

1       Section 5. Repealer. §87138, §87139, §87140 and §87141 of Chapter  
2 87, Division 8, Part 3 of Title 5 of the Guam Code Annotated, are hereby  
3 *repealed*.

4       Section 6. A new §5117 is hereby *added* to Article 2 of Chapter 5 of  
5 Division 1 of Title 5, Guam Code Annotated, to read:

6           “§5117. Procurement shall be delegated to the Guam  
7 Preservation Trust. Notwithstanding any other provision of Guam  
8 Procurement Law, the authority to procure supplies and services for  
9 the Guam Preservation Trust shall be delegated by the Chief  
10 Procurement Officer to the Board of Directors of the Guam  
11 Preservation Trust.”

12       Section 7. Severability. *If* any provision of this Law or its  
13 application to any person or circumstance is found to be invalid or contrary  
14 to law, such invalidity shall *not* affect other provisions or applications of  
15 this Law which can be given effect without the invalid provisions or  
16 application, and to this end the provisions of this Law are severable.





Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932  
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Office of the People's Speaker  
vicente (ben) c. pangelinan

MAY 11 2004

TIME: 5:07 ( ) AM ( ) PM  
RECEIVED BY:

Felix Perez Camacho  
Governor

Kaleo Scott Moylan  
Lieutenant Governor

11 MAY 2004

The Honorable Vicente C. Pangelinan  
Speaker  
*I Mina'Bente Siete Na Liheslaturan Guåhan*  
Twenty-Seventh Guam Legislature  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 177 (LS), "AN ACT TO ADVANCE HISTORIC PRESERVATION PROGRAMS IN GUAM BY *REPEALING* AND *REENACTING* ARTICLE 6 OF CHAPTER 76 OF DIVISION 2 OF TITLE 21, *REPEALING* §§ 87138 THROUGH 87141, AND *ADDING* A NEW §5117 TO TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM PRESERVATION TRUST," which I signed into law on May 6, 2004 as **Public Law 27-89**.

*Sinseryan Magåhet,*

FELIX P. CAMACHO  
*I Maga'låhen Guåhan*  
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Tina Rose Muña-Barnes  
Senator and Legislative Secretary

