



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

October 4, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 10/4/11
Time 4:00P
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Substitute Bill No. 240-31 (COR) "AN ACT TO AMEND §§850, 852 AND 853 OF ARTICLE 2, CHAPTER 8 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ARTS IN BUILDINGS AND FACILITIES", which was signed into law on September 30, 2011 as Public Law 31-118.

Senseramente,


EDDIE BAZA CALVO

Attachment: copy of Bill

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session


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

This is to certify that Substitute Bill No. 240-31 (COR), "AN ACT TO AMEND §§850, 852 AND 853 OF ARTICLE 2, CHAPTER 8 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ARTS IN BUILDINGS AND FACILITIES," was on the 19th day of September, 2011, duly and regularly passed.



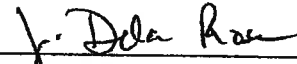
Judith T. Won Pat, Ed.D.
Speaker

Attested:



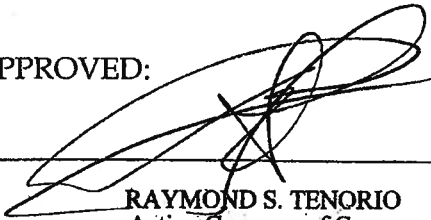
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 20th day of Sept., 2011, at
4:10 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date:

SEP 30 2011

Public Law No. 31-118

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 240-31 (COR)

As substituted by the Committee on Youth,
Cultural Affairs, Procurement, General Government Operations
and Public Broadcasting, and the Author.

Introduced by:

Aline A. Yamashita, Ph.D.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Tajeron
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §§850, 852 AND 853 OF ARTICLE
2, CHAPTER 8 OF TITLE 1, GUAM CODE
ANNOTATED, RELATIVE TO ARTS IN BUILDINGS
AND FACILITIES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §850 of Article 2, Chapter 8 of Title 1, Guam Code Annotated,
is hereby *amended* to read as follows:

“§ 850. Purpose.

1 The government of Guam recognizes its responsibility to foster
2 culture and the arts and the necessity for the development of the arts,
3 beginning with our young children and throughout the community. *I*
4 *Liheslatura* (the Legislature) declares it to be policy that a portion of
5 appropriations for capital expenditures for public buildings be set aside for
6 the acquisition of works of art to be used in such buildings and in any
7 buildings intended for use of the general public to the extent that the
8 construction or improvement of such non-public buildings is supported by
9 either federal or government of Guam tax incentives or other subsidy
10 arrangement.”

11 **Section 2.** §852 of Article 2, Chapter 8 of Title 1, Guam Code Annotated,
12 is hereby *amended* to read as follows:

13 “§ 852. **Arts in Public Buildings and Buildings Supported by**
14 **Public Funds.**

15 (a) Plans for public buildings and buildings supported by federal or
16 government of Guam subsidy which contain public areas, and plans for
17 remodeling or renovation of public buildings or facilities where the total cost
18 of construction, remodeling or renovation exceeds the sum of One Hundred
19 Thousand Dollars (\$100,000) *shall* contain provisions for the inclusion of
20 works of art, by local artists if available, including, but *not* limited to,
21 sculptures, paintings, murals or objects relating to or consisting of native art
22 as defined in §851 of this Chapter. The owner of the building *shall* also
23 have the option of allotting *at least* one percent (1%) of the overall
24 construction, remodeling or renovation cost of a building to the Guam
25 Council on the Arts and Humanities Agency (CAHA) in lieu of the inclusion
26 of works of art. If artwork plans are selected, however, a representation of
27 the final selection *shall* be published in a newspaper of general circulation

1 and/or the online version of the newspaper for public screening prior to
2 implementation.

3 (b) Before issuance of the occupancy permit for such construction,
4 remodeling or reconstruction the owner of the building must obtain
5 clearance from the Guam Council on the Arts and Humanities Agency that
6 the provisions of this Chapter are being complied with.

7 (c) *At least* one percent (1%) of the overall construction,
8 remodeling or renovation cost of a building described in Subsection (a) of
9 this Section *shall* be reserved for the purposes of the design, construction,
10 mounting, maintenance and replacement, and administration of works of art
11 by CAHA in the public area of such a building, or the owner *shall* give the
12 amount to CAHA.

13 The Director of CAHA *shall* include in CAHA rules and regulations,
14 pursuant to the Administrative Adjudication Law, for the disposition of
15 funds to meet the purpose of fostering culture and the arts for the
16 development of local artists, our children and the community as a whole.

