:

To: §87801. Short Title. This Article may be cited as the ‘Dibision **Kâhan Kottueran Guahan** or ‘Arts & Humanities Division’ of the Dipâtamento I **Kaohao Guinahan Chamorro** or Chamorro Heritage

Line 23-24:

From: §87802. Authority. There is established a Dibision ~~Manmenhalom~~ or the Arts and Humanities Division (hereinafter referred to as ‘~~Manmenhalom~~’) as a Program Division within

To: §87802. Authority. There is established a Dibision **Kâhan Kottueran Guahan** or the Arts and Humanities Division (hereinafter referred to as **Kaha**’) as a Program Division within

Line 27:

From: (a) ‘~~Manmenhalom~~’ means the Dibision ~~Manmenhalom~~ or the Arts and Humanities

To: (a) **Kaha**’ means the Dibision **Kâhan Kottueran Guahan** or the Arts and Humanities

Page 40:

Line 1:

From: (b) ‘~~Manmenhalom~~ Board’ means the Board of Advisors of the Dibision

To: (b) **Kaha**’ Board’ means the Board of Advisors of the Dibision

Line 3-5:

From: (c) ‘Atmenestrado/dora ~~Manmenhalom~~’ means the person employed by the ~~Trustees~~ and advised by the ~~Manmenhalom~~ Board to supervise the administration of the Dibision ~~Manmenhalom~~;

To: (c) ‘Atmenestrado/dora **Kaha**’ means the person employed by the **Mås Ge’Helo**’ and advised by the **Kaha** Board **of Advisors** to supervise the programs of the Dibision **Kaha**;

Line 6:

From: §87804. Purpose. The purposes of ~~Manmenhalom~~ are: (a) to stimulate and

To: §87804. Purpose. The purposes of **Kaha** are: (a) to stimulate and

Line 20:

From: ~~Manmenhalom~~;

To: **Kaha**’

Line 23:

From: humanities programs in carrying out the duties of ~~Manmenhalom~~;

To: humanities programs in carrying out the duties of **Kaha**’;

PAGE 40: (continued)

Line 25:

From: property on behalf of the Corporation in carrying out the duties of ~~Manmenhalom~~;

To: property on behalf of the Corporation in carrying out the duties of Kaha';

PAGE 41:

Line 5:

From: in carrying out the duties of ~~Manmenhalom~~;

To: in carrying out the duties of Kaha;

Line 10:

From: (m) to expend authorized appropriations made by the I Liheslatura to ~~Manmenhalom~~ in

To: (m) to expend authorized appropriations made by the I Liheslatura to Kaha in

Line 13-14:

From: §87805: ~~Manmenhalom~~ Board. (a) Composition. The ~~Manmenhalom~~ Board shall consist of ~~nine~~ (9)-members appointed by I-Maga'lahi;

To: §87805. Kaha Board. (a) Composition. The Kaha Board shall consist of seven (7) members appointed by the Trustees of the Board of the Kaohao Guinahan Chamorro, one (1) of whom may be a Saina representative, one (1) of whom may be a Manhoben representative, and one (1) of whom shall be a member with extensive formal experience or education in Arts & Humanities.

Line 15:

From: (b) Term. Members of the ~~Manmenhalom~~ Board shall serve a term of four (4) years

To: (b) Term. Members of the Kaha Board shall serve a term of four (4) years

Line 19-21:

From: members of the ~~Manmenhalom~~ Board. When a vacancy occurs, it shall be filled by the appointment of I Maga'lahi for the remainder of the vacating member's term. Members serve at the pleasure of I Maga'lahi;

To: members of the Kaha Board. When a vacancy occurs, it shall be filled by appointment by filled by the appointment of I Maga'lahi for the remainder of the vacating member's term. Members serve at the pleasure of the I Maga'lahi and work directly with the Board of Trustees. Current Board members may continue their appointments until their term expires or resign whichever comes first

Line 22:

From: (c) Qualifications. Members of the ~~Manmenhalom~~ Board shall be residents of Guam,

To: (c) Qualifications. Members of the Kaha' Board shall be residents of Guam,

Line 24:

From: widely known for, their interest and support of the arts and humanities. The ~~Manmenhalom~~

To: widely known for, their interest and support of the arts and humanities. The Kaha

Line 26:

From: areas: performing arts, visual arts literature, folk and traditional arts, and music;

To: areas: performing arts, visual arts, literature, folk and traditional arts, and music;

PAGE 41: (continued)

Line 27-28:

From: (d) Meetings. The ~~Manmenhalom~~ Board shall meet in regular session at least once each month and in special sessions as the Chairperson may deem necessary. ~~Five (5)~~

To: (d) Meetings. The Kaha Board shall meet in regular session at least once each month and in special sessions as the Chairperson may deem necessary. Four (4)