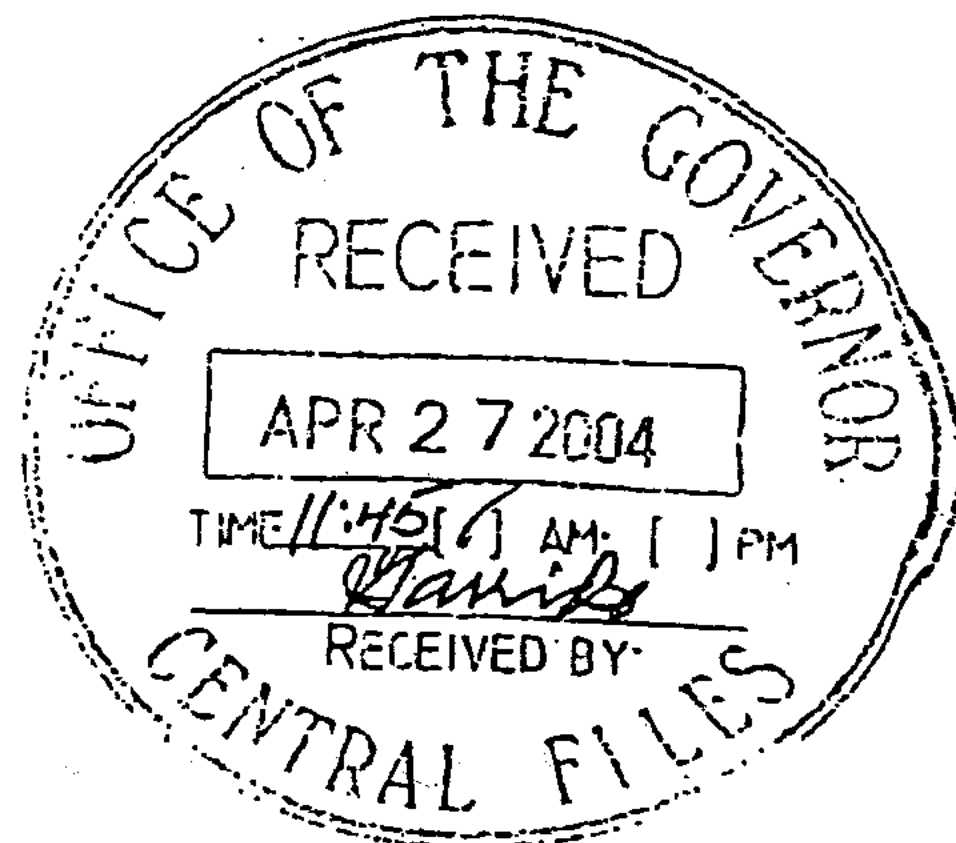




MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN  
TWENTY-SEVENTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

April 27, 2004


The Honorable Felix P. Camacho  
*I Maga'lahen Guåhan*  
*Ufisinan I Maga'lahi*  
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 178(LS), 193(COR), 256(LS), 261(LS) and 277(COR), and Substitute Bill Nos. 17(LS), 115(COR), 119(COR), 146(LS), 172(LS), 175(LS), 177(LS), 183(COR), 220(COR), 230(LS), 231(LS), 249(COR), 255(LS) and 258(LS) which were passed by *I Mina' Bente Siete Na Liheslaturan Guåhan* on April 23, 2004.

Sincerely,

  
TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosures (19)

CFI- 0404- 2294

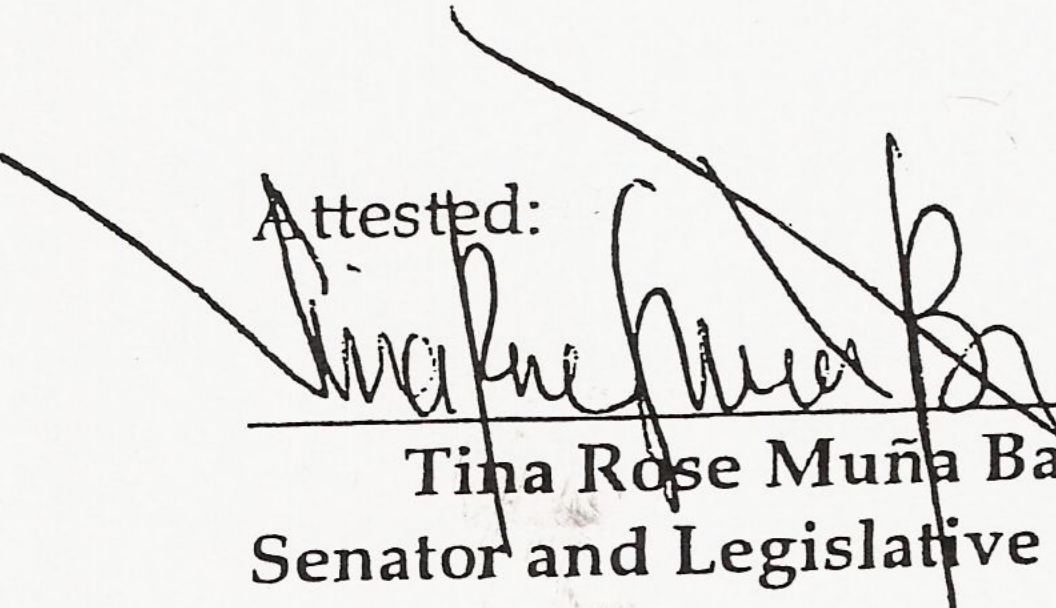


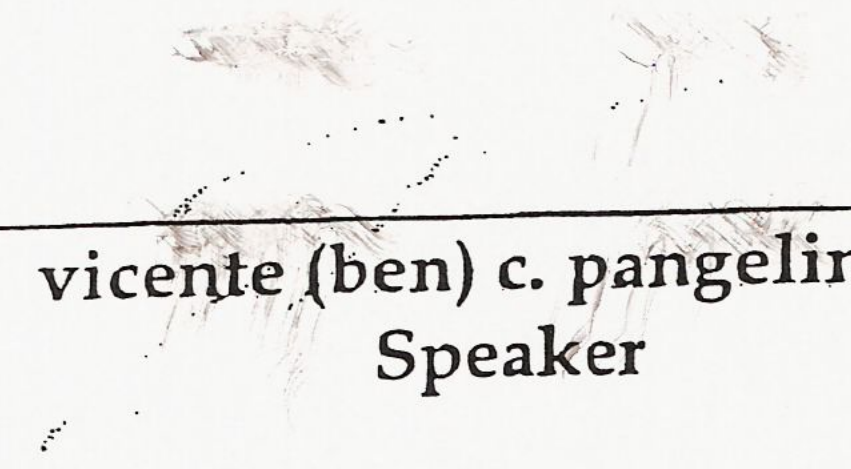
I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN  
2004 (SECOND) Regular Session

