

I Mina'trentai Singko 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
152-35 (COR)	Tina Rose Muña Barnes Kelly Marsh (Taitano), PhD	AN ACT TO REPEAL ARTICLE 4 OF CHAPTER 50, TITLE 12, GUAM CODE ANNOTATED, TO ADD A NEW ARTICLE 2 AND A NEW § 3103(h) BOTH TO CHAPTER 3, TITLE 12 GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING THE GUAM FILM OFFICE UNDER THE GUAM EDUCATIONAL TELECOMMUNICATIONS CORPORATION.	6/3/19 2:37 p.m.						

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

Bill No. 152 35 (COR)

Introduced by:

Tina Rose Muña Barnes
Kelly Marsh (Taitano), Ph.D.

AN ACT TO *REPEAL* ARTICLE 4 OF CHAPTER 50,
TITLE 12, GUAM CODE ANNOTATED, TO *ADD* A NEW
ARTICLE 2 AND A NEW § 3103(h) BOTH TO CHAPTER
3, TITLE 12 GUAM CODE ANNOTATED; RELATIVE TO
ESTABLISHING THE GUAM FILM OFFICE UNDER
THE GUAM EDUCATIONAL
TELECOMMUNICATIONS CORPORATION.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** Article 4 of Chapter 50, Title 12, Guam Code Annotated, is
3 hereby *repealed* as follows:

~~“Article 4~~

~~Guam Film Office~~

6 § 50401. — Definitions.

7 § 50402. — Guam Film Office.

8 § 50403. — Rules and Regulations.

9 § 50404. — Powers and Duties.

10 § 50405. — Guam Film Office Fund.

11 § 50406. — Permits Required.

12 § 50407. — General Exemptions.

13 § 50408. — Local Production Companies Exempt.

14 § 50409. — Applicants and Issuance.

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1 § 50410. — Indemnification of Government Against Liability.

2 § 50411. — Insurance and Bonding Required.

3 § 50412. — Effective Date.

4 § 50413. — Severability.

5 **§ 50401. — Definitions.**

6 (a) — ~~Administrator means the administrator of the Guam Film~~
7 ~~Office, who shall be the Administrator of the Guam Economic~~
8 ~~Development Authority or his/her designee.~~

9 (b) — ~~Charitable or student films shall mean commercials,~~
10 ~~motion pictures, television, videotapes, or still photography produced~~
11 ~~by a nonprofit organization that is registered with the Department of~~
12 ~~Revenue and Taxation or the Internal Revenue Service as a charitable~~
13 ~~organization or is produced by students of an educational institution,~~
14 ~~and for which no person, directly or indirectly, shall receive a profit~~
15 ~~from the marketing and production of the film or from showing the~~
16 ~~films, tapes, or photos.~~

17 (c) — ~~Commercial films shall mean and include all activity~~
18 ~~attendant to filming any entertainment or advertising programs for any~~
19 ~~media now known or hereafter created.~~

20 (d) — ~~Filming/Production shall mean and include all activity~~
21 ~~attendant to staging or shooting commercial motion pictures, television~~
22 ~~shows or programs, and commercial still photography, video tapes,~~
23 ~~computer based programs, or other visual reproduction technology now~~
24 ~~known or hereafter created. The period of filming includes the set up,~~
25 ~~strike and time of photography.~~

26 (e) — ~~Government shall mean the government of Guam, its~~
27 ~~authorized agents, officers, representatives and employees of~~

1 departments, agencies, autonomous agencies, offices or
2 instrumentalities.

3 (f) ~~News Media shall mean the photographing, filming or~~
4 ~~videotaping for the purpose of spontaneous, unplanned television news~~
5 ~~broadcast or reporting for print media by journalists, reporters,~~
6 ~~photographers or camera operators.~~

7 (g) ~~Private Property shall mean any property not owned by the~~
8 ~~government of Guam on which filming would not interfere with public~~
9 ~~right of way, access or safety.~~

10 (h) ~~Studio shall mean a fixed place of business where filming~~
11 ~~activities (motion or still photography) are regularly conducted upon~~
12 ~~the premises.~~

13 **~~§ 50402. Guam Film Office.~~**

14 ~~There is hereby established within the Guam Economic Development~~
15 ~~Authority a Guam Film Office. The Administrator of the Guam Economic~~
16 ~~Development Authority shall be responsible for the administration of the~~
17 ~~Guam Film Office.~~