PAGE 42:

Line 1-4:

From: ~~Manmenhalom Board members shall constitute a quorum and five (5) affirmative votes are required for the transaction of all business. The Chairperson shall be counted for a quorum but shall vote only in case of a tie. All meetings of the Manmenhalom Board are open to the~~

To: Kaha Board shall meet in regular session at least once each month and in special session as the Chairperson may deem necessary. The Chairperson shall be counted for a quorum. Four (4) Kaha members shall constitute a quorum and four (4) affirmative votes are required for the transaction of all business. All meetings of the Kaha Board are open to the

Line 5-14:

From: (e) Officers. The Chairperson of the ~~Manmenhalom~~ Board shall be appointed by the ~~Maga'lahi~~ with the advise and consent of I Liheslatura and serves at the pleasure of the ~~Maga'lahi~~. The Chairperson of the ~~Manmenhalom~~ Board shall preside at all meetings of the ~~Manamenhalom~~ Board, shall act the spokesperson of the ~~Manmenhalom~~, and shall perform other duties as the Trustees shall direct. The Chairperson shall also serve as the ~~Manmenhalom Board representative to the Trustees.~~ The Vice Chairperson shall succeed to the duties of the Chairperson in the absence or inability of the Chairperson. ~~From among its members, the Manmenhalom Board shall select a Secretary of the Manmenhalom Board and any other officers which the Manmenhalom Board may deem necessary, to serve not more than two (2) year period without disruption;~~

To: (e) Officers. The Chairperson of the Kaha Board of Advisors shall be appointed by the I Maga'lahi and confirmed by resolution of the Board of Trustees of the Kaohao Guinahan Chamorro and serve at the pleasure of Maga'lahi. The Chairperson of the Kaha Board of Advisors shall preside at all meetings of the Kaha Board of Advisors, and shall perform the duties as the Trustees shall direct. The Vice Chairperson shall succeed to the duties of the Chairperson in the absence or inability of the Chairperson.

Line 15-20:

From: (f) Compensation. ~~Each Manmenhalom Board member shall receive Fifty Dollars (\$50) for attendance at any meeting of the Manmenhalom Board, but this stipend shall not apply to more than two (2) meetings in any one (1) calendar month. Members shall not receive any other compensation, but shall be reimbursed for actual travel, subsistence, and out-of-pocket expenses incurred in the discharge of their responsibilities, including authorized attendance at meetings held off-island.~~

To: (f) Compensation. No member shall receive any compensation, except as established by the Trustees and may be reimbursed for actual travel, subsistence and out-of-pocket expenses incurred in the discharge of responsibilities, including authorized attendance at meetings held off-island.

Line 21:

From: §87806 Board Powers and Duties. The ~~Manmenhalom~~ Board has those powers

To: §87806 Board Powers and Duties. The Kaha' Board has those powers

PAGE 42: (continued)

Line 25:

From: (b) perform its duties and exercise its powers by resolution adopted by at least ~~five (5)~~

To: b) perform its duties and exercise its powers by resolution adopted by at least **four (4)**

Line 28:

From: Atmenestrador/dora ~~Manmenhalom~~ and Segundo Atmenestrador/dora ~~Manmenhalom~~.

To: Atmenestrador/dora **Kaha'** and Segundo Atmenestrador/dora **Kaha'**.

PAGE 43:

Line 1-2:

From: (d) Recommend for removal ~~Manmenhalom~~ Board members who fail to comply with their responsibilities as ~~Manmenhalom~~ Board members;

To: (d) Recommend for removal to **the Board of Trustees of Kaohao Guinahan Chamorro Kaha'** Board members who fail to comply with their responsibilities as **Kaha'** Board members;

Line 3:

From: (e) ~~Apply for and accept~~ for the arts and humanities ~~on behalf of the Corporation~~ any

To: (e) **Recommend application and acceptance** for the arts and humanities **to the Corporation**

Line 5-7:

From: this Article. ~~The Manmenhalom is the official agency of the Corporation and Guam~~ to apply for, receive, and disburse the basic state grant from the National Endowment for the Arts and the National Endowment for the Humanities;

To: this Article. **Dipattamento I Kaohao Guinahan Chamorro or Chamorro Heritage Institute is the official Corporation and state representative of Guam upon recommendation of the Kaha' Board of Advisor's to apply for, receive, and disburse the basic state grant from the National Endowment for the Arts and the National Endowment for the Humanities;**

Line 8-10:

From: (f) ~~apply for~~ and accept any gifts, donation, or bequests for all or any of the purposes of Manmenhalom, and to ~~accept and~~ expend the funds that are appropriated to it by the Corporation or the ~~government~~ of Guam;

To: (f) accept any gifts, donation, or bequests for all or any of the purposes of **Kaha'**, and to expend the funds that are appropriated to it by the Corporation or the **Government** of Guam;

