

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
343-36 (COR)	Clynton E. Ridgell	AN ACT TO <i>ADD</i> A NEW CHAPTER 89 TO TITLE 5, GUAM CODE ANNOTATED, CREATING THE “ <i>ARTIST IN RESIDENCE PROGRAM</i> ”, AND TO ALLOW UP TO TWO PERCENT (2%) OF THE ELEVEN PERCENT (11%) HOTEL OCCUPANCY TAX LEVIED AGAINST ROOM SALES TO BE USED TO DEFRAY EXPENSES ASSOCIATED WITH THE PROGRAM.	10/10/22 12:51 p.m.						

I MINA 'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (Second) REGULAR SESSION

Bill No. 343-36 (COR)

Introduced by:

Clynton E. Ridgel 

AN ACT TO ADD A NEW CHAPTER 89 TO TITLE 5, GUAM CODE ANNOTATED, CREATING THE “ARTIST IN RESIDENCE PROGRAM”, AND TO ALLOW UP TO TWO PERCENT (2%) OF THE ELEVEN PERCENT (11%) HOTEL OCCUPANCY TAX LEVIED AGAINST ROOM SALES TO BE USED TO DEFRAY EXPENSES ASSOCIATED WITH THE PROGRAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Statement. As Guam’s visitor industry recovers from the effects of Covid-19, an opportunity presents itself to renew interest by visitors and residents alike in the procurement of Chamorro arts and crafts; the teaching and learning of performing and visual arts; and demonstrations of various art forms both locally and abroad. The Guam Visitors Bureau has taken many performers and craftspeople on promotions to give potential visitors a taste of what they may experience once they visit Guam. Visitor satisfaction surveys continue to indicate Guam’s visitors want to experience more of the Chamorro culture than is presently on display.

It is the intent of *I Liheslaturan Guåhan* to provide added incentive to the Guam Visitors Bureau’s branding and marketing efforts by enticing Guam’s hotels to further integrate the Chamorro culture into their offerings through the advent of the “Artist in Residence Program”. It is the belief of *I Liheslaturan Guåhan* that the investment of such sums, as may be made available through participation in this Program, will yield benefits to the promotion of Guam’s culture by legitimizing what the Guam Visitors Bureau promotes.

Section 2. Artist in Residence Program, created. There is hereby created the “*Artist in Residence Program*” as follows:

“Chapter 89.

Artist in Residence Program

89100. Purpose.

89101. Definitions.

1 **89102. Program Guidelines.**

2 **89103. Use of Up To Two percent (2%) of Eleven percent (11%) Hotel Occupancy Tax,**
3 **authorized.**

4 **89104. Council on the Arts and Humanities to develop Program rules and regulations.**

5 **89100. Purpose.** The Artist in Residence Program (hereinafter referred to as ‘Program’) is
6 intended to provide an incentive to Guam’s lodging facilities to further integrate the Chamorro culture
7 into each property’s offerings. The Program will serve as a conduit for the display of authentic
8 Chamorro performing and visual arts at participating facilities.

9 **89101. Definitions.**

10 (a) *Artist in Residence Program* is the program described in Article 1 of this Chapter.

11 (b) *Authenticating Body* is the Guam Council on the Arts and Humanities (GCAHA).

12 (c) *Chamorro art form* is the art form authenticated by GCAHA to be representative of the
13 Chamorro culture.

14 (d) *Lodging facility* is a business that rents any room or rooms, lodging, or accommodations
15 furnished to transients by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or
16 any other place in which rooms, lodging, space, or accommodations are furnished regularly to
17 transients for consideration.

18 (e) *Performing Arts* include chanting, singing, story telling, dancing, weaving, jewelry making,
19 carving, painting, sewing, and any other art form designated by the GCAHA as an authentic Chamorro
20 performing art form.

21 (f) *Visual Arts* include art forms such as ceramics, drawing, painting, sculpture, printmaking,
22 design, crafts, photography, video, filmmaking, literature, and architecture.

23 (g) *Tax* means the amounts levied on the sale of rooms as imposed by § 30101 of Title 11,
24 Guam Code Annotated.

25 **89102. Guidelines.** The Program guidelines to be followed are:

26 (a) Lodging facilities may apply for inclusion into the Program at GCAHA.

27 (b) Each property shall present its proposed art forms for authentication by GCAHA.

28 (c) Upon receiving authentication, each property may begin to utilize monies as identified in
29 subsection (e).

30 (d) Each Program participant shall agree to allow periodic inspections of its proposed art forms
31 to ensure compliance with the goal of this Program.

1 **89103. Use of Up To Two percent (2%) of Eleven percent (11%) Hotel Occupancy Tax,**
2 **authorized. (a)** Each property choosing to participate in the Program may set aside up to two percent
3 (2%) of the eleven percent (11%) it would normally pay in taxes on the monthly sale of rooms, to
4 defray the expenses associated with hosting on-site art forms.

5 **(b)** Each Program participant shall file an annual report with GCAHA and the Department of
6 Revenue and Taxation indicating the authenticated art forms it displayed during the past calendar year,
7 the amount(s) it spent hosting the art form(s), and a declaration that the amount of monies spent was
8 not in excess of the amount of taxes owed as contained in subsection (e).

9 **89104. Program Rules and Regulations.** GCAHA shall develop rules and regulations,
10 pursuant to the Administrative Adjudication Law, for the authentication of art forms under this
11 Chapter, the filing of annual expense reports, and a declaration stating the Program participant did not
12 spend more than the amount of taxes owed it would have paid for the period(s) during which art forms
13 were displayed.”

14 **Section 3. Effective date.** This Act shall be effective upon enactment.