18 **~~§ 50403. Rules and Regulations.~~**

19 (a) ~~Rules and Regulations. The Administrator shall establish an~~
20 ~~advisory committee comprised of individuals and representatives of~~
21 ~~nongovernmental organizations that have substantial experience in the film,~~
22 ~~video and media fields in order to cause the promulgation of rules, regulations~~
23 ~~and fees to govern the form, time and location of filming activity set forth~~
24 ~~within Guam. The committee shall allow for the full participation of any~~
25 ~~member of the public during its deliberations. The rules and regulations shall~~
26 ~~also provide for the issuance of permits, notification of permit denial and a~~
27 ~~process of appeal. The rules, regulations, and fees shall be adopted in~~

1 ~~accordance with the Administrative Adjudication Act, Title 5 Guam Code~~
2 ~~Annotated, Chapter 9, within ninety (90) days upon the enactment of this~~
3 ~~Article. The rules and regulations shall be based upon the following criteria:~~

4 ~~(1) the health and safety of all persons;~~

5 ~~(2) avoidance of undue disruption of all persons within the~~
6 ~~affected area;~~

7 ~~(3) the safety of property in Guam; and~~

8 ~~(4) traffic congestion at particular locations in Guam~~

9 ~~**§50404. Powers and Duties.** The Guam Film Office shall have the~~
10 ~~following powers and duties:~~

11 ~~(a) To promote, encourage and advertise the use of Guam facilities~~
12 ~~and services for the production of films, videos, television programs, audio~~
13 ~~recordings, computer-generated and other media-related products.~~

14 ~~(b) To provide support services to visiting and local production~~
15 ~~companies, including assistance to film, video and media producers in~~
16 ~~securing necessary permits or permissions from government of Guam~~
17 ~~authorized agents, officers, representatives and employees of departments,~~
18 ~~agencies, autonomous agencies, offices or instrumentalities.~~

19 ~~(c) To develop and update annually a resource guide of viable~~
20 ~~filming locations in Guam, available video and media production facilities,~~
21 ~~permitting requirements, and tax incentives.~~

22 ~~(d) To work in coordination with the Guam Visitors Bureau to~~
23 ~~conduct and attend trade shows and production workshops to promote Guam~~
24 ~~to the national and international film industries.~~

25 ~~(e) To promote and attract business activities in film, video,~~
26 ~~computer-generated and other media production activity in Guam, and take~~

1 any other administrative action which may improve Guam's film, video and
2 media production industries in national and international markets.

3 (f) ~~— To accept any funds, gifts, donations, bequests or grants of funds~~
4 ~~from private, federal, and public sources for the purpose of this Act.~~

5 (g) ~~— To create a “one stop permitting” process by formulating and~~
6 ~~proposing rules and regulations for standardized permits which shall be used~~
7 ~~by the government of Guam, its authorized agents, officers, representatives~~
8 ~~and employees of departments, agencies, autonomous agencies, offices or~~
9 ~~instrumentalities, to include any requirements set forth in this Act.~~

10 **§ 50405. — Guam Film Office Fund.** ~~There is established a fund to~~
11 ~~be known as the Guam Film Office Fund, which shall be administered by the~~
12 ~~Guam Economic Development Authority Guam Film Office, and be~~
13 ~~maintained separate and apart from any other funds of the government of~~
14 ~~Guam, including the General Fund of the government of Guam. Independent~~
15 ~~records and accounts shall be maintained in connection therewith. Funds of~~
16 ~~the Guam Film Office Fund shall be used exclusively for the administration~~
17 ~~and operations of the Guam Film Office. All funds collected from fees,~~
18 ~~charges or fines levied pursuant to this Chapter shall be deposited into the~~
19 ~~Guam Film Office Fund, and all interest earned by the Guam Film Office Fund~~
20 ~~shall accrue. Any unencumbered funds remaining in the Guam Film Office~~
21 ~~Fund at the end of each fiscal year shall remain in that Fund. The Guam Film~~
22 ~~Office Fund shall be subject to audits by the Office of Public Accountability.~~

23 **§ 50406. — Permits Required.**

24 (a) ~~— Permit Required. No person shall use any government street,~~
25 ~~alley, sidewalk, park, pier, way or other public property owned or controlled~~
26 ~~by the government of Guam for the purpose of making commercial films~~
27 ~~without first applying for and receiving a permit from the Guam Film Office~~

1 Administrator or his/her designee, provided, that the provisions of this
2 Chapter *shall not* apply to or be construed to affect (1) news media; and (2)
3 filming solely for private family use.