Line 21-26:

From: §87807. Atmenestrador/dora ~~Manmenhalom~~. The Atmenestrador/dora ~~Manmenhalom~~ shall be the Division Administrator and shall perform the administrative functions of ~~Manmenhalom~~ that are directed by the Mās Ge Helo' of Dipattamento, and shall serve as the Executive Secretary of the ~~Manmenhalom~~ Board without further compensation. The Atmenestrador/dora ~~Manmenhalom~~ shall be responsible for ~~Manmenhalom~~ operations and programs. Atmenestrador/dora ~~Manmenhalom~~ shall meet the following qualifications:

To: §87807. Atmenestrador/dora **Kaha'**. The Atmenestrador/dora **Kaha'** shall be the Division Administrator and shall perform the administrative functions of **Kaha'** that are directed by the Mās Ge Helo' of Dipattamento **I Kaohao Guinahan Chamorro**, and shall serve as the Executive Secretary of the **Kaha'** Board without further compensation. The Atmenestrador/dora **Kaha'** shall be responsible for **Kaha'** operations and programs. Atmenestrador/dora **Kaha'** shall meet the following qualifications:

PAGE 44:

Line 3-8:

From: §87808. Art in Public Places. ~~Manmehalom shall be the sole responsible entity for the implementation and administration of Guam's Arts in Public Places, or one (1) percent for Art Program, as defined under law and governed under established rules and regulations. The Corporation shall oversee the necessary legal compliance of this program as it pertains to public and non-public development projects in consultation with Atmenestrادت/dora Manmehalom and the responsible program coordinator.~~

To: §87808. Art in Public Places. **The Corporation shall oversee compliance of this program as it pertains to public and non-public development projects in consultation with Atmenestrادت/dora Kaha'. Kaha' shall be responsible for the implementation and administration of Guam's Arts in Public Places, as defined under law and governed under established rules and regulations.**

Line 13-17:

From: §87810. ~~Manmehalom~~ Fund. (a) There is established a revolving fund known as the ~~Manmehalom~~ Fund, which shall be maintained separate and apart from other funds of the Corporation, the records of which shall be kept and maintained by Salappe'. The ~~Manmehalom~~ Fund is under the general cognizance of the Trustees, which shall manage it and use it for the ~~Manmehalom~~ purposes as provided in this Article;

To: §87810. **Kaha'** Fund. (a) There is established a revolving fund known as the **Kaha'** Fund, which shall be maintained separate and apart from other funds of the Corporation, the records of which shall be kept and maintained by Salappe'. The **Kaha'** Fund is under the general cognizance of the Trustees, which shall manage it and use it for the **Kaha'** purposes as provided in this Article;

Line 18:

From: (b) All money received by the ~~Manmehalom~~ generated from gallery commissions,

To: (b) All money received by the **Kaha'** generated from gallery commissions,

Line 23-26:

From: ~~Section 3. Amendment and repeal of code sections regarding Guam Public Library System. (a) Amendment of code section specifying that Guam Public Library System is the only repository of government publications. §80120 of Title 5, Guam Code Annotates is amended to read:~~

To: **Section 3. All rules and regulations duly promulgated shall remain in effect until such time the Corporation determines the need for amendments and modification pursuant to the Administrative Adjudication Act.**

To: **Section 4. Amendment and repeal of code sections regarding Guam Public Library System. (a) Amendment of code section specifying that Guam Public Library System is the only repository of government publications. §80120 of Title 5, Guam Code Annotates is amended to read:**

PAGE 45:

Line 2:

From: ~~[the]~~ a depository for all government publications including any printed or processed paper,

To: **the** depository for **governmental** publications including any printed or processed paper,

PAGE 45: (continued)

Line 8:

From: ~~Section 4.~~ Repeal of code sections regarding Commission on the Chamorro Language

To: **Section 5.** Repeal of code sections regarding Commission on the Chamorro Language

Line 15:

From: ~~Section 5.~~ Repeal of code sections regarding the Guam Museum. §§83101 through

To: **Section 6.** Repeal of code sections regarding the Guam Museum. §§83101 through

Line 17:

From: ~~Section 6.~~ Repeal of code sections regarding the Guam Historic Resources Division

To: **Section 7.** Repeal of code sections regarding the Guam Historic Resources Division

Line 23:

From: ~~Section 7.~~ Amendment of Department of Parks and Recreation into 2 instead of 3

To: **Section 8.** Amendment of Department of Parks and Recreation into 2 instead of 3

PAGE 46:

Line 1:

From: ~~Section 8.~~ Repeal of code sections regarding the Guam Historic Preservation Review

To: **Section 9.** Repeal of code sections regarding the Guam Historic Preservation Review

