

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
158-35 (COR)	Kelly Marsh (Taitano), PhD Tina Rose Muña Barnes Amanda L. Shelton	ÁKTO PARA TA NA FITME I NÁ'AN GUÁHAN YAN SUPOTE PARA MO'NA GI FESTPAC; AN ACT TO APPROPRIATE THE SUM OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) FROM THE TOURIST ATTRACTION FUND (TAF) TO THE GUAM FESTPAC & FOLKLIFE FESTIVAL TRUST ACCOUNT, TO FUND GUAM'S PARTICIPATION IN THE 2020 FESTPAC AND TO ALLOCATE FUNDING FOR FUTURE FESTPACS; TO AMEND SECTION 10 OF CHAPTER X, PUBLIC LAW 31-77; AND TO ADD A NEW § 9117 TO CHAPTER 9, TITLE 12, GUAM CODE ANNOTATED; AND, TO AMEND § 1033(d) OF CHAPTER 10, TITLE 1, GUAM CODE ANNOTATED.	6/6/19 3:46 p.m.						

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

Bill No. 158 -35 (COR)

Introduced by:

Kelly Marsh (Taitano), PhD. *Km*
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ÅKTO PARA TA NA'FITME I NÅ'AN GUÅHAN YAN SUPOTE PARA MO'NA GI FESTPAC; AN ACT TO APPROPRIATE THE SUM OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) FROM THE TOURIST ATTRACTION FUND (TAF) TO THE GUAM FESTPAC & FOLKLIFE FESTIVAL TRUST ACCOUNT, TO FUND GUAM'S PARTICIPATION IN THE 2020 FESTPAC AND TO ALLOCATE FUNDING FOR FUTURE FESTPACS; TO AMEND SECTION 10 OF CHAPTER X, PUBLIC LAW 31-77; AND TO ADD A NEW § 9117 TO CHAPTER 9, TITLE 12, GUAM CODE ANNOTATED; AND, TO AMEND § 1033(d) OF CHAPTER 10, TITLE 1, GUAM CODE ANNOTATED.

2019 JUN -6 PM 3:46

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

2 **Section 1. Title of Act.** This Act shall be known as the “*Åkto Para Ta*
3 *Na'fitme I Nā'an Guåhan yan Supote Para Mo'na gi FESTPAC.*”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
5 that the Festival of Pacific Arts (FESTPAC) is recognized as the largest gathering of
6 Pacific island nations in which Pacific people unite in a single cultural event to
7 enhance their respect and appreciation for one another. FESTPAC began in 1972
8 and is hosted every four years by a different island country of the South Pacific
9 Commission. FESTPAC has become known as the "Olympics of Pacific Art."

1 By its vastness, the Pacific Ocean inhibits social and cultural interchange
2 between the inhabitants of its mostly island countries. The festival, not a
3 competition but a cultural exchange, unites Pacific peoples and reinforces regional
4 identity and mutual appreciation of Pacific-wide culture. Further, it has inspired a
5 new sense of cultural pride among islanders throughout the Pacific, both young and
6 old. This was certainly the case for islanders and local community members when
7 Guam hosted the 12th FESTPAC in 2016, attended by 27 Pacific island countries
8 and territories. Perhaps more than any other force, our community's participation in
9 FESTPAC helped us all see and understand the ways in which we are part of the
10 greater Pacific community.

11 Participating countries and territories select artist-delegates to represent the
12 best of their cultural and other arts at this crossroads of cultures, for which selection
13 is considered a great honor. Participation has helped indigenous Pacific islanders
14 maintain, revive, and cherish their traditional forms of cultural expression. Indeed,
15 Guam's consistent participation over the last 40 years has been a major driving force
16 behind CHamoru cultural revitalization and public art expressions.

17 This consistent participation leading toward cultural revitalization has been
18 key in bolstering a sense of cultural self in a rapidly changing world but has also
19 developed cultural industries that are an important part of the Guam brand. Both the
20 strengthened sense of self and our expanding cultural industries are central reasons
21 why Guam has high rates of visitors to our island. Wanting to see and experience
22 the CHamoru culture has long been the stated reason that tourists venture to Guam.