4 (b) ~~No person shall use any private property for the purpose of~~
5 ~~making commercial films without first applying for and receiving a permit~~
6 ~~from the Guam Film Office Administrator or his/her designee.~~
7 Notwithstanding the foregoing, the provisions of this Chapter *shall not* apply
8 to or be construed to affect the following filming on private property:

9 (1) ~~filming which requires no parking variances and uses no~~
10 ~~public property or rights of way on public property;~~

11 (2) ~~filming which does not impair the quiet enjoyment of the~~
12 ~~surrounding properties;~~

13 (3) ~~filming which does not involve the use of any pyrotechnic~~
14 ~~devices;~~

15 (4) ~~a licensed business which regularly employs a licensed~~
16 ~~pyrotechnic operator;~~

17 (5) ~~filming by news media;~~

18 (6) ~~filming solely for private family use; or~~

19 (7) ~~filming which does not interfere with the public's use of~~
20 ~~government property.~~

21 (c) ~~Except as provided herein, each applicant must comply with all~~
22 ~~local and federal laws and regulations, and must obtain all necessary permits~~
23 ~~and licenses as a precondition for the commencement of commercial film~~
24 ~~production hereunder. Thereafter, the permittee shall remain in full~~
25 ~~compliance with all local and federal laws, regulations, permits and licenses~~
26 ~~throughout the filming.~~

1 ~~(d) Upon reasonable notice by the applicant, the Administrator, or~~
2 ~~his/her designee, is authorized, upon showing of good cause, to change the~~
3 ~~conditions under which a permit has been issued, provided that the~~
4 ~~requirements of this Chapter are met and the government of Guam~~
5 ~~department, agency, autonomous agency, office or instrumentality can~~
6 ~~undertake all necessary administrative review within the time requested.~~

7 ~~§ 50407. General Exemptions. The provisions of this Article shall~~
8 ~~not apply to or affect:~~

9 ~~(a) News Media. Reporters, photographers or cameramen in the~~
10 ~~employ of a newspaper, news service, or similar entity, engaged in the on-the-~~
11 ~~spot broadcasting of news events concerning those persons, scenes or~~
12 ~~occurrences which are in the news and of general public interest, including~~
13 ~~sporting events.~~

14 ~~(b) Private/Family Use. The filming or video taping of motion~~
15 ~~pictures solely for private/family use.~~

16 ~~(c) Charitable Films and Student Films. Projects produced by a~~
17 ~~nonprofit organization that is registered with the Department of Revenue and~~
18 ~~Taxation or the Internal Revenue Service as a charitable organization or~~
19 ~~produced by a student(s) of an educational institution.~~

20 ~~(d) Small Crews. If the crew does not exceed five (5) persons and~~
21 ~~there is no extensive use of props, equipment, cast or other participants, the~~
22 ~~small crew shall be exempt if the following conditions are met:~~

23 ~~(1) The crew is filming a parade, demonstration or other~~
24 ~~special event, and has obtained all permission that may be required.~~
25 ~~The exemption shall allow them to operate on the same basis as a~~
26 ~~citizen with a camera; or~~

27 ~~(2) Pedestrian and vehicular traffic is not altered; and~~

1 (3) ~~— No special parking provisions are included; and~~

2 (4) ~~— No stunt work is performed; and~~

3 (5) ~~— Permission is obtained from controlling authorities to use~~
4 ~~government of Guam property, other than sidewalks and streets; and~~

5 (6) ~~— Permission is obtained from owners to use private~~
6 ~~property where applicable.~~

7 **~~§ 50408. — Local Production Companies Exempt.~~** In addition to the
8 ~~General Exemptions authorized in §50407 of this Act, the provisions of this~~
9 ~~Article and the rules, regulations, and requirements authorized herein shall~~
10 ~~not apply to or affect local production companies if:~~

11 (a) ~~— The production company was incorporated in Guam.~~

12 (b) ~~— Principal owner(s) is a resident of Guam and has filed~~
13 ~~individual tax returns in Guam for a period of at least three (3) years.~~

14 (c) ~~— The production company maintains its headquarters in~~
15 ~~Guam.~~

16 (d) ~~— The production company is licensed to do business in~~
17 ~~Guam.~~

18 (e) ~~— The daily operations of the production company are~~
19 ~~managed by a resident of Guam.~~

20 **~~§ 50409. — Applicants and Issuance.~~**

21 (a) ~~Issuing Authority. — The issuing authority shall be the~~
22 ~~Guam Film Office Administrator.~~

23 (b) ~~Applications. — Each application for filming under this~~
24 ~~Chapter must be completed in full and filed with the Administrator, or~~
25 ~~his/her designee~~

26 (c) ~~The permit application shall be in a form the~~
27 ~~Administrator, or his/her designee, may reasonably require. In lieu of~~

1 ~~the foregoing, the applicant may submit the permit application on the~~
2 ~~form adopted and in use by the Guam Film Office.~~

