

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
43-35 (COR)	Telena Cruz Nelson	AN ACT TO AMEND § 1013 & § 1013.1 OF CHAPTER 10, TITLE 1, GUAM CODE ANNOTATED, AND ADD § 1013.2 OF CHAPTER 10, TITLE 1, GUAM CODE ANNOTATED RELATIVE TO THE FUNDING FOR THE GUAM ISLAND FAIR AND LIBERATION DAY CARNIVAL.	2/7/19 4:11 p.m.						

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

Bill No. **43** -35 (cor)

Introduced by:

Telena Cruz Nelson 

AN ACT TO AMEND § 1013 & § 1013.1 OF CHAPTER 10, TITLE 1, GUAM CODE ANNOTATED, AND ADD § 1013.2 OF CHAPTER 10, TITLE 1, GUAM CODE ANNOTATED RELATIVE TO THE FUNDING FOR THE GUAM ISLAND FAIR AND LIBERATION DAY CARNIVAL.

2019 FEB - 7 PM 4:11 

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent.

I Liheslaturan Guåhan finds that the Mayors' Council of Guam is authorized to maintain oversight of the Guam Island Fair Committee in order to make arrangements for Guam's Liberation Day festivities. Further, *I Liheslatura* recognizes that this responsibility requires adequate funding.

Therefore, it is the intent of *I Liheslaturan Guåhan* to provide adequate funding for the commemoration and celebration of the annual Liberation Day and to appropriate the sum of Five Hundred Thousand Dollars (\$500,000) to the Mayor's Council of Guam from the Guam Visitors Bureau's Rainy Day Fund in accordance with Article 3, Chapter 9, Title 12 GCA.

Section 2. § 1013 of Chapter 10, Title 1, Guam Code Annotated, is *amended* to read:

§ 1013. Guam Island Fair Committee.

1 The Mayors' Council of Guam is authorized and requested to annually appoint
2 and maintain oversight of the Guam Island Fair Committee to plan and make
3 appropriate arrangements for the celebration of this Fair.

4 The Committee *shall* be composed of one (1) representative from the
5 Department of Administration (DOA), and one (1) representative from the Office of
6 Public Accountability (OPA), and the First ~~Lady~~ Gentleman of Guam. The
7 Committee *shall* also include members of patriotic, religious, or other civic
8 organizations. In lieu of such Committee, the Mayors' Council of Guam may
9 designate one (1) or more such civic organizations as sponsors to plan and arrange
10 for the Fair, provided, that one (1) representative from the Department of
11 Administration (DOA), one (1) representative from the Office of Public
12 Accountability (OPA), and the First ~~Lady~~ Gentleman of Guam are members of that
13 Committee.

14 ~~The net proceeds from the Guam Island Fair shall be divided in the following~~
15 ~~manner:~~

16 ~~(a) The Mayors' Council of Guam shall be entitled to retain fifty percent~~
17 ~~(50%) of the net proceeds and may convey any interest or portion thereof to any~~
18 ~~charitable organization;~~

19 ~~(b) Fifty percent (50%) of the net proceeds shall be held in trust by the~~
20 ~~Council and monies in this trust shall be donated to a charity or worthy public cause~~
21 ~~as the First Lady shall solely determine.~~

22 The government of Guam may furnish a suitable site, if needed, but neither it
23 nor any agencies, instrumentalities, nor employees may use government supplies or
24 equipment in the planning and preparation for the Island Fair. Unless appropriated
25 by *I Liheslatura* (the Legislature), or approved by the governing board of applicable
26 autonomous agencies, no government funds or materials *shall* be used in the
27 preparation of floats.

