UFISIÑAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

356L-20-1378
Speaker Tina Rose Muña Barnes

JAN . 2 2020
Time 4:04 ( )AM (X)PM
Received By:

January 2, 2020

HONORABLE TINA ROSE MUÑA BARNES, Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

2020 JAN -2 PM 4:25

Re: Bill No. 249-35 (COR) – An Act to *Add* a New § 85102(m) of Chapter 85, Title 5, Guam Code Annotated, Relative to Designating the Guam Council on the Arts and Humanities Agency as the State Arts Agency for Guam; and to *Add* a New § 851(n) and *Amend* § 852(a)(2)(C) of Article 2, Chapter 8, Title 1, Guam Code Annotated, Relative to Defining the Term *Works of Art* in the Arts in Public Buildings Law; and to Allowing the Use of Money Collected Therein for the 13th Festival of Pacific Arts and Culture

Dear Madame Speaker:

I am thankful for the Legislature's continuing attention towards preserving our island's cultural arts. I wholeheartedly agree with the premise behind Bill No. 249-35. As stated in its legislative intent, the bill reminds us of the importance to promote not only physical forms of art, but also other forms which enable us to foster culture and the arts and the necessity of the development of the arts.

I have signed this bill into law as **Public Law No. 35-60** so that our delegation will have the support needed to display Guam's best in arts and culture at this year's Festival of Pacific Arts and Culture.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Bill No. 249-35 (COR) *nka Public Law 35-60*

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

1378

RICARDO J. BORDALLO GOVERNOR'S COMPLEX · HAGÅTÑA, GUAM 96910
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Tina Sanchez
RCVD AT CENTRAL FILES
DEC 23 '19 AM11:46
2019-8261

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 249-35 (COR), "AN ACT TO *ADD* A NEW § 85102(m) OF CHAPTER 85, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING THE GUAM COUNCIL ON THE ARTS AND HUMANITIES AGENCY AS THE STATE ARTS AGENCY FOR GUAM; AND TO *ADD* A NEW § 851(n) AND *AMEND* § 852(a)(2)(C) OF ARTICLE 2, CHAPTER 8, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM *WORKS OF ART* IN THE ARTS IN PUBLIC BUILDINGS LAW; AND TO ALLOWING THE USE OF MONEY COLLECTED THEREIN FOR THE 13TH FESTIVAL OF PACIFIC ARTS AND CULTURE,"** was on the 20th day of December 2019, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 23rd day of Dec, 2019, at 11:44 o'clock A.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 1/2/2020

Public Law No. 35-60

RCVD AT CENTRAL FILE
DEC 23 '19 AM 11:55
Tina Sanchez
2019-8361

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 249-35 (COR)
As amended on the Floor.

Introduced by: Kelly Marsh (Taitano), PhD
Tina Rose Muña Barnes
Amanda L. Shelton
Jose "Pedo" Terlaje
Clynton E. Ridgell
Joe S. San Agustin
Louise B. Muña
William M. Castro
Régine Biscoe Lee
James C. Moylan
Telena Cruz Nelson
Sabina Flores Perez
Telo T. Taitague
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *ADD* A NEW § 85102(m) OF CHAPTER 85, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING THE GUAM COUNCIL ON THE ARTS AND HUMANITIES AGENCY AS THE STATE ARTS AGENCY FOR GUAM; AND TO *ADD* A NEW § 851(n) AND *AMEND* § 852(a)(2)(C) OF ARTICLE 2, CHAPTER 8, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO DEFINING THE TERM *WORKS OF ART* IN THE ARTS IN PUBLIC BUILDINGS LAW; AND TO ALLOWING THE USE OF MONEY COLLECTED THEREIN FOR THE 13TH FESTIVAL OF PACIFIC ARTS AND CULTURE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Public Law 16-122 designates the Guam Council on the Arts and Humanities

Agency (CAHA) as the state arts agency for Guam, and that the Governor of Guam has accordingly appointed CAHA as the lead agency for the Festival of Pacific Arts and Culture (FESTPAC), essentially since CAHA's inception in the 1980s. However, this process has been found to have shortfalls. In some years, there were significant delays in CAHA's appointment, which had a detrimental effect of not providing enough time to prepare for successful organization and participation.

It is, therefore, the intent of *I Liheslatura* to explicitly identify CAHA as the official lead agency for planning and administering Guam's participation and representation at FESTPAC.

I Liheslatura also finds that the Arts in Public Buildings Law recognizes and defines various forms of art; however, the law is commonly interpreted to only provide for the inclusion of physical forms of art in public buildings.

It is, therefore, the intent of *I Liheslatura* to define the term *works of art* to include the various forms of art which are already recognized and defined in the law so that these forms of art may be included in public buildings in order to fulfill the government of Guam's responsibility to foster culture and the arts and the necessity of the development of the arts, beginning with our young children and throughout the community.

I Liheslatura further finds that the Arts in Public Buildings Law currently prohibits the use of money collected therein for travel. However, *I Liheslatura* also finds that other local programs provide for the travel of individuals representing Guam in such other competitions for cultural and educational purposes and that it would undermine the intent of *I Liheslatura* if money collected by Guam's state arts agency could not be equitably used to foster the opportunity for participation in arts and humanities programs and festivals, such as FESTPAC, which seeks to halt the erosion of traditional practices through ongoing cultural exchanges and strengthen relationships between the nations of Oceania.

It is, therefore, the intent of *I Liheslatura* to allow for the use of money collected therein for travel exclusively for Guam's participation in and representation at the 13th Festival of Pacific Arts and Culture, which seeks to foster the revitalization of the *CHamoru* culture.

Section 2. A new § 85102(m) is hereby *added* to Chapter 85, Title 5, Guam Code Annotated, to read:

"(m) To serve and act as the official lead agency for planning and administering Guam's participation and representation at the Festival of Pacific Arts and Culture."

Section 3. A new § 851(n) is hereby *added* to Article 2, Chapter 8, Title 1, Guam Code Annotated, to read:

"(n) Works of art *shall* include the arts as defined in Subsections (a), (e), (h), (i), (j), (k), and (m) of this Section."

Section 4. § 852(a)(2)(C) of Article 2, Chapter 8, Title 1, Guam Code Annotated, is *amended* to read:

"(C) No money collected pursuant to this Section shall be used for travel, unless the travel is exclusively for Guam's participation and representation at the 13th Festival of Pacific Arts and Culture (13th FESTPAC). The money collected pursuant to this Section *may* be used to pay for airfare expenses for Guam's delegates to the 13th FESTPAC, shipping expenses for pertinent cargo, and other logistical support as approved by a resolution by the governing board of CAHA. *No more than* Three Hundred Fifty Thousand Dollars ($350,000) may be expended pursuant to this Subsection for the 13th FESTPAC. In compliance with 1 GCA § 852(g)(2), the CAHA Director's report *shall* include an expenditure report of funds spent pursuant to this Subsection."

Section 5. Effective Date. This Act *shall* be effective upon enactment.