

5 GCA GOVERNMENT OPERATIONS
CH. 87 DIPATTAMENTON I KAOHAO GUINAHAN CHAMORRO
(DEPARTMENT OF CHAMORRO AFFAIRS)

CHAPTER 87
DIPATTAMENTON I KAOHAO GUINAHAN CHAMORRO
(DEPARTMENT OF CHAMORRO AFFAIRS)

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- § 87149. Treatment of Human Remains. [Repealed]
- § 87150. Abatement of Taxes. [Repealed]
- § 87151. Purpose.
- § 87152. Public Market Revolving Fund.

SOURCE: This entire Chapter was first added to Title 5 of the GCA by P.L. 25-69:1.

NOTE: P.L. 25-069:2 contains the following Transition Provisions:

Section 2. Transition Provision. All rules and regulations duly promulgated by the constituent agencies consolidated by this Act shall remain in effect until such time the Corporation determines the need for amendments and modification pursuant to the Administrative Adjudication Law.

§ 87101. Creation; *Dipattamenton I Kaorao Guinahan Chamorro*, or Department of Chamorro Affairs.

There is created a non-stock, non-profit public corporation to be known as the '*Dipattamenton I Kaorao Guinahan Chamorro*' or 'Department of Chamorro Affairs' ('Corporation') with functions, powers and responsibilities as provided in this Chapter.

§ 87102. Principal Offices.

The principal office of the Corporation shall be located on Guam,

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and the Corporation is deemed to be a resident of Guam.

§ 87103. Purposes and Authorized Activities of the Corporation; General.

The purpose and authorized activities of the Corporation are to assist in the implementation of an integrated program for the preservation, development and promotion of the Chamorro Heritage of Guam, for the public benefit and to provide specific services to the Chamorro people. It is intended that this Corporation be a catalyst in the preservation, development and promotion of language, arts, humanities, historic and cultural preservation, research, restoration, presentation, museum activities and support programs significant to Guam's history and culture, and to enhance the future of the Chamorro people of Guam. It is a further purpose of this Chapter to enable the Corporation to aid private enterprise without unfairly competing with it in the expansion of cultural and historical resources for Guam.

(a) Specific. The Corporation has the following specific purposes and is authorized to:

(i) conduct, or cause to be conducted, research and investigation into natural, cultural, medicinal and historic resources, and to publicize the results of these activities as deemed necessary;

(ii) *except* as specifically prohibited in this Chapter, make loans to any person, firm, partnership or corporation licensed to do business on Guam in furtherance of the purposes and activities stated in this Chapter (All loans made shall be of sound value or secured to reasonably assure repayment. Each loan made by the Corporation may be sold to a commercial lending institution for a sum *not* less than the principal balance of the loan, and the proceeds of the loan shall be returned to the capital fund of the Corporation, *subject* to the terms specified in a resolution of the Board of Trustees of the Corporation. Each loan made by the Corporation shall include, wherever possible, an option on the part of the Corporation to convert up to fifty percent (50%) of the total loan into equity.);

(iii) enter into contracts to provide grants or loans to individuals, organizations or institutions, whether public or

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private, which are engaged in projects or programs related to language, culture, history, arts and humanities;

(iv) receive and administer grants in furtherance of the preservation, promotion and development of Chamorro heritage and culture;

(v) obtain land belonging to the government of Guam as required to carry out its purposes and objectives, under the terms and tenure that *I Liheslaturan Guåhan*, by appropriate legislation, prescribes;

(vi) make direct loans to any person, firm, corporation or governmental entity on residential real property for purposes of restoration and historical site development; *and*

(vii) accept loans of cultural or intellectual properties on a custodial basis from individuals, families, organizations or institutions with terms and conditions to be agreed upon by all parties concerned.

(viii) The Corporation shall have authority over and supervise the Chamorro Village (*I Sengsong Chamorro*).

SOURCE: Subsection (a)(viii) added by P.L. 28-068:IV:55 (Sept. 30, 2005).

§ 87104. General Powers; Termination Date.