Line 4:

From: ~~Section 9.~~ Repeal of code sections regarding the Guam Council on the Arts and

To: **Section 10.** Repeal of code sections regarding the Guam Council on the Arts and

Line 8-9:

From: Section 10. Amendment of Chapter 86 of Title 5, Guam Code Annotated, Inetnon Minauleg Guam, to accommodate the creation of the Dipåttamenton I Chamorro or

To: **Section 11.** Amendment of Chapter 86 of Title 5, Guam Code Annotated, Inetnon Minauleg Guam, to accommodate the creation of the Dipåttamenton **I Kaohao Guinahan Chamorro** or

Line 14:

From: the Dipåttamenton I ~~Chamorro~~ or Chamorro Heritage Institute, the Department of Parks and

To: the Dipåttamenton I **Kaohao Guinahan Chamorro** or Chamorro Heritage Institute, the Department of Parks and

PAGE 47:

Line 2:

From: 2. [Guam Preservation Trust] the Dipåttamenton I ~~Chamorro~~ or Chamorro

To: 2. [Guam Preservation Trust] the Dipåttamenton I **Kaohao Guinahan Chamorro** or Chamorro

Line 8:

From: ~~Section 10.~~ Intent of repealed code sections. It is the intent of I Liheslatura that all

To: **Section 12.** Intent of repealed code sections. It is the intent of I Liheslatura that all

PAGE 47: (continued)

Line 12-13:

From: ~~Section 14.~~ Operating Fund Appropriation. ~~Two~~ Hundred Thousand Dollars (~~\$200,000~~) are appropriated from the General Fund to the Corporation for its Fiscal Year ~~1998~~

To: **Section 13.** Operating Fund Appropriation. Three Hundred Thousand Dollars (\$300,000) are appropriated from the General Fund to the Corporation for its Fiscal Year **1999.**

MANUFACTURER'S SERVICE REPRESENTATIVE (SERVICE MANAGER)

Supervise and manage installation, service and repair of air-conditioning, ventilation, and building automation controls equipment and systems in residential and commercial projects utilizing knowledge of refrigeration, air conditioning, and micro-electronic controls following blueprints and engineering specifications. Supervise commissioning and start-up of commercial chillers and package units using appropriate tools and devices. Interface with architects, mechanical designers, plant engineers and building owners regarding HVAC equipment and systems using load calculation program and systems analyzer. Design and coordinate activities of service technician team. Interpret specifications, blueprints, and job orders to technicians and assign duties. Establish work procedures and estimate worker-hour requirements for timely completion of job assignments. Estimate, requisition, and inspect direct project materials and approve procurement of tools. Confer with company sales engineers to coordinate sales and service functions. Facilitate warranty claims. Develop technician training program. Prepare service department operating budget.

Bachelor's degree in mechanical or electrical engineering plus five years experience in installation, sales or service of HVAC systems and components. One year experience in supervisory position. Experience with alternative refrigerant systems. Ability to monitor and control remote HVAC installations. 30% travel within Micronesia area. References: \$36,576 per year. 40 hours per week. Apply immediately at Guam Employment Service with the One Stop Career Center, 125 Tun Jesus Crisostomo St. Suite 101 (Sunny Plaza) Tamuning, Guam 96911. REF. #980809.

BENEFITS: One Way Airfare from point of origin.



FLETCHER PACIFIC Micronesia

SEMI-TRACTOR TRAILER OPERATOR

Fletcher Pacific Construction Co., Ltd. (Guam) is seeking a semi-tractor trailer operator for its Guam Equipment Center division located in Harmon, Guam. Prospective candidate must have a minimum of 5 years' experience in operating heavy vehicles, ability to troubleshoot mechanical problems, hold a valid Guam driver's license with A, B & C classification, and meet D.O.T. medical requirements.

Applicants must submit a resume demonstrating a successful work history. Salary commensurate with experience and benefits package. Successful candidate must submit to drug & alcohol testing. Please provide police clearance report when submitting resume or application.

An EEO/AA EMPLOYER

All resumes and applications will be treated in strictest confidence and should be directed to the Administration Manager

FLETCHER PACIFIC CONSTRUCTION CO., LTD. (GUAM)
P.O. Box 23068-GMF
Barrigada, Guam 96921
FAX: 671-647-5600

PROJECT ADMINISTRATOR

A-D Sanford & Co. is looking for a reliable individual who meets the following requirements:

- Organized, self-motivated and goal oriented
- Proficient with MS Project and MS Office Pro '97
- Efficient office management and accounting skills
- Excellent communication skills
- Capable of working with minimal supervision

Apply in person.