3 ~~(d) The Administrator, or his/her designee, may refer the~~
4 ~~application to such appropriate government department, agency,~~
5 ~~autonomous agency, office or instrumentality as are directly impacted~~
6 ~~by the application, and as he/she deems necessary from the nature of~~
7 ~~the application for review, evaluation, investigation and~~
8 ~~recommendations by the department, agency, autonomous agency,~~
9 ~~office or instrumentality regarding approval or disapproval of the~~
10 ~~application.~~

11 ~~(e) The Administrator, or his/her designee, shall issue a~~
12 ~~permit under this Chapter if it is determined that the following criteria~~
13 ~~have been met:~~

14 ~~(1) the proposed use will not unreasonably interfere~~
15 ~~with or endanger the public peace or rights of nearby residents to~~
16 ~~the quiet, peaceable enjoyment of their property, or otherwise be~~
17 ~~detrimental to the public peace, health, safety or general welfare;~~

18 ~~(2) the proposed use will not unduly impede, obstruct~~
19 ~~or interfere with the operation of emergency vehicles or~~
20 ~~equipment in or through the permit area, or adversely affect the~~
21 ~~government's ability to perform municipal functions or furnish~~
22 ~~government services in the vicinity of the permitted area; and~~

23 ~~(3) the proposed use will not constitute a fire or safety~~
24 ~~hazard and all proper safety precautions will be taken as is~~
25 ~~reasonably necessary to protect the public peace, health, safety~~
26 ~~or general welfare.~~

1 (f) ~~The Administrator, or his/her designee, shall deny the~~
2 ~~permit if the conditions of this Chapter and all applicable laws and~~
3 ~~regulations have not been met or if the application contains incomplete~~
4 ~~or false information. No permit shall be denied without a clear written~~
5 ~~explanation of the reasons compelling a denial and the process by which~~
6 ~~said denial may be appealed.~~

7 (g) ~~The Administrator, or his/her designee, may immediately~~
8 ~~revoke or suspend a permit which has been granted, if the conditions of~~
9 ~~this Chapter and all applicable laws and regulations are no longer being~~
10 ~~met, if the information supplied by the applicant becomes, or is~~
11 ~~determined to be, false or incomplete, or if any substantial change in~~
12 ~~circumstances results in the proposed use becoming detrimental to the~~
13 ~~public peace, health, safety or general welfare.~~

14 (h) ~~The Guam Economic Development Authority Compliance~~
15 ~~and Audit Department shall conduct production site inspections,~~
16 ~~monitoring, and enforcement of this Act.~~

17 (i) ~~Reimbursement for Personnel. The production company~~
18 ~~shall reimburse the relevant government of Guam agency for any~~
19 ~~personnel provided to the company (i.e. police, fire, traffic control,~~
20 ~~medical personnel) for the purpose of assisting the production. Any~~
21 ~~cost shall be negotiated, and approved, prior to the shoot date. A fee~~
22 ~~for issuance of the permit shall be set by the advisory committee.~~

23 **~~§ 50410. — Indemnification of Government Against Liability.~~**

24 (a) ~~Prior and as a condition precedent to the granting of a permit~~
25 ~~under this Chapter, each applicant shall agree to indemnify, defend and hold~~
26 ~~the government of Guam, its authorized agents, officers, representatives and~~
27 ~~employees harmless from and against any and all losses, damages, claims,~~

1 causes of action, costs, liabilities, penalties, judgments and expenses,
2 including without limitation, defense costs and reasonable legal fees, resulting
3 from any and all claims or damage of any nature, including any accident, loss
4 or damage to persons or property which the government may incur and which
5 arise from or relate to any activity conducted by the permittee or any of its
6 agents, employees, representatives, contractors or consultants in connection
7 with the rights granted in the permit or under this Chapter. The form of the
8 indemnification agreement *shall* be as determined by the Attorney General of
9 Guam.

10 **~~§ 50411. Insurance and Bonding Required.~~**

11 (a) ~~Liability Insurance.~~ As a condition of issuance of a permit
12 hereunder, every permittee must procure and maintain in full force and effect
13 during the term of the permit a policy (or policies) of insurance from an
14 insurance company licensed to do business in Guam, naming the government
15 of Guam, its officers, employees and agents as coinsured for protection
16 against claims of third persons for any and all liability of permittee with
17 respect to its obligations and liabilities under its permit and this Chapter and
18 its indemnities, including, but *not* limited to, commercial general liability
19 insurance on an "occurrence" basis against claims for personal injury,
20 including death, bodily injury or property damage liability, and in an amount
21 *no less than* One Million Dollars (\$1,000,000.00), and which otherwise
22 provides sufficient coverage that the Administrator, or his/her designee,
23 determines to be necessary and adequate under the circumstances. The
24 certificate of insurance *shall not* be subject to cancellation or modification
25 until after thirty (30) days' written notice to the Guam Film Office. Prior to
26 issuance of any permit, a copy of the certificate of insurance *shall* be provided

1 to the Insurance Commissioner. A copy of the certificate will remain on
2 permanent file.