The Corporation has, and may exercise, the following general powers in carrying out the purposes of this Chapter:

(a) to have perpetual succession, *unless* sooner terminated by law;

(b) to adopt, alter and use a corporate seal, which shall be judicially noticed;

(c) to adopt, amend and repeal bylaws and other rules, regulations and directives governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law according to the Administrative Adjudication Law;

(d) to sue and to be sued in its corporate name;

(e) to determine the character of, and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed and paid;

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(f) to acquire, in any lawful manner, any real property, and to hold, maintain, use and operate the same; and to sell, lease, encumber or otherwise dispose of the same, whenever any of the foregoing transactions are deemed necessary or appropriate to the conduct of the activities authorized by this Chapter, and on the terms prescribed by the Corporation; to prepare or cause to be prepared all plans and specifications for capital construction of the Corporation's facilities in consultation with the respective Divisions and their boards, *except* that in no way shall this be construed as providing to the Corporation any powers of eminent domain;

(g) to acquire by purchase, lease or gift any property or any interest in property that has been determined by the Corporation to preserve and protect the Chamorro heritage when the property is found by the Corporation to be important for public ownership or is in danger of being sold, used or neglected to the extent that its historical or cultural importance will be destroyed or seriously impaired, or that the property is otherwise in danger of destruction or serious impairment. In the case of real property, the interest acquired shall be limited to that estate, agency, interest or term deemed by the Corporation to be reasonably necessary for the continued protection or preservation of the property. The Corporation may acquire the fee simple title, but where it finds that a lesser interest, including any development right, negative or affirmative easement in gross or appurtenant covenant, lease or other contractual right of or to any real property, to be the most practical and economical method of protecting and preserving the historical or culturally important property, the lesser interest may be acquired, *except* that this shall *not* be construed as giving the Corporation any powers of eminent domain;

(h) to enter into and perform contracts, leases, cooperative agreements or other transactions with any agency or instrumentality of the United States of America, or with any State, territory, possession, or any political subdivision of the United States or of any other Nation, or with any person, firm, association or corporation, which is deemed necessary or appropriate to the conduct of the activities authorized by this Chapter, and on the terms prescribed by the Corporation;

(i) to execute all instruments necessary or appropriate in the

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exercise of any of its functions;

(j) to employ persons to provide professional, clerical and technical assistance necessary for the conduct of the business of the Corporation; to delegate to them the powers and to prescribe for them the duties deemed appropriate by the Corporation; to fix and pay compensation to them for their services as the Corporation may determine in accordance with the provisions of the personnel and compensation law; to require bonds from those that the Corporation may designate, the premiums to be paid by the Corporation; *and* to remove and discharge employees and other clerical and technical assistance, pursuant to the provisions of the personnel regulations adopted under §§4105 and 4106 of Title 4 of the Guam Code Annotated;

(k) to accept monetary or in-kind gifts or donations of services, or of property, whether real, personal or mixed, and whether tangible or intangible, in aid of any of the activities authorized by this Chapter. All donations to the Corporation and any of its programs and units, associations, subsidiaries, affiliates, but *not* limited to the same, shall be tax-deductible to the donors in the same manner and extent that donations to charitable or educational non-profit organizations are deductible as provided by law;

(l) in accordance with Chapter 5 of Title 5 of the Guam Code Annotated, *Guam Procurement Law*, to construct, equip, operate and maintain buildings, works, forms, fisheries and other facilities, including all equipment, supplies and machinery incident thereto;

(m) to form or cause to be formed, to promote, to aid and to invest in any manner within its means in the promotion of any corporation or other association, and to cause or participate in the merger, consolidation, reorganization, liquidation or dissolution of any corporation or association in which, or in the business of which, the Corporation has a direct or indirect interest;

(n) to settle and adjust claims held by the Corporation against other persons or parties, and by other persons or parties against the Corporation;

(o) to borrow funds required to finance revenue-producing projects *subject* to legislative approval, and to dedicate revenue

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derived from the projects for the repayment of loans;

(p) to work closely with the Guam Economic Development Authority, Guam Visitors Bureau, all educational and religious institutions on Guam, public and private organizations, both on and off-Island, and other appropriate agencies to maximize the public benefits and opportunities which enhance the purposes of the Corporation;

(q) the Corporation shall submit to *I Liheslaturan Guåhan*, through *I Maga'lahren Guåhan*, from time-to-time, legislation that it deems necessary to expeditiously and effectively foster desirable projects and facilities authorized by this Chapter;