Located in the Agaña Shopping Center,
2nd floor, next to Microage.
Monday - Friday • 9am - 4pm



Suite 118A Agaña Shopping Center, Agaña, Guam 96910
Fax: (671) 472-2893 • Tel: (671) 472-6165/2894

The Department of Labor is currently seeking for individuals w/2 yrs exp. to fill the following positions:

10-CARPENTERS\$11.25/Hr.

Constructs, erects, installs and repairs structures and fixtures of wood, plywood and wall board. Studies blueprints, sketches or building plans for information pertaining to type of materials required. Selects specified number of other materials. Assembles, cuts and shapes materials. Erects scaffolds and frameworks. Uses carpenter's hand tools and power tools.

5-CEMENT MASON\$10.83/Hr.

Lays concrete block, mixed cement using hand tools and power tools. Smooths and finishes surface to poured concrete floors, walls, sidewalks or curbs to specified textures using hand tools or power tools including floats, trowels and screeds; spreads concrete to specified depth and workable consistency using float to bring water to surface and produce soft topping levels, smooth and shapes surfaces of freshly poured concrete using straightedge, float or power screed; finishes concrete using power trowel or wets and rubs concrete with abrasive stone to impart finish, removes rough or defective spot and patches with fresh concrete, mixes cement.

14-PLASTERERS\$9.57/Hr.

Applies coats of plaster to interior walls, ceilings and partitions of buildings, to produce finished surface according to blueprints, architect's drawings or oral instructions. Uses hand tools or portable power tools. Spreads plaster over lath or masonry base using trowel and smooth plaster with darby and float to attain uniform thickness.

18-REINFORCING METAL WORKER\$9.92/Hr.

Positions and secures steel bars in concrete form to reinforce concrete. Determines numbers, sizes, shapes and locations of reinforcing rods from blueprints, sketches or oral instructions. Select and places rods in forms, spacing and fastening them together.

Interested applicants, please apply at Guam Employment Service with the One Stop Career Center, 125 Tun Jesus Crisostomo St., Suite 101 Tamuning, Guam 96911 (Sunny Plaza) (Ref. No. 990114)

TEMPORARY JOB OPENINGS w/ 2 YRS. EXPERIENCE

3 PLASTERERS \$9.57/hr

Duties: Apply coats of plaster to interior walls, ceilings, and building to produce finished surfaces according to blueprints, architect's drawing or oral instructions. Direct workers to mix plaster to desired consistency and to erect scaffolds. Spread plaster, over lath or masonry board, using trowel and smooths plaster with darby and float to attain uniform thickness.

1 CEMENT MASON \$10.83/hr

Duties: Lays concrete blocks, mixes cement using shovel, hand tools and mixing machine. Smooths finished of poured concrete floors, sidewalks, or curbs to specified textures, using hand and power tools including floats, screeds to specified depth and workable consistency. Studies blueprints & plans pertaining to type of materials.

1 CARPENTER\$11.25/hr

Duties: Construct, erect, install and repair structures and fixtures of wood, plywood and wallboard. Studies blueprints sketches or bldg. plans for info. pertaining to type of materials req. Select specified lumber or other materials. Assembles, cuts, and shapes materials. Erect scaffolds and framework. Uses carpenter's hand and power tools.

Interested applicants, please apply at Guam Employment Service at one Stop Career Center, 125 Tun Jesus Crisostomo Suite 101, (Sunny Plaza), Tamuning, Guam 96911, Ref. # 990214



Notice of Public Hearing

Senator Mark Forbes, Chairman

Committee on Rules, Government Reform, Reorganization & Federal Affairs

Wednesday, February 24, 1999 at 10:00AM

The Committee will be conducting a second Public Hearing on the following bills:

