

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
208-36 (COR)	Joanne Brown Frank Blas Jr. Telo T. Taitague	AN ACT TO <i>REPEAL</i> AND <i>REENACT</i> § 76602 OF ARTICLE 6, CHAPTER 76, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO RESTORING FUNDING COLLECTED FOR BUILDING PERMIT FEES TO THE GUAM PRESERVATION TRUST FUND.	10/7/21 2:25 p.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 208-36 (COR)

Introduced by:

Joanne Brown
Frank F. Blas Jr.
Telo T. Taitague

**AN ACT TO REPEAL AND REENACT § 76602 OF
ARTICLE 6, CHAPTER 76, TITLE 21, GUAM CODE
ANNOTATED, RELATIVE TO RESTORING FUNDING
COLLECTED FOR BUILDING PERMIT FEES TO THE
GUAM PRESERVATION TRUST FUND.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Guam Preservation Trust was created thirty-one (31) years ago to protect and preserve Guam's historical sites, culture, ethnography and oral history for the benefit of our people and for future generations. As a nonprofit corporation established by Public Law 20-151, amended by Public Law 21-07, and codified into law as Article 6, Chapter 76, Division 2 of Title 21 of the Guam Code Annotated and further re-codified by Public Law 27-89, the Guam Preservation Trust received its income from fees and fines collected pursuant to 21 GCA §§ 66408 and 76211.

In addition to the revenue provided from fees and fines, the Guam Preservation Trust was mandated to seek outside grants and donations; acquire title to threatened Guam properties for the preservation of their historical value, whether in fee simple, by leasehold, or by easement, and whether through donation, transfer, dedication or purchase; to award grants for historic property documentation and

1 historic register nomination, architectural and archeological history and
2 documentation of historic structures and sites; protection of historic structures and
3 sites through stabilization, rehabilitation, reconstruction or restoration, including
4 lighting when appropriate on such sites being utilized for non-profit and non-
5 commercial purposes, such as private homes, schools, churches, public building and
6 facilities, ethnography and oral history; archival and archaeological research and
7 investigations for locating, recording and protecting sites of historic or prehistoric
8 value; and to support other activities directly related to increasing the public
9 appreciation of, and benefit from historic places including public interpretation and
10 presentation.

11 *I Liheslatura* further finds that the Guam Preservation Trust has completed
12 the following capital projects since its inception: the historic Guam Congress
13 Building (Guam Legislature) , Historic Lujan House, *Hagåtña*; Plaza de *España*,
14 *Hagåtña*; Agana Cathedral Basilica, *Hagåtña*, Palacio Feasibility Study, *Hagåtña*;
15 *Takaifak* Bridge, *Hågat*; San Dionisio Church, *Humåtak*; Fort Nuestra de la Solidar,
16 *Humåtak*; Magellan Monument, *Humåtak*; *Humåtak* Revitalization Plan; *Malesso*
17 *Kombento*, *Malesso*; *Malesso* Belltower, *Malesso*; M.G. Cook School, *Malesso*,
18 *Inalåhan* Revitalization Plan; Saint Joseph Church, *Inalåhan*; Mayor Doris Flores
19 Lujan House, *Inalåhan*; Juan Flores House, *Inalåhan*; *Inalåhan* Community Center,
20 *Inalåhan*; Antonia Chargualaf House, *Inalåhan*; Asanoma House, *Inalåhan*, Ana
21 Leon Guerrero House, *Inalåhan*, Jose Cruz House *Inalåhan*; Joseph Flores House,
22 *Inalåhan*; Josefina Flores House, *Inalåhan*; *Pågat*, *Yigo* (Landmark Lawsuit to save
23 *Pågat* village from the construction of a firing range complex); *Chaguian* Massacre
24 Site *Yigo* (National Register of Historic Places); *Manenggon* Concentration Camp,
25 *Yona* (National Register of Historic Places/National Historic Landmark), and the
26 *Atantåno* Heritage Preserve, *Santa Rita/Piti*.

1 The Guam Preservation Trust has also facilitated the Marianas History
2 Conference, Micronesian Island Fair, Pacific Heritage Youth Summit, Guam
3 History Day, Pacific Preservation Summit/Training Series, World Heritage
4 Workshop, Archaeology Field Technician Training, and Ekugnok Estoria-ta (Listen
5 to our Stories) *CHamoru* Language Project.

6 *I Liheslatura* further finds that the Guam Preservation Trust is currently
7 working to address the repairs and reconstruction of the F.Q. Sanchez, *Humåtak*,
8 Rosario House, *Hagåtña*, Jose and Josefina San Nicolas House, *Inalåhan*; and the
9 George Flores House, *Inalåhan*.

10 *I Liheslatura* further finds that the Guam Preservation Trust Property
11 Acquisition Program has acquired the following properties to the Trust inventory:
12 *Atantåno* Lot 15 and Lot 16 (Property Value (\$9,908,701) Rosario House Lot 55 and
13 62 (Property Value: \$161,325), San Nicolas House Lot 38 (Property Value:
14 \$11,903), San Nicolas House Lot 39 (\$51,962) George Flores House (Property
15 Value \$89,844), Richard Conrad Perez Salas, Jr. Land Donation (Property Value
16 \$281,561) Taniguchi Kinya Trustee Donation (Building Value \$24,080)

17 In addition, the Guam Preservation Trust is working with a private landowner
18 in partnership with the Department of Defense's Readiness Environmental
19 Protection Integration (REPI) program Protection on a proposed 100-acre
20 Conservation Easement Project to acquire and protect the archeological sites at
21 *Hila'an*.