3 (b) ~~Worker's Compensation Insurance.~~ An applicant *shall* conform
4 to all applicable federal and local requirements for worker's compensation
5 insurance for all persons operating under a permit.

6 (c) ~~Hold Harmless Agreement.~~ An applicant *shall* execute a hold
7 harmless agreement as provided by the government of Guam and incorporated
8 within the permit issued under this Chapter.

9 (d) ~~Faithful Performance Bond.~~ To ensure cleanup and restoration
10 of any public property involved in the filming, the permittee may be required
11 to post a refundable Faithful Performance Bond (amount to be determined by
12 rules and regulations), cash surety or other comparable form of security
13 guarantee at the time application is submitted. Upon completion of filming,
14 cleanup and restoration, and a satisfactory inspection of the site by Guam Film
15 Office Administrator, or his/her designee, the bond may be returned to
16 applicant.

17 ~~§ 50412. — Effective Date.~~ This Article *shall* be effective one
18 hundred eighty (180) days after the date of enactment.

19 ~~§ 50413. — Severability.~~ *If any provision of this law or its application*
20 *to any person or circumstances is found to be invalid or contrary to law, such*
21 *invalidity shall not affect other provisions or applications of this law, which*
22 *can be given effect without the invalid provisions or applications, and to this*
23 *end the provisions of this law are severable."*

24 **Section 2.** A new Article 2 is *added* to Chapter 3, Title 12, Guam Code
25 Annotated, to read:

26 **"Article 2**

27 **Guam Film Office**

- 1 § 30201. Definitions.
- 2 § 30202. Guam Film Office.
- 3 § 30203. Rules and Regulations.
- 4 § 30204. Powers and Duties.
- 5 § 30205. Guam Film Office Fund.
- 6 § 30206. Permits Required.
- 7 § 30207. General Exemptions.
- 8 § 30208. Local Production Companies Exempt.
- 9 § 30209. Applicants and Issuance.
- 10 § 30210. Indemnification of Government Against Liability.
- 11 § 30211. Insurance and Bonding Required.
- 12 § 30212. Effective Date.
- 13 § 30213. Severability.

14 **§ 30201. Definitions.**

15 (i) *Administrator* means the administrator of the Guam Film
16 Office, who shall be the Station Manager for the Guam Educational
17 Telecommunications Corporation or his/her designee.

18 (j) *Charitable or student films shall mean commercials,*
19 *motion pictures, television, videotapes, or still photography produced*
20 *by a nonprofit organization that is registered with the Department of*
21 *Revenue and Taxation or the Internal Revenue Service as a charitable*
22 *organization or is produced by students of an educational institution,*
23 *and for which no person, directly or indirectly, shall receive a profit*
24 *from the marketing and production of the film or from showing the*
25 *films, tapes, or photos.*

26 (k) *Commercial films shall mean and include all activity*
27 *attendant to filming any entertainment or advertising programs for any*

1 media now known or hereafter created.

2 (l) Filming/Production shall mean and include all activity
3 attendant to staging or shooting commercial motion pictures, television
4 shows or programs, and commercial still photography, video tapes,
5 computer-based programs, or other visual reproduction technology now
6 known or hereafter created. The period of filming includes the set-up,
7 strike and time of photography.

8 (m) Government shall mean the government of Guam, its
9 authorized agents, officers, representatives and employees of
10 departments, agencies, autonomous agencies, offices or
11 instrumentalities.

12 (n) News Media shall mean the photographing, filming or
13 videotaping for the purpose of spontaneous, unplanned television news
14 broadcast or reporting for print media by journalists, reporters,
15 photographers or camera operators.

16 (o) Private Property shall mean any property not owned by
17 the government of Guam on which filming would not interfere with
18 public right of way, access or safety.

19 (p) Studio shall mean a fixed place of business where filming
20 activities (motion or still photography) are regularly conducted upon
21 the premises.

22 **§ 30202. Guam Film Office.**

23 There is hereby established within the Guam Educational
24 Telecommunications Corporation a Guam Film Office. The Station Manager
25 for the Guam Educational Telecommunications Corporation shall be
26 responsible for the administration of the Guam Film Office.