- Bill No. 3 "An act to add a new §1510 to Article 5, Chapter 1, Division 1, Part 1 of Title 5 GCA, relative to requiring the Governor of Guam to receive bills from the Guam Legislature at all times."
- Bill No. 32 "An act to repeal §§20101 et seq., Chapter 20, Division 3, Title 17 GCA and Chapter 19, Title 1 GCA and add a new Chapter 12, Title 2 GCA relative to creating the "Independent Budget Review Office" and consolidating the Office of the Public Auditor into the IBRO within I Liheslaturan Guåhan."
- Bill No. 33 "An act to amend Article 3, Chapter 1, Division 1 of 5 GCA to rename "Bureau of Budget & Management Research" to "Department of Program Budgeting, Financial Management and Research" and repeal Chapter 4, Division 1 of 11 GCA and Chapter 4, Division 1 of Title 5 GCA to transfer and consolidate the duties, responsibilities and authorities of the Guam Finance Commission and Program Budgeting and Financial Management and into the Department of Program Budgeting, Financial Management and Research by adding sub-article 3.1 and 3.2 to Article 3, Chapter 1, Division 1, 5 GCA."
- Bill No. 38 "An act to repeal Chapter 85, Division 8, of Title 5 GCA; Chapter 76, Division 2 of Title 21 GCA; Chapter 83, Division 8 of Title 5 GCA; Chapter 80, Division 8 of Title 5 GCA; Chapter 77, Division 2 of Title 21 GCA; Chapter 9, Division 1 of Title 12 GCA and Article 4, Chapter 70, Division 7 of Title 5 GCA and reenact as Articles 2,3,4,5,6,7, and 8 of "new" Chapter 9, Division 1 of Title 12, GCA to transfer, consolidate and integrate the duties, responsibilities and authorities conferred by statutes on the Council on the Arts and Humanities, Historical Objects and Sites, Guam Museum, Guam Public Library, Department of Parks and Recreation, Guam Visitors Bureau, and the Public Market into and create a new autonomous entity to be called "Guam Heritage and Tourism Authority" a public corporation by adding a "new" chapter 9 to Division 1 of Title 12 GCA."
- Bill No. 44 "An act to amend §2104 of Title 2 GCA, relative to imposing greater accountability in legislative appropriations and government spending."
- Bill No. 48 "An act to add a new §420 to Chapter 4, Title 1 GCA, designating "Guam, U.S.A., Where America's New Millennium Begins" as the new slogan for Guam for the next five years until December 31, 2003."
- Bill No. 52 "An act to repeal PL No. 42-288, temporarily establish the Office of the Public Prosecutor and permanently establish the Office of the Elected Attorney General."
- Bill No. 56 "An act to create the "Dipattementon I Chamorro" or "Chamorro Heritage Institute."
- Bill No. 67 "An act to repeal and reenact §2103 of Chapter 2 of Title 2 GCA, relative to clarifying the language making public hearings mandatory."
- Bill No. 68 "An act to repeal and reenact Chapter 9 of Title 2 GCA relative to prohibiting "phantom" unfunded government appropriations."
- Bill No. 69 "An act to add §822 to Article 1 of Title 1 GCA relative to renaming the Retirement Fund Building as the "Senator Jesus R. Quinene Retirement Fund Building."
- Bill No. 73 "An act to rename a section of University Drive to J.U. Torres Drive in honor of Jesus U. Torres' contribution to the University of Guam as a fifteen term chairman of the Board of Regents and his numerous contributions to the community as a legislator, judge, and civic leader."
- Bill No. 78 "An act to add §§10102(d) and 10103.1; and to repeal and reenact §§10103, 10104, 10105, 10106, 10107, 10108(b) and 10110 of Article 1, Chapter 8 of Title SGCA, relative to providing greater disclosure and accountability within the government of Guam."
- Bill No. 80 "An act to add a new §2108 to Title 2 GCA, relative to expanding the scope of information provided to the public by publishing a list of all bills introduced by members of I Liheslaturan Guåhan."

The Committee will also be conducting a first Public Hearing on the following bills:

- Bill No. 53 "An act to reform the Sunshine Act of Guam to expedite public information requests and allow electronic requests for information, to be known as "The Sunshine Reform Act of 1999."
- Bill No. 92 "An act to amend Public Law 24-327."
- Bill No. 93 "An act to amend Public Law 24-219."

Hearing will take place in the Conference Room

Office of Senator Mark Forbes, I Liheslaturan Guåhan, Hagåtña, Guam

The Public is Invited to Participate

Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Sen. Forbes at 472-3122.

GOVERNMENT MEETINGS

DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES' WIC PROGRAM: Meeting on island nutritionists' licensure legislation noon-1 p.m., Feb. 23, WIC conference room, Building 15-6100 Mariner Drive, Tiyan. Interested nutritionists welcome. For more information call Charles Morris, 4785-0290.

MASS TRANSIT AUTHORITY BOARD OF DIRECTORS: 6 p.m., Feb. 23, center's conference room, Hagåtña. Those with disabilities who need special accommodations, etc., should call Perez at 475-4682 or TDD 475-4601.

CIVIL SERVICE COMMISSION BOARD: 5:30 p.m., Feb. 23, CSC conference room, 490 Chalan Palasyo, Agaña Heights. Grievance appeal of Bruce C. Garrido vs. DepCor; general business; executive session. For more information call 475-1300/01.

COMMISSION ON DECOLONIZATION'S INDEPENDENCE TASK FORCE: 6:30 p.m.; Feb. 23, 623 E. Sunset Blvd., Tiyan. For more information call 475-9222.

SOUTHERN GUAM SOIL & WATER CONSERVATION DISTRICT: Regular monthly meeting 6:30 p.m., Feb. 23, Southern Comfort Ranch, Merizo. All interested people welcome.

BOARD OF REGISTRATION FOR

PROFESSIONAL ENGINEERS, ARCHITECTS & LAND SURVEYORS: Special meeting 8:30 a.m., Feb. 23, board office. All members asked to attend. For more information call 646-3115.