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

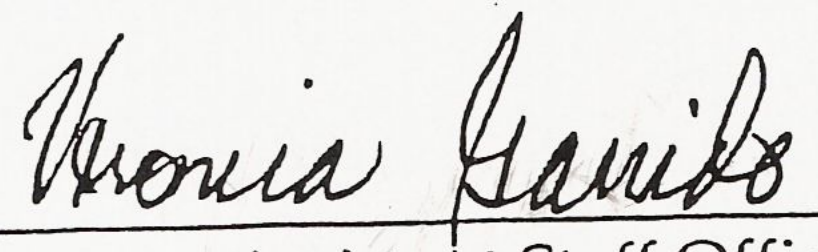
This is to certify that Substitute Bill No. 177 (LS), "AN ACT TO ADVANCE HISTORIC PRESERVATION PROGRAMS IN GUAM BY REPEALING AND REENACTING ARTICLE 6 OF CHAPTER 76 OF DIVISION 2 OF TITLE 21, REPEALING §§ 87138 THROUGH 87141, AND ADDING A NEW §5117 TO TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM PRESERVATION TRUST," was on the 23<sup>rd</sup> day of April, 2004, duly and regularly passed.

Attested:

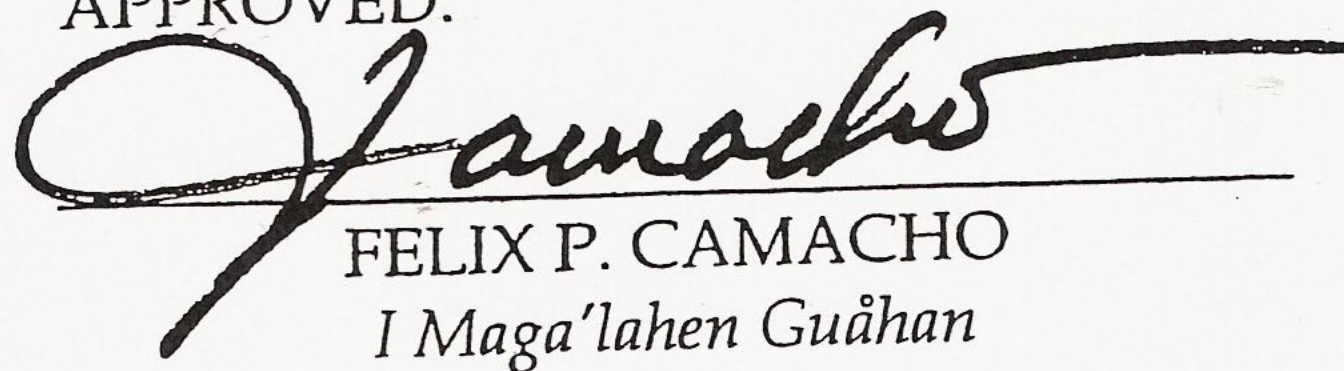
  
Tina Rose Muña Barnes  
Senator and Legislative Secretary

  
vicente (ben) c. pangelinan  
Speaker

.....  
This Act was received by I Maga'laken Guåhan this 27 day of April, 2004,  
at 11:45 o'clock A. M.

  
Assistant Staff Officer  
Maga'lahi's Office

APPROVED:

  
FELIX P. CAMACHO  
I Maga'laken Guåhan

Date: May 6, 2004

Public Law No. 27-89



I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN  
2003 (FIRST) Regular Session

**Bill No. 177 (LS)**

As substituted by the Committee on Community,  
Culture, Recreation and Public Broadcasting,  
and further substituted by the Author,  
and amended on the Floor.