27 **§ 30203. Rules and Regulations.**

1 (b) Rules and Regulations. The Station Manager *shall* establish an
2 advisory committee comprised of individuals and representatives of
3 nongovernmental organizations that have substantial experience in the film,
4 video and media fields in order to cause the promulgation of rules, regulations
5 and fees to govern the form, time and location of filming activity set forth
6 within Guam. The committee *shall* allow for the full participation of any
7 member of the public during its deliberations. The rules and regulations *shall*
8 also provide for the issuance of permits, notification of permit denial and a
9 process of appeal. The rules, regulations, and fees *shall* be adopted in
10 accordance with the Administrative Adjudication Act, Title 5 Guam Code
11 Annotated, Chapter 9, within ninety (90) days upon the enactment of this
12 Article. The rules and regulations *shall* be based upon the following criteria:

13 (5) the health and safety of all persons;

14 (6) avoidance of undue disruption of all persons within the
15 affected area;

16 (7) the safety of property in Guam; and

17 (8) traffic congestion at particular locations in Guam

18 **§30204. Powers and Duties.** The Guam Film Office *shall* have the
19 following powers and duties:

20 (a) To promote, encourage and advertise the use of Guam facilities
21 and services for the production of films, videos, television programs, audio
22 recordings, computer-generated and other media-related products.

23 (b) To provide support services to visiting and local production
24 companies, including assistance to film, video and media producers in
25 securing necessary permits or permissions from government of Guam
26 authorized agents, officers, representatives and employees of departments,
27 agencies, autonomous agencies, offices or instrumentalities.

1 (c) To develop and update annually a resource guide of viable
2 filming locations in Guam, available video and media production facilities,
3 permitting requirements, and tax incentives.

4 (d) To work in coordination with the Guam Visitors Bureau to
5 conduct and attend trade shows and production workshops to promote Guam
6 to the national and international film industries.

7 (e) To promote and attract business activities in film, video,
8 computer-generated and other media production activity in Guam, and take
9 any other administrative action which may improve Guam’s film, video and
10 media production industries in national and international markets.

11 (f) To accept any funds, gifts, donations, bequests or grants of funds
12 from private, federal, and public sources for the purpose of this Act.

13 (g) To create a “one stop permitting” process by formulating and
14 proposing rules and regulations for standardized permits which shall be used
15 by the government of Guam, its authorized agents, officers, representatives
16 and employees of departments, agencies, autonomous agencies, offices or
17 instrumentalities, to include any requirements set forth in this Act.

18 § 30205. Guam Film Office Fund. Guam Film Office Fund.
19 There is established a fund to be known as the Guam Film Office Fund, which
20 shall be administered by the Guam Educational Telecommunications
21 Corporation Guam Film Office and be maintained separate and apart from any
22 other funds of the government of Guam, including the General Fund of the
23 government of Guam. Independent records and accounts shall be maintained
24 in connection therewith. Funds of the Guam Film Office Fund shall be used
25 exclusively for the administration and operations of the Guam Film Office.
26 All funds collected from fees, charges or fines levied pursuant to this Chapter
27 shall be deposited into the Guam Film Office Fund and all interest earned by

1 the Guam Film Office Fund shall accrue. Any unencumbered funds
2 remaining in the Guam Film Office Fund at the end of each fiscal year shall
3 remain in that Fund. The Guam Film Office Fund shall be subject to audits
4 by the Office of Public Accountability.

5 **§ 30206. Permits Required.**

6 (e) Permit Required. No person shall use any government street,
7 alley, sidewalk, park, pier, way or other public property owned or controlled
8 by the government of Guam for the purpose of making commercial films
9 without first applying for and receiving a permit from the Guam Film Office
10 Administrator or his/her designee, provided, that the provisions of this
11 Chapter shall not apply to or be construed to affect (1) news media; and (2)
12 filming solely for private-family use.

13 (f) No person shall use any private property for the purpose of
14 making commercial films without first applying for and receiving a permit
15 from the Guam Film Office Administrator or his/her designee.
16 Notwithstanding the foregoing, the provisions of this Chapter shall not apply
17 to or be construed to affect the following filming on private property:

18 (8) filming which requires no parking variances and uses no
19 public property or rights of way on public property;

20 (9) filming which does not impair the quiet enjoyment of the
21 surrounding properties;

22 (10) filming which does not involve the use of any pyrotechnic
23 devices;

24 (11) a licensed business which regularly employs a licensed
25 pyrotechnic operator;

26 (12) filming by news media;

27 (13) filming solely for private-family use; or

1 (14) filming which does not interfere with the public's use of
2 government property.

3 (g) Except as provided herein, each applicant must comply with all
4 local and federal laws and regulations, and must obtain all necessary permits
5 and licenses as a precondition for the commencement of commercial film
6 production hereunder. Thereafter, the permittee shall remain in full
7 compliance with all local and federal laws, regulations, permits and licenses
8 throughout the filming.