23 Further, participation in FESTPAC creates economic opportunities for our
24 local entrepreneurs. It provides a venue at which to sell local products but even more
25 so, participation in FESTPAC exposes others to the types of products Guam has to
26 offer as well as exposes our local artisans to the cultural arts of fellow Pacific
27 islanders. This contact has helped revitalize our cultural industries so that we have

1 locally produced items to sell not only at FESTPAC but to locals and visitors on a
2 daily basis. Participation in the upcoming 13th Festival of Pacific Arts & Culture to
3 be hosted by Hawai'i on June 10, 2020, through June 21, 2020, is also an excellent
4 opportunity to promote Guam as a tourist destination to the international tourist
5 market.

6 *I Liheslaturan Guåhan* further finds that the government of Guam must do its
7 part to ensure that the 13th Festival of Pacific Arts & Culture in Hawai'i is successful
8 and that Guam is represented with the dignity the *CHamoru* culture deserves. It
9 must continue supporting and strengthening the Guam brand through our local
10 entrepreneurs and ensure that the people of Guam, are afforded the ability to
11 continue to showcase, maintain, and revitalize their culture.

12 To achieve these goals, it is the intent of *I Liheslatura* to provide the
13 necessary funding for the 13th Festival of Pacific Arts & Culture and future
14 FESTPACS. The Festival of Pacific Arts is a showcase of our island's culture and
15 artistic endeavors. Guam's Delegation to Hawai'i will be spearheaded by the
16 Department of Chamorro Affairs (DCA) and *I Liheslaturan Guåhan's* Committee
17 on heritage and the arts, which has oversight of FESTPAC. Our delegation will
18 make every effort to secure sizeable amounts of in-kind contributions from the
19 community through fundraising efforts, partnerships, and philanthropic
20 commitments for the arts. This appropriation, together with the expected
21 contributions is necessary to cover the cost of this endeavor.

22 **Section 3. Guam FESTPAC & Folklife Festival Trust Account.** Section
23 10 of Chapter X, Public Law 31-77 is amended to read:

24 **“Section 10. Creation of the Guam FESTPAC & Folklife Festival**
25 **Trust Account.** (a) There is hereby created, separate and apart from all other
26 funds of the government of Guam, a trust account known as the Guam
27 FESTPAC & Folklife Festival Trust Account (Trust Account). The Trust

1 Account shall not be commingled with the General Fund or any other funds
2 of the government of Guam, and it shall be maintained in a separate bank
3 account, administered by the Guam Visitors Bureau.

4 (b) Monies deposited into the Trust Account shall be invested or
5 reinvested into interest bearing instruments, United States treasury notes, and
6 other like instruments which are readily convertible to cash needed to pay for
7 ~~the 12th Festival of Pacific Arts held in Guam and Guam's participation in the~~
8 ~~2015 Smithsonian Folklife Festival as 12th Festival as determined by the 12th~~
9 ~~Festival of Pacific Arts quadriennial festivals Coordinating Committee.~~

10 (c) Monies deposited into the Trust Fund and any interest earned shall
11 not be subject to any transfer authority of *I Maga'hågan Guåhan* or any
12 representative of the Guam Visitors Bureau.

13 (d) Report on Expenditures, Return of Unexpended Funds. Within
14 ninety (90) days following the return of Guam's delegation from the
15 FESTPAC, the Guam Council on the Arts and Humanities Agency (CAHA)
16 shall submit to *I Maga'hågan Guåhan*, the Speaker of *I Liheslaturan Guåhan*,
17 and the Chair of *I Liheslaturan Guåhan's* Committee with oversight on
18 FESTPAC, a complete accounting of expenditures incurred. Any remaining
19 unexpended funds shall remain in the FESTPAC & Folklife Festival Trust
20 Account for the proceeding FESTPAC.