17 The Director of Public Works *shall* ensure that no construction,
18 remodeling or renovating of a public building, or building supported by
19 government of Guam funds, is granted an occupancy permit without this
20 Chapter being complied with.

21 (d) Such buildings with an overall construction cost of *less than*
22 One Hundred Thousand Dollars (\$100,000) are exempted from the
23 requirements of the Chapter *unless* inclusion of works of art in their design
24 and construction is specifically authorized by the owner.

25 (e) The artist who creates these works of art *shall* be selected as
26 provided in Subsection (f) of this Section.

1 (f) The Director of CAHA *shall* develop rules and regulations,
2 pursuant to the Administrative Adjudication Law, for the selection of works
3 of art under this Chapter, and *shall* open competition for awarding any art
4 contract under this Chapter by:

5 (1) soliciting proposals from local artists by a project
6 announcement published *no less than* three (3) times in a local
7 publication of general circulation in print and online versions; and

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

18 (g) The Director of CAHA *shall* include in CAHA rules and
19 regulations, pursuant to the Administrative Adjudication Law, procedures
20 for the acceptance of funds as stated in this Section.

21 (1) An account *shall* be established which *shall* be
22 maintained separate and apart from other funds of the government of
23 Guam, *shall* be kept in a separate bank account, and *shall not* be
24 subject to any transfer authority of *I Maga'lahren Guåhan*. Funds
25 *shall* remain in such account and expended by CAHA for the purposes
26 mandated in this Section. Said Fund *shall* be examined and reported

1 upon as required by law by the Director of CAHA who will serve as
2 the certifying officer of said Fund.

3 (2) On the first (1st) day of each fiscal quarter, the CAHA
4 Director *shall* provide to *I Maga'lahaen Guåhan* and the Speaker of *I*
5 *Liheslaturan Guåhan*, and post on the CAHA website, a detailed
6 report of how funds were allocated and utilized.

7 (h) **Enforcement.**

8 (1) CAHA *shall* identify public buildings in non-compliance
9 with this Section and send written notices within ten (10) working
10 days. Upon receipt of the notice, recipients have two (2) weeks
11 (fourteen (14) calendar days) to acknowledge, in writing, receipt.
12 Recipients will be given *up to* one (1) fiscal year to comply with this
13 Section.

14 (2) The Guam Economic Development Authority (GEDA)
15 *shall* ensure that current Qualifying Certificate (QC) program
16 beneficiaries are in compliance with this Section.

17 (3) For monitoring purposes, GEDA *shall* provide to CAHA
18 a list of past and current QC recipients. CAHA will determine
19 whether former QC recipients complied with Subsections (a) and (c),
20 and notify them in writing if non-compliance was determined. Upon
21 receipt of the notice, recipients have two (2) weeks (fourteen (14)
22 calendar days) to acknowledge, in writing, receipt. Recipients will be
23 given *up to* one (1) fiscal year to comply with this Section.

24 (4) CAHA *shall* provide to the Department of Revenue and
25 Taxation a list of QC recipients who fail to comply with this Section.
26 The Department of Revenue and Taxation *shall* refuse to grant
27 renewal of business licenses for current and past QC recipients in

1 noncompliance, until the CAHA Director issues a written
2 confirmation of compliance.”

3 **Section 3.** §853 of Article 2, Chapter 8 of Title 1, Guam Code Annotated,
4 is hereby *amended* to read as follows:

5 **“§ 853. Inclusion of *Chamorro* Artistry or Guam History**
6 **Elements in Government Buildings.**

7 (a) **Government of Guam Buildings and Structures.** All
8 government of Guam buildings and structures *shall* contain elements of
9 either Guam history or of *Chamorro* artistry costing up to a maximum of
10 three percent (3%) of the aggregate of the architectural and engineering, the
11 construction or the renovation budgets therefore. Such elements may be
12 made part of the internal or external physical structure of the building or
13 structure and may be within the main part of the building or structure or
14 separated from the main part. In complying with the provisions of this
15 Section, a contractor for the government agency constructing the building or
16 structure may consult with CAHA as to the various types of *Chamorro* or
17 historic Guam artistic elements. The Department of Public Works
18 (Department) *shall* monitor noncompliance with this Section during its plans
19 approval process, *unless* such plans are exempted in accordance with
20 Subsection (b) of this Section. If the Department determines that a non-
21 exempted project does *not* comply with this Section, it *shall* refuse to issue
22 either a building permit or an occupancy permit (as the case requires) for
23 such project until compliance.