9 (h) Upon reasonable notice by the applicant, the Administrator, or
10 his/her designee, is authorized, upon showing of good cause, to change the
11 conditions under which a permit has been issued, provided that the
12 requirements of this Chapter are met and the government of Guam
13 department, agency, autonomous agency, office or instrumentality can
14 undertake all necessary administrative review within the time requested.

15 **§ 30207. General Exemptions.** The provisions of this Article shall
16 not apply to or affect:

17 (e) News Media. Reporters, photographers or cameramen in the
18 employ of a newspaper, news service, or similar entity, engaged in the on-the-
19 spot broadcasting of news events concerning those persons, scenes or
20 occurrences which are in the news and of general public interest, including
21 sporting events.

22 (f) Private/Family Use. The filming or video taping of motion
23 pictures solely for private/family use.

24 (g) Charitable Films and Student Films. Projects produced by a
25 nonprofit organization that is registered with the Department of Revenue and
26 Taxation or the Internal Revenue Service as a charitable organization or
27 produced by a student(s) of an educational institution.

1 (h) Small Crews. If the crew *does not* exceed five (5) persons and
2 there is *no* extensive use of props, equipment, cast or other participants, the
3 small crew *shall* be exempt if the following conditions are met:

4 (7) The crew is filming a parade, demonstration or other
5 special event, and has obtained all permission that may be required.
6 The exemption *shall* allow them to operate on the same basis as a
7 citizen with a camera; or

8 (8) Pedestrian and vehicular traffic is *not* altered; and

9 (9) No special parking provisions are included; and

10 (10) No stunt work is performed; and

11 (11) Permission is obtained from controlling authorities to use
12 government of Guam property, other than sidewalks and streets; and

13 (12) Permission is obtained from owners to use private
14 property where applicable.

15 **§ 30208. Local Production Companies Exempt.** In addition to the
16 General Exemptions authorized in §30207 of this Act, the provisions of this
17 Article and the rules, regulations, and requirements authorized herein *shall*
18 *not* apply to or affect local production companies if:

19 (a) The production company was incorporated in Guam.

20 (b) Principal owner(s) is a resident of Guam and has filed
21 individual tax returns in Guam for a period of at least three (3) years.

22 (c) The production company maintains its headquarters in
23 Guam.

24 (d) The production company is licensed to do business in
25 Guam.

26 (e) The daily operations of the production company are
27 managed by a resident of Guam.

1 **§ 30209. Applicants and Issuance.**

2 (j) Issuing Authority. The issuing authority *shall* be the
3 Guam Film Office Administrator.

4 (k) Applications. Each application for filming under this
5 Chapter must be completed in full and filed with the Administrator, or
6 his/her designee

7 (l) The permit application shall be in a form the
8 Administrator, or his/her designee, may reasonably require. In lieu of
9 the foregoing, the applicant may submit the permit application on the
10 form adopted and in use by the Guam Film Office.

11 (m) The Administrator, or his/her designee, may refer the
12 application to such appropriate government department, agency,
13 autonomous agency, office or instrumentality as are directly impacted
14 by the application, and as he/she deems necessary from the nature of
15 the application for review, evaluation, investigation and
16 recommendations by the department, agency, autonomous agency,
17 office or instrumentality regarding approval or disapproval of the
18 application.

19 (n) The Administrator, or his/her designee, shall issue a
20 permit under this Chapter if it is determined that the following criteria
21 have been met:

22 (4) the proposed use will not unreasonably interfere
23 with or endanger the public peace or rights of nearby residents to
24 the quiet, peaceable enjoyment of their property, or otherwise be
25 detrimental to the public peace, health, safety or general welfare;

26 (5) the proposed use will not unduly impede, obstruct
27 or interfere with the operation of emergency vehicles or

1 equipment in or through the permit area, or adversely affect the
2 government's ability to perform municipal functions or furnish
3 government services in the vicinity of the permitted area; and

4 (6) the proposed use will not constitute a fire or safety
5 hazard and all proper safety precautions will be taken as is
6 reasonably necessary to protect the public peace, health, safety
7 or general welfare.

8 (o) The Administrator, or his/her designee, shall deny the
9 permit if the conditions of this Chapter and all applicable laws and
10 regulations have not been met or if the application contains incomplete
11 or false information. No permit shall be denied without a clear written
12 explanation of the reasons compelling a denial and the process by which
13 said denial may be appealed.