Introduced by:

T. R. Muña Barnes  
F. R. Cunliffe  
R. J. Respicio  
F. B. Aguon, Jr.  
J. M.S. Brown  
C. Fernandez  
Mark Forbes  
L. F. Kasperbauer  
R. Klitzkie  
L. A. Leon Guerrero  
J. A. Lujan  
v. c. pangelinan  
J. M. Quinata  
Toni Sanford  
Ray Tenorio

AN ACT TO ADVANCE HISTORIC PRESERVATION  
PROGRAMS IN GUAM BY REPEALING AND  
REENACTING ARTICLE 6 OF CHAPTER 76 OF DIVISION 2  
OF TITLE 21, REPEALING §§ 87138 THROUGH 87141, AND  
ADDING A NEW §5117 TO TITLE 5, GUAM CODE  
ANNOTATED, RELATIVE TO THE GUAM  
PRESERVATION TRUST.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*  
3 finds that the Guam Preservation Trust (the "Trust") was established as a  
4 public non-profit corporation by Public Law 20-151, amended by Public



1 Law 21-07, and codified into law as Article 6, Chapter 76, Division 2 of Title  
2 21 of the Guam Code Annotated to advance historic preservation programs  
3 in Guam. The creation of the Trust was an innovative way to fund and  
4 execute local historic preservation projects.

5 Pursuant to this Law, all building permit fees and fines authorized by  
6 §66408 and §76211 of Division 2 of Title 21, GCA, are deposited into the  
7 Trust Fund and administered by the Trust Board of Directors. Members of  
8 the Guam Historic Preservation Review Board serve on the Board of  
9 Directors of the Trust.

10 *I Liheslaturan Guåhan* further finds that the enactment of Public Law  
11 25-69, now codified into law as Chapter 87 of Title 5 of the Guam Code  
12 Annotated, which is the enabling act of the Department of Chamorro  
13 Affairs ("DCA"), included a specific provision, Section 8 of Public Law 25-  
14 69, which repealed all of Chapter 76, Historical Objects and Sites, of  
15 Division 2 of Title 21, GCA, containing the statute establishing the Historic  
16 Resources Division of the Department of Parks and Recreation ("DPR") for  
17 the purpose of historic preservation and to administer the State Historic  
18 Preservation Grant Program. Article 6 of the repealed Chapter 76 created  
19 the Trust.

20 At the time Public Law 25-69 was passed, it was the intent of *I*  
21 *Liheslatura* that the Historic Resources Division of DPR and the Trust be  
22 consolidated into DCA. It was subsequently determined that DCA,  
23 established in Guam law as a public non-profit corporation, could not  
24 administer the State Historic Preservation Grant because Federal law



1 requires an arm of a state or territorial government to be the administering  
2 authority and DCA is not a line agency of the government of Guam.

3 To remedy this condition, *I Mina'Bente Sinko Na Liheslaturan Guåhan*,  
4 in Section 13 of Chapter IV (Miscellaneous Provisions) of Public Law 25-72,  
5 repealed Section 8 of Public Law 25-69, effectively restoring Chapter 76 of  
6 21 GCA. However, Section 13 of Chapter IV (Miscellaneous Provisions) of  
7 Public Law 25-72 also repealed Public Law 21-07, which contained  
8 language mandating the fiduciary duty of the Trust and protecting the  
9 Trust Fund from being used for the operations of any line department or  
10 agency.

11 It is the additional finding of *I Liheslaturan Guåhan* that the Guam  
12 Code Annotated has yet to be revised to contain the restoration of Chapter  
13 76 of Title 21, GCA, and revision of Chapter 87 of Title 5, GCA, relative to  
14 the Trust.

15 It is the additional finding of *I Liheslatura* that through prior  
16 legislative appropriations and authorizations, a substantial portion of the  
17 Trust Fund has been tapped to offset the shortfall to the General Fund and  
18 the operations of the Department of Parks and Recreation, these actions  
19 being contrary to the intent of Public Law 20-151.