24 (b) **Exceptions to Applicability.** Buildings and structures
25 constructed for use as shelters for utility facilities, or utility operations, are
26 *not* subject to Subsection (a) of this Section.

1 (c) **Compliance.** Government of Guam agencies found in non-
2 compliance of this Section *shall* be given up to one (1) fiscal year to comply.
3 CAHA *shall* ensure compliance with this Section.

4 (d) **Government Leased Spaces.** Government of Guam agencies
5 leasing spaces are *not* exempt from this Section, and if found in non-
6 compliance will be given up to one (1) fiscal year to comply. CAHA *shall*
7 ensure compliance with this Section.”

8 **Section 4. Severability.** *If* any provision of this Law or its application to
9 any person or circumstance is found to be invalid or contrary to law, such
10 invalidity *shall not* affect other provisions or applications of this Law which can be
11 given effect without the invalid provisions or application, and to this end the
12 provisions of this Law are severable.

P.L. NO. 20-26

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

Section 1. §12231 of Title 10, Guam Code Annotated, is repealed and reenacted to read as follows:

"§12231. Use of Sterilized Disposable Needles by Acupuncturists Required. Any acupuncturist who is licensed under the provisions of this Chapter shall use only sterilized disposable needles. The acupuncture representative on the Guam Board of Allied Health Examiners shall periodically inspect each acupuncture clinic, with the assistance of the Department of Public Health and Social Services, and report his findings to the Board. The Board of Allied Health Examiners shall by regulation establish penalties for violations of this Section."

Section 2. This Act shall take effect ninety (90) days following its enactment.

PUBLIC LAW NO. 20-27

Bill No. 88

Date Became Law: June 13, 1989
Governor's Action: Approved

Introduced by:	E.P. Arriola
J.T. San Agustin	M.C. Ruth
T.S. Nelson	M.Z. Bordallo
J.P. Aguon	J.G. Bamba
D.F. Brooks	H.D. Dierking
E.R. Duenas	E.M. Espaldon
C.T.C. Gutierrez	P.C. Lujan
G. Mailloux	M.D.A. Manibusan
D. Parkinson	F.J.A. Quitugua
E.D. Reyes	F.R. Santos
T.V.C. Tanaka	A.R. Unpingco

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

- Section 1... Amends GC §320, territories recognition and responsibility to foster culture and arts for the development of local artists in Guam.
- Section 2... Amends GC §322, Arts in Public Buildings.

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

Section 1. §320 of the Government Code is amended to read:

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P.L. NO. 20-27

"§320. Purpose. The territory recognizes its responsibility to foster culture and the arts and the necessity for the development of local artists. The Legislature declares it to be a territorial policy that a portion of appropriations for capital expenditures for public buildings be set aside for the acquisition of works of art to be used in such buildings and in any buildings intended for use of the general public to the extent that the construction or improvement of such non-public buildings is supported by either government of Guam funds through tax abatements, rebates, loans, loan guarantees or bond financing or by Federal funds administered by the government of Guam."

Section 2. §322 of the Government Code is amended to read:
"§322. Arts in public buildings and buildings supported by public funds.

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

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

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

(d) Such buildings with an overall construction cost of less than One Hundred Thousand Dollars (\$100,000) are exempted from the requirements of the Chapter unless inclusion of works of art in their design and construction is specifically authorized by the owner.

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

P.L. NO. 20-27

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

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

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

PUBLIC LAW NO. 20-28

Bill No. 296
Date Became Law: June 13, 1989
Governor's Action: Approved

Introduced by:	D. Parkinson
T.S. Nelson	H.D. Dierking
M.C. Ruth	J.P. Aguon
E.P. Arriola	J.G. Bamba
M.Z. Bordallo	D.F. Brooks
E.R. Duenas	E.M. Espaldon
C.T.C. Gutierrez	P.C. Lujan
G. Mailloux	M.D.A. Manibusan
F.J.A. Quitugua	E.D. Reyes
J.T. San Agustin	F.R. Santos
T.V.C. Tanaka	A.R. Unpingco

AN ACT TO ADD NEW CHAPTER III-B TO TITLE I OF THE CODE OF CIVIL PROCEDURE TO PROVIDE FOR A SMALL CLAIMS DIVISION OF THE SUPERIOR COURT WITH JURISDICTION OVER SMALL CLAIMS CASES, AND TO PERMIT SAID DIVISION TO HEAR CERTAIN UTILITIES DISPUTES AND LANDLORD-TENANT ACTIONS.