COMMITTEE ON NATURAL RESOURCES: Oversight hearings 9:45 a.m., Feb. 23, 1 Liheslaturan Guahan public hearing room, Hagåtña. 9 a.m., Division of Aquatic and Wildlife, Department of Agriculture. 9:45 a.m., GEPA. For more information call the office of Sen. Joanne Brown, 472-3450/1.

CHAMORRO REGISTRY ADVISORY BOARD: Feb. 24 meeting postponed until further notice. For more information call Teresa Iaitano, 475-4259.

ALCOHOLIC BEVERAGE CONTROL BOARD: 5 p.m., Feb. 24, Department of Revenue & Taxation director's conference room, 2nd floor, 13-1 Mariner Ave., Tiyan. Those with disabilities who need special accommodations, etc., should call 475-1790.

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS, ARCHITECTS & LAND SURVEYORS: Special meeting 8:30 a.m., Feb. 24, board office. All members asked to attend. For more information call 646-

3115.
HOUSING CORPORATION AND RENTAL CORPORATION BOARD OF DIRECTORS: 5 p.m., Feb. 24, Building 6-5000 E. Sunset Blvd., Tiyan. Agenda copies available upon request. For more information call 475-4927.

PLANNING COUNCIL: 2 p.m., Feb. 24, Governor's Cabinet conference room, RUB complex, Adelup. Those with disabilities who need special accommodations, etc., should call 472-9770/1 or fax 472-9772.

GMHA BOARD OF TRUSTEES: 5 p.m., Feb. 24, GMHA board room, 1st floor, Tamuning. Financial matters and committee reports. Executive session to follow. Those with disabilities who need special accommodations, etc., should call Toni Villavicencio, 647-2218.

GHURA BOARD OF COMMISSIONERS: 5 p.m., Feb. 24, GHURA conference room. Those with disabilities who need special accommodations, etc., should call Michael Duenas, 477-9851/4 or TTY/TDD 472-3701.

CIVIL SERVICE COMMISSION BOARD: 5:30 p.m., Feb. 24, CSC conference room, 490 Chalan Palasyo, Agaña Heights. Continuation of grievance appeal of Bruce C. Garrido vs. DepCor; new business;

general business; executive session. For more information call 475-1300/01.

COMMITTEE ON RULES, GOVERNMENT REFORM, REORGANIZATION AND FEDERAL AFFAIRS: Second public hearing 10 a.m., Feb. 24, Sen. Mark Forbes' conference room, 155 Hesler St., Hagåtña. Bills 3, 32, 33, 38, 44, 48, 52, 56, 67, 68, 69, 73, 78, 80. Also first public hearing on Bills 53, 92, 93.

'99 SOUTH PACIFIC GAMES COMMISSION: Special meeting 9 a.m., Feb. 24, 109 A St., Tiyan. Agenda copies available at commission's office.

COMMISSION ON LICENSURE: Noon, Feb. 24, Health Professional Licensing office, 1302 E. Sunset Blvd., Tiyan. Those with disabilities who need special accommodations, etc., should call 475-0251/2.

COMMITTEE ON HOUSING, GOVERNMENT SERVICES AND FOREIGN AFFAIRS: Public hearing 9 a.m., Feb. 24, 1 Liheslaturan Guahan public hearing room, Hagåtña. Bills 4(LS) and 8(LS), 36 (LS), 82 (cor). For more information call office of Sen. Moylan, 472-3342/3.

COMMITTEE ON NATURAL RESOURCES: Public meeting 7 p.m., Feb. 24, 1 Liheslaturan Guahan public hearing room, Hagåtña. For more

information call the office of Sen. Joanne Brown, 472-3450/1.

GMHA BOARD OF DIRECTORS: 5 p.m., Feb. 24, GMHA board room, first floor, Tamuning. Financial matters and committee reports. Executive session to follow. Those with disabilities who need special accommodations, etc., should call Toni Villavicencio, 647-2218.

GEDA BOARD OF DIRECTORS: Special meeting 10 a.m., Feb. 24, Suite 511, 5th floor, ITC Building, Tamuning. Those with disabilities who need special accommodations, etc., should call Bernard Punzalan, 647-4332.

GTA BOARD OF DIRECTORS: 6 p.m., Feb. 25, GTA conference room, administration building, Tamun. For accommodations call 479-8607.

CIVIL SERVICE COMMISSION BOARD: 5:30 p.m., Feb. 25, CSC conference room, 490 Chalan Palasyo, Agaña Heights. Continuation of grievance appeal of Bruce C. Garrido vs. DepCor; request for approval of DOE personnel rules and regulations; pay policy for physicians and dentists, pursuant to 4 GCA, Section 6209; general business; executive session. For more information call 475-1300/01.

