Bill No. 135 (COR)

Introduced by:

C. T. C. Gutierrez
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P. C. Lujan
M. C. Ruth
J. P. Aguon
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D. F. Brooks
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T. V. C. Tanaka
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AN ACT TO REPEAL AND REENACT §13985.80 OF THE GOVERNMENT CODE AND TO ADD §§13985.83, 13985.84, 13985.85 AND 13985.86 THERETO TO PROVIDE GUAM PRESENTATION TRUST FUNDS FOR ARCHAEOLOGICAL SERVICES FOR NON-PROFIT AND NON-COMMERCIAL PURPOSES, ALLOWING THE TRUST TO SUE IN ITS OWN NAME, HIRE ITS OWN LEGAL COUNSEL, HIRE PERSONNEL, MANAGE ITS ASSETS, TO EXEMPT THE FUND FROM THE EXECUTIVE BUDGET ACT AND PROCUREMENT LAW, AND TO ESTABLISH A FIDUCIARY DUTY AND AN ANNUAL AUDIT.

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

Section 1. §13985.80 of the Government Code is repealed and reenacted to read:

"§13985.80. Guam Preservation Trust. There is hereby established as a public non-profit corporation the Guam
The Honorable Joe T. San Agustin  
Speaker, Twenty-First Guam Legislature  
155 Hessler Street  
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 135, which I have signed into law this date as Public Law 21-07.

Sincerely,

JOSEPH F. ADA  
Governor

Attachment  
210190
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 135 (COR), "AN ACT TO REPEAL AND REENACT §13985.80 OF THE GOVERNMENT CODE AND TO ADD §§13985.83, 13985.84, 13985.85 AND 13985.86 THERETO TO PROVIDE GUAM PRESERVATION TRUST FUNDS FOR ARCHAEOLOGICAL SERVICES FOR NON-PROFIT AND NON-COMMERCIAL PURPOSES, ALLOWING THE TRUST TO SUE IN ITS OWN NAME, HIRE ITS OWN LEGAL COUNSEL, HIRE PERSONNEL, MANAGE ITS ASSETS, TO EXEMPT THE FUND FROM THE EXECUTIVE BUDGET ACT AND PROCUREMENT LAW, AND TO ESTABLISH A FIDUCIARY DUTY AND AN ANNUAL AUDIT." was on the 3rd day of April, 1991, duly and regularly passed.

JOE-T. SAN AGUSTIN
Speaker

Attested:

PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this ___ day of ____________, 1991. at _____ o'clock ___ m.

Assistant Staff Officer
Governor's Office

APPROVED:

JOSEPH F. ADA
Governor of Guam
APR 19 1991

Date:

Public Law No. ... 21-07
Preservation Trust (the "Trust"). The Trust shall have the following purposes, which are within its powers:

(a) To seek grants and donations;

(b) To acquire title to threatened Guam properties for the preservation of their historical value, whether in fee simple, by leasehold, or by easement, and whether through donation, transfer, dedication, purchase, or eminent domain;

(c) To award grants for archaeological investigations, for the recording and salvage of sites of historic or prehistoric interest and value, for locating, recording and saving prehistoric and historic remains on sites that will be utilized for non-profit and non-commercial purposes, such as private homes, schools, churches, and other similar purposes;

(d) To support other activities directly related to increasing the public appreciation of and benefit from historical places."

Section 2. §13985.83 is added to the Government Code to read:

"§13985.83. Limitation to purposes of Trust. Expenditures by the Trust shall be limited to purposes of the Trust and may not be used for any operation of the Department."

Section 3. §13985.84. is added to the Government Code to read:

"§13985.84. Power of the Trust. The Trust shall have the following powers in coordination with its purposes:

(a) To sue and be sued in its own name;

(b) To hire its own legal counsel;

(c) To hire or contract for the management of Trust assets and the conduct of Trust business."

Section 4. §13985.85 is added to the Government Code to read:

"§13985.85. Exemption from Executive Budget Act and Government Procurement Law. The Trust is exempt from the provisions of the Executive Budget Act (P.L. 12-115, as amended) and the Government Procurement Law (P.L. 16-124, as amended)."

Section 5. §13985.86 is added to the Government Code to read:
§13985.66. Responsibilities of the Trust. The Trust is subject to the following responsibilities:

(a) A fiduciary duty toward the funds and purposes of the Trust:

(b) The preparation of an annual audit report which is to be submitted to the Governor and to the Legislature within sixty (60) days after the end of each fiscal year.