October 4, 2011

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

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’lahen Guåhan this 20th day of Sept. 2011, at 4:10 o'clock P.M.

Assistant Staff Officer
Maga’lahi’s Office

APPROVED:

RAYMOND S. TENORIO
Acting Governor of Guam

SEP 30 2011

Date:

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 Taijeron
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.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

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

4 “§ 850. Purpose.
The government of Guam recognizes its responsibility to foster culture and the arts and the necessity for the development of the arts, beginning with our young children and throughout the community. I Liheslatura (the Legislature) declares it to be 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 federal or government of Guam tax incentives or other subsidy arrangement.”

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

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

(a) Plans for public buildings and buildings supported by federal or government of Guam subsidy 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 native art as defined in §851 of this Chapter. The owner of the building shall also have the option of allotting at least one percent (1%) of the overall construction, remodeling or renovation cost of a building to the Guam Council on the Arts and Humanities Agency (CAHA) in lieu of the inclusion of works of art. If artwork plans are selected, however, a representation of the final selection shall be published in a newspaper of general circulation

2
and/or the online version of the newspaper 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 the Arts and Humanities Agency 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, or the owner shall give the amount to CAHA.

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

The Director of Public Works shall ensure that no construction, remodeling or renovating of a public building, or building supported by government of Guam funds, is granted an occupancy permit 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.
(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 in print and online versions; and

(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 art work 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.

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

(1) An account shall be established which shall be maintained separate and apart from other funds of the government of Guam, shall be kept in a separate bank account, and shall not be subject to any transfer authority of I Maga’lahen Guåhan. Funds shall remain in such account and expended by CAHA for the purposes mandated in this Section. Said Fund shall be examined and reported
upon as required by law by the Director of CAHA who will serve as
the certifying officer of said Fund.
(2) On the first (1st) day of each fiscal quarter, the CAHA
Director shall provide to I Maga'lahen Guåhan and the Speaker of I
Liheslaturan Guåhan, and post on the CAHA website, a detailed
report of how funds were allocated and utilized.
(h) **Enforcement.**
(1) CAHA shall identify public buildings in non-compliance
with this Section and send written notices within ten (10) working
days. Upon receipt of the notice, recipients have two (2) weeks
(fourteen (14) calendar days) to acknowledge, in writing, receipt.
Recipients will be given up to one (1) fiscal year to comply with this
Section.
(2) The Guam Economic Development Authority (GEDA)
shall ensure that current Qualifying Certificate (QC) program
beneficiaries are in compliance with this Section.
(3) For monitoring purposes, GEDA shall provide to CAHA
a list of past and current QC recipients. CAHA will determine
whether former QC recipients complied with Subsections (a) and (c),
and notify them in writing if non-compliance was determined. Upon
receipt of the notice, recipients have two (2) weeks (fourteen (14)
calendar days) to acknowledge, in writing, receipt. Recipients will be
given up to one (1) fiscal year to comply with this Section.
(4) CAHA shall provide to the Department of Revenue and
Taxation a list of QC recipients who fail to comply with this Section.
The Department of Revenue and Taxation shall refuse to grant
renewal of business licenses for current and past QC recipients in
noncompliance, until the CAHA Director issues a written confirmation of compliance.”

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

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

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

(b) Exceptions to Applicability. Buildings and structures constructed for use as shelters for utility facilities, or utility operations, are not subject to Subsection (a) of this Section.
(c) **Compliance.** Government of Guam agencies found in non-compliance of this Section *shall* be given up to one (1) fiscal year to comply. CAHA *shall* ensure compliance with this Section.

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

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

PUBLICATION NO. 20-27

Bill No. 88
Date Became Law: June 13, 1989
Governor's Action: Approved
Introduced by: E.P. Arriola
T.S. Nelson
J.P. Aguon
D.F. Brooks
E.R. Duenas
C.T.C. Gutierrez
G. Mailloux
D. Parkinson
E.D. Reyes
T.V.C. Tanaka
M.C. Ruth
J.G. Babalav
H.D. Dierking
E.M. Espaldon
P.C. Lulan
M.D.A. Manibusan
F.J.A. Quitugua
F.R. Santos
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:

152
"§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 13-50. 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

Introduced by: D. Parkinson
T.S. Nelson H.D. Dielking
M.C. Ruth J.P. Aguon
E.P. Arriola J.G. Bamba
M.Z. Bordallo D.P. Brooks
E.R. Duenas E.M. Espaldon
C.T.C. Gutierrez P.C. Lujan
G. Maitieux 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 1 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.
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:
A.R. Unpingco
R.F. Taitano
E.M. Espaldon
A.M. Palomo
F.J. Quinata
E.T. Charfauros
B.M. Palomo

C.A. Kasperbauer
F.F. Bias
J.F. Quan
A.C. Lamorena III
F.R. Santos
J.T. San Agustin
P.F. Perez, Jr.
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. 3558
Enacted: July 8, 1979
Governor's Action: Approved
Riders: None

Introduced by:
C.C. Bamba
F.J. Quinata

C.A. Kasperbauer
K.B. Aguon
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

69
§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

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