Section 1... Adds Code of Civil Procedure (CCP) Chapter III-B, Small Claims Court Act.

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PUBLIC LAW NO. 15-49

Bill No. 397
Enacted: July 4, 1979
Governor's Action: Approved
Riders: None
Amended by: P.L. No. 15-132:17

Introduced by: C.A. Kasperbauer
A.R. Unpingco F.F. Blas
R.F. Taitano J.F. Quan
E.M. Espaldon A.C. Lamorena III
A.M. Palomo F.R. Santos
F.J. Quitugua J.T. San Agustin
E.T. Charfauros P.F. Perez, Jr.
B.M. Palomo C.C. Bamba

AN ACT TO ADD NEW SECTIONS 2255.1 AND 2533.1 TO THE GOVERNMENT CODE TO ENABLE VOTERS IN THE TERRITORY OF GUAM TO VOTE FOR UNITED STATES PRESIDENTIAL CANDIDATES.

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

Section 1. A new §2255.1 is added to the Government Code to read:

"§2255.1. Special Provision for Presidential Election.

The ballot for the general election in each year evenly divisible by four (4) beginning with 1980 shall contain the names of the nominees for President and Vice-President of the United States of each national political party which has made such nominations."

Section 2. A new §2533.1 is added to the Government Code to read:

"§2533.1. Special Provision for Presidential Election.

In those years when the ballot contains the names of candidates for President and Vice-President of the United States, the commission shall declare the results of said election and shall, by written direction, order the Chairman of the Election Commission to act as the elector for the territory of Guam as such term is used in Article II, Section 1 of the United States Constitution, to cast his ballot for the candidates for President and Vice-President receiving the highest number of votes and to transmit said results to the President of the Senate of the United States."

PUBLIC LAW NO. 15-50

Bill No. 355S
Enacted: July 6, 1979
Governor's Action: Approved
Riders: None

Introduced by: C.A. Kasperbauer
C.C. Bamba K.B. Aguon
F.J. Quitugua R.Q. Sudo

AN ACT TO ADD A NEW CHAPTER VII TO TITLE I OF THE GOVERNMENT CODE RELATIVE TO ARTS IN PUBLIC BUILDINGS AND FACILITIES.

- Section 1 Said purpose.
- §320 Purpose.
- §321 Definitions.
- §322 Arts in public buildings & facilities.
- Section 2 Effective date of September 30, 1979.

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

Section 1. A new Chapter VII is added to Title I of the Government Code to read:

"CHAPTER VII

Arts in Public Buildings and Facilities

P.L. No. 15-50

§320. Purpose.

The Territory recognizes its responsibility to foster culture and the arts and the necessity for the development of its local artists. The Legislature declares it to be a territorial policy that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for public buildings and other facilities.

§321. Definitions.

As used in this Chapter --

- (1) 'art' and 'arts' means the graphic arts and other arts having aesthetic value that is acceptable to the public;
- (2) 'artist' means one who produces or aids in the production of art;
- (3) 'public building' or 'public facility' means a building or facility owned by the government of Guam or any of its instrumentalities;
- (4) 'department' means the Department of Public Works or that agency of the government which supervises the design of a public building or public facility;
- (5) 'native art' means art produced by the prehispanic indigenous people of Guam and any art work that is indigenous to Guam; and
- (6) 'public area' means that part of a public building or facility to which the public is generally admitted during certain hours of the day. Public area does not include any office space, shop space, warehouse space of similar space to which the public generally has no access; and
- (7) 'local artists' means artists who are residents of Guam.

§322. Arts in Public Buildings and Facilities.

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

(b) The department before preparing plans and specifications shall consult with the Insular Arts Council regarding inclusion of works of art.

(c) At least one percent (1%) of the overall construction, remodeling or renovation cost of a building or facility approved by the Legislature will be reserved for the following purposes: the design, construction, mounting and administration of works of art in the public area of a public building or facility.

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

(e) The local artist who executes these works of art shall be selected by the architect for the department after consultation with the Insular Arts Council of Guam and the principal user of the public building or facility."

Section 2. Section 1 of this Act shall become effective September 30, 1979.

PUBLIC LAW NO. 15-51

Bill No. 29S
Enacted: July 6, 1979
Governor's Action: Approved
Riders: None

Introduced by: A.M. Palomo

AN ACT TO ADD CHAPTER VI-A TO TITLE XXII OF THE GOVERNMENT CODE RELATIVE TO THE CONSUMER POWER LIFELINE ACT.