20 It is therefore the intent of *I Liheslaturan Guåhan* to clarify the statutes  
21 controlling the Trust and to assist in the advancement of its operations  
22 relative to historic preservation by restating its enabling act prior to  
23 amendment by a now-repealed Section of Public Law 25-69; adding  
24 additional requirements relative to prioritization of projects; providing the  
25 Trust with additional safeguards for its programs; and providing authority



1 to encumber its funds for the purpose of obtaining a line of credit or loan to  
2 advance its programs. By virtue of passage of this Act, *I Liheslaturan*  
3 *Guåhan* intends to authorize the Trust to encumber its funds as collateral  
4 for a loan or line of credit to secure immediate funding for local historic  
5 preservation projects.

6 It is the additional intent of *I Liheslaturan Guåhan* to direct the  
7 Compiler of Laws to codify this Act and revise Chapter 87 of Title 5, GCA,  
8 pursuant to Section 13 of Chapter IV (Miscellaneous Provisions) of Public  
9 Law 25-72, and restore Chapter 76 of Title 21, GCA, pursuant to Section 13  
10 of Chapter 4 of Public Law 25-72, as amended by this Act.

11 It is the additional intent of *I Liheslaturan Guåhan* to require that the  
12 Director of the Department of Administration and the Director of the  
13 Bureau of Budget and Management Research jointly submit a report to *I*  
14 *Liheslaturan Guåhan* on the status of any and all financial transactions made  
15 to and from the Trust Fund, including any funds that may have been  
16 reverted to the General Fund from the Trust Fund.

17 Section 2. Article 6 of Chapter 76 of Division 2 of Title 21 of the  
18 Guam Code Annotated, is *repealed* and *reenacted* to read:

19 "Article 6

20 Guam Preservation Trust

21 §76601. Guam Preservation Trust.

22 §76602. Guam Preservation Trust Income.

23 §76603. Limitation to Purposes of the Trust.

24 §76604. Power of the Trust.

25 §76605. Exemption from Executive Budget Act.



1       §76606. Responsibilities of the Trust.

2       §76607. Line of Credit Authorized.

3       §76608. *I Liheslatura* Appropriations.

4               §76601. Guam Preservation Trust. There is hereby established  
5 as a public, non-profit corporation, the Guam Preservation Trust (the  
6 'Trust'). The Trust shall have the following purposes, which are  
7 within its powers:

8               (a) To seek grants and donations;

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

13              (c) To award grants for the following:

14                   1. Historic property documentation and historic  
15 register nomination;

16                   2. Architectural and archeological history and  
17 documentation of historic structures and sites;

18                   3. Protection of historic structures and sites  
19 through stabilization, rehabilitation,  
20 reconstruction, or restoration, including  
21 adequate lighting when appropriate on such  
22 sites being utilized for non-profit and non-  
23 commercial purposes, such as private homes,  
24 schools, churches, public buildings and  
25 facilities, except that commercial activity is



1 allowable on such sites pursuant to a signed  
2 covenant between the Guam Preservation  
3 Trust and the registered owners when part of  
4 the proceeds of such commercial activity is  
5 used for the general maintenance of such  
6 sites;

- 7 4. Ethnography and oral history of Guam; and  
8 5. Archival and archaeological research and  
9 investigations for locating, recording and  
10 protecting sites of historic or prehistoric  
11 interest and value.

12 (d) To prepare a Guam Preservation Trust Master Plan  
13 identifying, by order of priority, the buildings, structures and  
14 sites which in the opinion of the Trust are deserving of  
15 preservation and which shall be preserved. The Trust shall hold  
16 a public hearing on the proposed plan and shall transmit the  
17 plan to *I Liheslaturan Guåhan* sixty (60) days prior to its  
18 implementation; and

19 (e) To support other activities directly related to  
20 increasing the public appreciation of and benefit from historical  
21 places including public interpretation and presentation.

22 **§76602. Guam Preservation Trust Income.** Fees collected  
23 pursuant to §66408 of Division 2 of Title 21 of the Guam Code  
24 Annotated, shall be deposited in the Guam Preservation Trust Fund.  
25 Fines collected under §76211 of Division 2 of Title 21 of the Guam



1 Code Annotated, shall be deposited into the Guam Preservation  
2 Trust Fund. Guam Preservation Trust funds shall be maintained  
3 separate and apart from all other government funds. The  
4 Department of Administration, as custodian for the fees and fines  
5 collected pursuant to this Section, shall transfer all such funds to the  
6 Trust *no less than* on a quarterly basis. Any and all interest accrued  
7 on such funds shall also be transferred to the Trust. The amounts  
8 within the Guam Preservation Trust Fund shall be used by the Trust  
9 *only* for the purposes expressed in this Article 6 and shall *not* be  
10 subject to any transfer authority of *I Maga'lahañ Guåhan*.