POLICE BLOTTER

Arrests:

Monday

▲ Pete Raymond Guzman, 42, of Maina was arrested on a warrant of arrest. He was booked and confined.

▲ Philip Mejia Pamintuan, 32, of Yigo was arrested on a warrant of arrest. He was booked and confined.

▲ Douglas Pak, 27, of Yigo was arrested on charges of family violence, unauthorized use of a motor vehicle and a warrant of arrest. He was booked and confined.

▲ Michael James Richardson, 21, of Yigo was arrested on a charge of family violence. He was booked and confined.

▲ Lawrence Albert Richardson, 24, of Yigo was arrested on a charge of family violence. He was booked and confined.

Sunday

▲ Aries Angeles Manzano, 19, of Dededo was arrested on charges of reckless endangerment, disorderly conduct, obstruction of a public road-

way, illegal parking, criminal facilitation and drag racing without a permit. He was booked and released.

▲ Norma Jean Santos Hooag, 29, of Dededo was arrested on a charge of possession of a controlled substance. She was booked and released.

▲ Clarence Lawrence Quintanilla, 30, of Agat was arrested on charges of violation of probation and public intoxication. He was booked and confined.

▲ Linda Lav Hunt, 44, of Tamuning was arrested on charges of assault and disorderly conduct. She was booked and released.

▲ Sutenai Ichin, 22, of Agaña Heights was arrested on a charge of criminal mischief. He was booked and released.

Names as spelled in the blotter are provided by the Tactical Operations Command of the Guam Police Department.

GOVERNMENT MEETINGS

REGISTRY ADVI-
SORT BOARD: Feb. 24 meeting post-5 p.m., Feb. 24, GMAA board room, first floor, Tamuning. Financial reports and committee reports. Executive session to follow. Those with disabilities who need special accommodations, accommodations call 479-8607.
GMAA BOARD OF DIRECTORS: 4332 p.m., Feb. 25, GMAA conference room, administration building, Tamun. For GVB BOARD OF DIRECTORS: 4 p.m., Feb. 25, GVB main conference room, Tamun. Those with disabilities who need special accommodations, etc., should call 646-5278/9.
COMMISSION ON DECOLO-
IZATION'S FREE ASSOCIATION
TASK FORCE: 6:30 p.m., Feb. 25, 623 E. Sunset Blvd., Tiyon. For more information call 475-9222.

HOUSING CORPORATION AND
RENTAL CORPORATION BOARD OF
DIRECTORS: 5 p.m., Feb. 24, build- ing 6-5000 E. Sunset Blvd., Tiyon. Agenda copies available upon re- quest. For more information call 475-4927.
PLANNING COUNCIL: 2 p.m., Feb. 24, Governor's Cabinet confer- ence room, RFB complex, Adelup, PL. 24-171; assess risks/costs; develop incentives for noncontaminating struc- tures, redesign lots to Ds 3 and B; Suite 511, 5th floor, ITC Building, Tamuning. Those with disabilities who need special accommodations, etc., should call 472-9770/1 or fax 472-9772.
GMAA BOARD OF TRUSTEES: 5 p.m., Feb. 24, GMAA board room, 1st floor, Tamuning. Financial report- ers and committee reports. Execu- tive session to follow. Those with dis- abilities who need special accom- modations, etc., should call Tamun- iento, 647-2218.
GHURA BOARD OF COMMI-
SSIONERS: 5 p.m., Feb. 24, GHURA conference room. Those with dis- abilities who need special accom- modations, etc., should call Medical Dueses, 477-9851/4 or TTY/TDD 472-3701.
CIVIL SERVICE COMMISSION
BOARD: 5:30 p.m., Feb. 24, CSC conference room, 490 Chalan Pokayo, Agaña Heights. Continu- tion of grievance appeal of Bruce C. Gordo vs. DepCor; new business; general business; executive session. For more information call 475-1300/01.

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COMMITTEE ON HOUSING,
GOVERNMENT SERVICES AND
FOREIGN AFFAIRS: Public hearing Feb. 24 postponed. For more infor- mation call office of Sen. Moylan, 472-3342/3.
COMMITTEE ON NATURAL RE-
SOURCES: Public meeting 7 p.m., Feb. 24, Uthmaniyon Guchon pub- lic hearing room, Hagåtña. For more information call the office of Sen. Joanne Brown, 472-3450/1.**

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GMAA BOARD OF DIRECTORS: 4332 p.m., Feb. 25, GMAA conference room, administration building, Tamun. For GVB BOARD OF DIRECTORS: 4 p.m., Feb. 25, GVB main conference room, Tamun. Those with disabilities who need special accommodations, etc., should call 646-5278/9.
COMMISSION ON DECOLO-
IZATION'S FREE ASSOCIATION
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