14 (p) The Administrator, or his/her designee, may immediately
15 revoke or suspend a permit which has been granted, if the conditions of
16 this Chapter and all applicable laws and regulations are no longer being
17 met, if the information supplied by the applicant becomes, or is
18 determined to be, false or incomplete, or if any substantial change in
19 circumstances results in the proposed use becoming detrimental to the
20 public peace, health, safety or general welfare.

21 (q) The Administrator or his/her designee shall conduct
22 production site inspections, monitoring, and enforcement of this Act.

23 (r) Reimbursement for Personnel. The production company
24 shall reimburse the relevant government of Guam agency for any
25 personnel provided to the company (i.e. police, fire, traffic control,
26 medical personnel) for the purpose of assisting the production. Any

1 cost shall be negotiated, and approved, prior to the shoot date. A fee
2 for issuance of the permit shall be set by the advisory committee.

3 **§ 30210. Indemnification of Government Against Liability.**

4 (b) Prior and as a condition precedent to the granting of a permit
5 under this Chapter, each applicant shall agree to indemnify, defend and hold
6 the government of Guam, its authorized agents, officers, representatives and
7 employees harmless from and against any and all losses, damages, claims,
8 causes of action, costs, liabilities, penalties, judgments and expenses,
9 including without limitation, defense costs and reasonable legal fees, resulting
10 from any and all claims or damage of any nature, including any accident, loss
11 or damage to persons or property which the government may incur and which
12 arise from or relate to any activity conducted by the permittee or any of its
13 agents, employees, representatives, contractors or consultants in connection
14 with the rights granted in the permit or under this Chapter. The form of the
15 indemnification agreement shall be as determined by the Attorney General of
16 Guam.

17 **§ 30211. Insurance and Bonding Required.**

18 (e) Liability Insurance. As a condition of issuance of a permit
19 hereunder, every permittee must procure and maintain in full force and effect
20 during the term of the permit a policy (or policies) of insurance from an
21 insurance company licensed to do business in Guam, naming the government
22 of Guam, its officers, employees and agents as coinsured for protection
23 against claims of third persons for any and all liability of permittee with
24 respect to its obligations and liabilities under its permit and this Chapter and
25 its indemnities, including, but not limited to, commercial general liability
26 insurance on an “occurrence” basis against claims for personal injury,
27 including death, bodily injury or property damage liability, and in an amount

1 no less than One Million Dollars (\$1,000,000.00), and which otherwise
2 provides sufficient coverage that the Administrator, or his/her designee,
3 determines to be necessary and adequate under the circumstances. The
4 certificate of insurance shall not be subject to cancellation or modification
5 until after thirty (30) days' written notice to the Guam Film Office. Prior to
6 issuance of any permit, a copy of the certificate of insurance shall be provided
7 to the Insurance Commissioner. A copy of the certificate will remain on
8 permanent file.

9 (f) Worker's Compensation Insurance. An applicant shall conform
10 to all applicable federal and local requirements for worker's compensation
11 insurance for all persons operating under a permit.

12 (g) Hold Harmless Agreement. An applicant shall execute a hold
13 harmless agreement as provided by the government of Guam and incorporated
14 within the permit issued under this Chapter.

15 (h) Faithful Performance Bond. To ensure cleanup and restoration
16 of any public property involved in the filming, the permittee may be required
17 to post a refundable Faithful Performance Bond (amount to be determined by
18 rules and regulations), cash surety or other comparable form of security
19 guarantee at the time application is submitted. Upon completion of filming,
20 cleanup and restoration, and a satisfactory inspection of the site by Guam Film
21 Office Administrator, or his/her designee, the bond may be returned to
22 applicant.

23 **§ 30212. Effective Date.** This Article shall be effective one
24 hundred eighty (180) days after the date of enactment.

25 **§ 30213. Severability.** If any provision of this law or its application
26 to any person or circumstances is found to be invalid or contrary to law, such
27 invalidity shall not affect other provisions or applications of this law, which

1 can be given effect without the invalid provisions or applications, and to this
2 end the provisions of this law are severable.”

3 **Section 3.** A new § 3103(h) is added to Chapter 3, Title 12, Guam Code
4 Annotated, to read:

5 “(h) The Corporation is authorized to create and administer the Guam Film
6 Office in order to advocate the *Hafa Adai* spirit globally.”

7 **Section 4. Appropriation.** The total amount of one million five hundred
8 thousand dollars (\$1,500,000) is hereby appropriated to the Guam Film Commission
9 Corporation Fund, from the Tourist Attraction Fund, which shall be disbursed at the
10 rate of three hundred thousand (300,000) dollars in fiscal year 2020 and each
11 following year, until fiscal year 2025. Said contributions shall be deposited annually
12 into the Fund to ensure the continuing development of the Corporation and its film
13 production activities.