11 §76603. **Limitation to Purposes of the Trust.** Expenditures by  
12 the Trust shall be limited to purposes of the Trust and may *not* be  
13 used for any operation of the Department of Parks and Recreation or  
14 any other agency, department, bureau, division, office,  
15 instrumentality or branch of the government of Guam.

16 §76604. **Power of the Trust.** The Trust shall have the following  
17 powers in coordination with its purposes:

- 18 (a) To sue and be sued in its own name;
- 19 (b) To hire its own legal counsel;
- 20 (c) To hire or contract for the management of Trust assets  
21 and the conduct of Trust business;
- 22 (d) To enter into and execute contracts and instruments of  
23 every kind and nature, necessary or convenient to the  
24 exercise of its powers and functions;
- 25 (e) To have all corporate powers provided by law.

1           §76605. Exemption from Executive Budget Act. The Trust is  
2 exempt from the provisions of the Executive Budget Act (P.L. 12-115,  
3 as amended).

4           §76606. Responsibilities of the Trust. The Trust is subject to  
5 the following responsibilities:

6           (a) A fiduciary duty toward the funds and purposes of the  
7 Trust;

8           (b) The preparation of an annual audit report which is to be  
9 submitted to *I Maga'lahañ Guåhan* and *I Liheslaturan*  
10 *Guåhan* within sixty (60) days after the end of each fiscal  
11 year; and

12           (c) Establish guidelines relative to the Abatement of Taxes as  
13 provided in Section 21 of Public Law 20-151.

14           §76607. Line of Credit Authorized. The Guam Preservation  
15 Trust Fund may be encumbered as collateral for a loan or line of  
16 credit to advance its grant programs pursuant to a Guam Historic  
17 Preservation Master Plan as described in §76601(d) of this Article.  
18 The Trust is authorized to enter into such agreements necessary for  
19 the acquisition of the loan or line of credit, with any lending  
20 institution chosen under its procurement regulations and/or policies.  
21 Neither the Board of Directors nor the employees of the Trust shall  
22 incur any personal liability for any loan agreement lawfully entered  
23 into.

24           §76608. *I Liheslatura* Appropriations. *I Liheslatura* may, from  
25 time to time, appropriate funds from the General Fund for deposit in



1 the Guam Preservation Trust Fund. Such funds, when appropriated,  
2 shall be paid directly to the Trust."

3 **Section 3. Codification.** The Compiler of Laws shall codify this Act  
4 and revise Chapter 87 of Title 5, GCA, pursuant to Section 13 of Public Law  
5 25-72; restore Articles 1 through 5 of Chapter 76 of Title 21, GCA, pursuant  
6 to Section 13 of Chapter IV (Miscellaneous Provisions) of Public Law 25-72  
7 and Article 6 of Chapter 76 of Title 21, GCA, as repealed and reenacted in  
8 this Act; and codify Section 21 of Public Law 20-151.

9 **Section 4. Report to *I Liheslatura*.** Within sixty (60) days of  
10 enactment, the Director of the Department of Administration and the  
11 Director of the Bureau of Budget and Management Research shall jointly  
12 submit a report to the Speaker of *I Liheslaturan Guåhan* and to the  
13 Chairpersons of the Legislative committees with oversight over Finance,  
14 Budgeting and Parks & Recreation, containing the following information:

15 (1) A list of all appropriations made from the Guam Preservation  
16 Trust Fund, also known as the Guam Historic Preservation  
17 Trust Fund, to other government of Guam entities since the  
18 enactment of Public Law 20-151 to include amounts released,  
19 reserved or encumbered, and expended including the status of  
20 any outstanding appropriations; and

21 (2) A list of all financial transactions relative to any funds which  
22 were withheld from the Guam Preservation Trust and were  
23 transferred or reverted to the General Fund pursuant to a  
24 budget act or any other act of *I Liheslaturan Guåhan*.