22 The Preservation Trust has also funded projects for archaeological research,
23 public interpretation and presentation, archival research, architecture research and
24 historic property documentation and register nomination of historic places.

25 *I Liheslatura* further finds that subsequent legislatures have since appropriated
26 Guam Preservation Trust funds for non-related purposes to include the passage of

1 Public Law 33-19 that authorized up to One Million Dollars (\$1,000,000) for the
2 demolition of the Manuel F.L. Guerrero Administration Building.

3 *I Liheslatura* further finds that Public Law 33-66, further reduced Guam
4 Preservation Trust funds from One Hundred Percent (100%) to fifty percent (50 %)
5 of all fees collected with One Hundred Thousand Dollars (\$100,000) to be
6 transferred to the Historic Preservation Archaeological Mitigation Fund in equal
7 monthly installments; the creation of a DPW Building and Design Fee Account that
8 reduced the funds provided to the Preservation Trust by twenty-five percent (25%)
9 for the purpose of hiring licensed professional engineers in the unclassified service
10 at DPW; and the creation of the Guam Museum Fund that further reduced Guam
11 Preservation Trust funds by an additional twenty-five percent (25%). The substantial
12 decrease of funding by half of its operational revenue to the Guam Preservation Trust
13 was incorporated into the budget bill for Fiscal Year ending September 30, 2016,
14 with no public notice, no public hearing or input from the Historic Preservation
15 Board or the general public.

16 Public Law 33-120 further appropriated an additional Three Hundred
17 Thousand Dollars (\$300,000) from the Guam Preservation Trust Fund to the
18 Department of Public Works for the repair of the *Umåtac* Bridge Towers.

19 *I Liheslatura* further finds that the 33rd Guam Legislature, within a two-year
20 period, appropriated a total of \$5.8 million from the Guam Preservation Trust Fund
21 that was unrelated to the Preservation Trust mandates further impacting its ability to
22 carry out its mission to protect and preserve Guam's historical sites.

23 Therefore, *I Liheslatura* intends to *repeal* and *reenact* 21 GCA § 76602 to
24 fully restore funding to the Guam Preservation Trust Fund to ensure the continuity
25 of the protection and preservation of Guam's historical sites, culture, ethnography
26 and oral history for the benefit of our people and for future generations.

1 **Section 2.** § 76602 of Article 6, Chapter 76, Title 21, Guam Code
2 Annotated, is *repealed* and *reenacted* to read:

3 ~~“§ 76602. Guam Preservation Trust Income. (a) Fifty percent (50%)~~
4 ~~of all fees collected pursuant to § 66408 of Division 2 of Title 21 of the Guam~~
5 ~~Code Annotated, shall be deposited in the Guam Preservation Trust Fund.~~
6 ~~Fines collected under § 76211 of Division 2 of Title 21 of the Guam Code~~
7 ~~Annotated, shall be deposited into the Guam Preservation Trust Fund. Guam~~
8 ~~Preservation Trust funds shall be maintained separate and apart from all other~~
9 ~~government funds. The Department of Administration, as custodian for the~~
10 ~~fees and fines collected pursuant to this Section, shall transfer all such funds~~
11 ~~to the Trust no less than on a quarterly basis. Any and all interest accrued on~~
12 ~~such funds shall also be transferred to the Trust. The amounts within the Guam~~
13 ~~Preservation Trust Fund shall be used by the Trust only for the purposes~~
14 ~~expressed in this Article 6, and shall not be subject to any transfer authority~~
15 ~~of I Maga'låhen Guåhan (the Governor).~~

16 ~~(b) Revenue for Historic Preservation Archaeological Mitigation Fund.~~
17 ~~One Hundred Thousand Dollars (\$100,000) of the fees collected pursuant to~~
18 ~~subsection (a) of this Section shall be transferred to the Historic Preservation~~
19 ~~Archaeological Mitigation Fund in equal monthly installments.~~

20 § 76602. Guam Preservation Trust Income. Notwithstanding any
21 other provision of law, one-hundred percent (100%) of all fees collected
22 pursuant to § 66408 of Division 2 of Title 21 of the Guam Code Annotated,
23 shall be deposited in the Guam Preservation Trust Fund. Fines collected under
24 § 76211 of Division 2 of Title 21 of the Guam Code Annotated, shall be
25 deposited into the Guam Preservation Trust Fund. Guam Preservation Trust
26 funds shall be maintained separate and apart from all other government funds.
27 The Department of Administration, as custodian for the fees and fines

1 collected pursuant to this Section, shall transfer all such funds to the Trust no
2 less than on a quarterly basis. Any and all interest accrued on such funds shall
3 also be transferred to the Trust. The amounts within the Guam Preservation
4 Trust Fund shall be used by the Trust only for the purposes expressed in this
5 Article 6, and shall not be subject to any transfer authority of *I Maga'håga*
6 *Guåhan* (the Governor)."

7 **Section 3. Severability.** If any provision of this Act or its application
8 to any person or circumstance is found to be invalid or contrary to law, such
9 invalidity *shall not* affect other provisions or applications of this Act that can
10 be given effect without the invalid provision or application, and to this end
11 the provisions of this Act are severable.