1 ~~Any casino gambling activity must be approved by *I Maga'lahi* (the~~
2 ~~Governor) in writing.~~

3 **Section 3.** § 1013.1 of Chapter 10, Title 1, Guam Code Annotated, is
4 *amended* to read:

5 **§ 1013.1. Liberation Day Carnival.**

6 (a) Whenever the Guam Island Fair is to be held in a location other than the
7 *Hagåtña* Paseo grounds, then any Civic Organization, as provided herein, may
8 sponsor a Liberation Day Carnival for the same duration as the Guam Island Fair. In
9 this instance, the Mayors' Council of Guam *shall* appoint a Liberation Day Carnival
10 committee to plan and make appropriate arrangements for the celebration of this
11 Carnival. The Committee *shall* be composed of members of patriotic, religious, or
12 other civic organizations.

13 (b) In the event the Guam Island Fair is not held at the *Hagåtña* Paseo grounds,
14 then the sponsoring organization may utilize the *Hagåtña* Paseo grounds to sponsor
15 its own Liberation Day Carnival as provided herein. The responsible governmental
16 agency or agencies *shall* issue a permit to the sponsoring organization to conduct the
17 Liberation Day Carnival at the *Hagåtña* Paseo grounds. The provisions of law
18 contained in §§ ~~64.62 and~~ 64.70 of Title 9 of the Guam Code Annotated *shall* be
19 applicable to the Liberation Day Carnival held at the *Hagåtña* Paseo grounds as
20 provided herein.

21 ~~(c) The net proceeds from the Liberation Day Carnival shall be divided in the~~
22 ~~following manner:~~

23 ~~(1) The Mayors' Council of Guam shall be entitled to retain fifty~~
24 ~~percent (50%) of the net proceeds and may convey any interest or portion~~
25 ~~thereof to any charitable organization; and~~

1 ~~(2) Fifty percent (50%) of the net proceeds shall be held in trust by the~~
2 ~~Council and monies in this trust shall be donated to a charity or worthy public~~
3 ~~cause as the First Lady shall solely determine.~~

4 ~~Mayors' Council of Guam shall be subjected to an audit by the Public~~
5 ~~Auditor in calculating the net proceeds.~~

6 ~~(dc) Whenever the Guam Island Fair is to be held at the Hagåtña Paseo~~
7 ~~grounds, then such Fair will be consolidated with the Liberation Day Carnival as~~
8 ~~provided herein, and the sections pertaining to the Guam Island Fair shall apply.~~

9 **Section 4.** § 1013.2 of Chapter 10, Title 1, Guam Code Annotated, is *added*
10 to read:

11 **“§ 1013.2. Funding for Guam Island Fair and Liberation Day Carnival.**

12 The sum of Five Hundred Thousand Dollars (\$500,000) is hereby
13 appropriated to the Mayors' Council of Guam from the Guam Visitors Bureau's
14 Rainy Day Fund, in accordance with Article 3, Chapter 9, Title 12 GCA, to operate
15 the Guam Island Fair and Liberation Day Carnival activities. The Guam Visitors
16 Bureau shall submit to the Legislature a report of expenditures of all funds for the
17 Guam Island Fair and Liberation Day Carnival activities. The report shall contain
18 detailed information on each expenditure including the date, the amount and the
19 purpose. The report shall be submitted no later than August 31 annually.

20 The net proceeds from the Guam Island Fair and Liberation Day Carnival
21 activities shall be divided in the following manner:

22 (a) Forty percent (40%) of the net proceeds shall be held in trust by the
23 Council and monies in this trust shall be donated to a charity or worthy public
24 cause as the First Lady Gentleman shall solely determine; and

25 (b) The Mayors' Council of Guam shall be entitled to retain thirty
26 percent (30%) of the net proceeds and may convey any interest or portion
27 thereof to any charitable organization; and

1 (c) The Guam Visitors Bureau shall be entitled to retain thirty percent
2 (30%) of the net proceeds and may convey and interest or portion thereof to
3 any charitable organization.”

4 **Section 5. Severability.** If any provision of this Act or its application to any
5 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
6 *not* affect other provisions of this Act that can be given effect without the invalid
7 provision or application, and to this end the provisions of this Act are severable.

8 **Section 6. Effective Date.** This act *shall* be effective upon enactment.