21 (e) Revolving Fund Use. Beginning on Fiscal Year 2021, the sum of
22 One Hundred Thousand Dollars (\$100,000.00) from the Tourist
23 Attraction Fund shall be appropriated and deposited annually to the Trust
24 Account and shall be used exclusively for Guam's quadriennial participation
25 at proceeding Festival of Pacific Arts events. Any amount deposited shall be
26 subject to *I Liheslaturan Guåhan's* appropriation."

1 **Section 4. Codification of the Guam FESTPAC & Folklife Festival**
2 **Trust Account.** Section 10 of Chapter X, Public Law 31-77, as amended in
3 Section 2 of this Act, is added as a new § 9117 of Chapter 9, Title 12 Guam
4 Code Annotated.

5 **Section 5. Appropriation to GVB for the Guam FESTPAC &**
6 **Folklife Festival Trust Account.**

7 (a) The sum of Four Hundred Thousand Dollars (\$400,000) is
8 hereby appropriated from the unappropriated, unallocated fund
9 balance of the Fiscal Year 2019 Tourist Attraction Fund to the Guam
10 Visitors Bureau for deposit into the Guam FESTPAC & Folklife
11 Festival Trust Account. Notwithstanding the general provisions of
12 § 30107.1 of Title 11 GCA, this appropriation shall continue to be
13 available until expended and shall not be subject to any transfer
14 authority of *I Maga'hågan Guåhan* or any inter-fund borrowing or
15 use for any other purpose.

16 (b) Notwithstanding any other provision of law, in addition to the
17 sum of Four Hundred Thousand Dollars (\$400,000) appropriated in
18 Subsection 5(a) all delinquent Hotel Occupancy Tax revenue due
19 for any period prior to September 30, 2020 shall be appropriated
20 from the TAF to GVB for deposit into the FESTPAC & Folklife
21 Festival Trust Account upon collection. Notwithstanding the
22 general provisions of § 30107.1 of Chapter 30, Title 11, GCA, this
23 appropriation shall continue to be available until expended and shall
24 not be subject to any transfer authority of *I Maga'hågan Guåhan* or
25 any inter-fund borrowing or use for any other purpose.

26 (c) The Council on the Arts and Humanities Agency (CAHA) shall
27 be the lead agency for the 13th Festival of Pacific Arts & Culture.

1 All funds deposited into the FESTPAC & Folklife Festival Trust
2 Account by this appropriation shall be appropriated and expended
3 towards Guam's participation at the 13th Festival of Pacific Arts &
4 Culture in Oahu, Hawaii, from June 10th through the 21st, 2020.
5 Any unused funds shall remain in the FESTPAC & Folklife Festival
6 Trust Account and shall not revert to the Tourist Attraction Fund.

7 **Section 6.** Section 1033 (d) of Chapter 10 of Title 1, Guam Code Annotated,
8 is *amended* to read:

9 “(d) The Guam Visitors Bureau, in collaboration with the agencies
10 listed in Subsection (b), shall establish a fee schedule for the conduct of the
11 Guam-Micronesia Island Fair and Guam *Ko 'Ko ' Road Race*. The fee
12 schedule shall include at a minimum: the cost for rental of display space; a
13 participation fee to cover the costs of security, maintenance, and other
14 common area services at the Fair site; and a means by which food and
15 beverage, produce, handicrafts, and other items being offered for sale may
16 be purchased. All fees from the sale of goods or services sold at the Fair
17 shall be collected and deposited to the Treasury of Guam. Twenty-five
18 percent (25%) of the proceeds collected shall be deposited in the General
19 Fund; fifty percent (50%) shall be deposited in the Guam-Micronesia Island
20 Fair and Guam *Ko 'Ko ' Road Race Revolving Fund*, which is hereby created,
21 to be administered by the Guam Visitors Bureau, for the sole purpose of
22 paying for the Guam-Micronesia Island Fair and Guam *Ko 'Ko ' Road Race-*
23 *related expenses*; and twenty-five percent (25%) shall be deposited in the
24 FESTPAC & ~~2016~~ Folklife Festival Trust Account.”

25 **Section 7. Effective Date.** The provisions contained herein *shall* be
26 effective upon enactment of this Act.