(r) to endorse, guarantee and secure the payment and satisfaction of bonds, coupons, mortgages, deeds of trust, debentures, obligations, evidences of indebtedness and shares of stock of other corporations, as far as and to the extent that it is necessary and appropriate to carry out the Corporation's authorized and permissible activities under its powers and functions, *subject* to legislative approval;

(s) to negotiate agreements for the construction of tourist attractions depicting the historical and cultural development of the Chamorro people. Revenues collected by any tourist attraction facility may be pledged for repayment of the loan, *subject* to legislative approval;

(t) to acquire in accordance with Chapter 5 of Title 5, Guam Code Annotated, *Guam Procurement Law*, any tangible personal property, and to hold, maintain, use and operate the same; and to sell, lease, encumber or otherwise dispose of the same, whenever any of these transactions are deemed necessary or appropriate to the conduct of the activities authorized by this Chapter, and on the terms that are prescribed by the Corporation;

(u) to acquire, in any lawful manner, any intangible personal property, and to hold, maintain, use and operate the same; and to sell, encumber or otherwise dispose of the same, whenever any of the foregoing transactions are deemed necessary or appropriate to the conduct of the activities authorized by this Chapter, and on the terms that are prescribed by the Corporation;

(v) upon request by the Board of Trustees, *I Maga'lahren Guåhan*, only with the consent of *I Liheslaturan Guåhan*, may convey in fee

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simple tracts of government-owned land, to the Corporation, suitable for development of tourist facilities in accordance with this Chapter. *If* the government does *not* own tracts suitable for these purposes, *I Maga'lahaen Guahan* may negotiate with the Chamorro Land Trust or with private landowners for the acquisition of suitable property; provided that, *if necessary*, funds have been appropriated for the acquisition;

(w) to formulate and develop standards and procedural requirements with regard to the development, promotion and preservation of the Chamorro language and culture with all relevant institutions and programs;

(x) to establish a joint appointment program with Guam colleges and universities in the teaching of Chamorro language, culture and history; and further, to establish reciprocal relationships with other institutions.

(y) **[Repealed.]**

SOURCE: Item (y) repealed by P.L. 25-72:13(f).

§ 87105. Board of Trustees.

(a) All functions and powers of the Corporation shall be vested in and be exercised by and under the direction of a Board of Trustees ('Trustees'), composed of nine (9) members. The Trustees shall be U.S. citizens and residents of Guam and no less than five (5), or fifty percent (50%) of the members of the governing body, must be Chamorro, defined as residents of the Marianas Islands as of 1898, or descendants thereof. Trustees shall be appointed who possess the qualities, knowledge, experience and diversified ability necessary to pursue effectively the programs of the Corporation. The Chairperson shall be a Trustee and shall be elected by a majority of the Trustees.

(b) *I Maga'lahaen Guahan* shall appoint the Trustees of the Corporation, which shall be comprised of representatives in each of the field of business, history or archaeology, tourism, economics or finance, Chamorro language and culture, arts and three (3) members at large.

(c) The *initial* appointment for four (4) of the nine (9) members shall be for two (2) year terms, thereafter becoming four (4) year terms; and the remaining five (5) members shall have *initial* and *subsequent* four (4) year terms.

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(d) Five (5) Trustees constitute a quorum, and five (5) affirmative votes are required for the transaction of all business. The Trustees shall meet in regular session at least once each month and in special session as the Chair may deem necessary. All meetings of the Trustees are open to the public, as provided by law.

(e) Each Trustee shall receive Fifty Dollars (\$50.00) for attendance at any meeting of the Trustees, but this stipend shall *not* apply to more than two (2) meetings in any one (1) calendar month. No member shall receive any other compensation, but shall be reimbursed for actual travel, subsistence and out-of-pocket expenses incurred in the discharge of responsibilities, including authorized attendance at meetings held off-Island, *subject* to the prior approval of the Board of Trustees.

§ 87106. *Mās Ge’Hilo’* or President.

(a) *I Mas Ge’Hilo’* shall come from a pool of qualified candidates, who shall possess the following qualifications: a local resident with demonstrated knowledge of Chamorro language, culture and history; formal education; and administrative experience, and shall be appointed by the Board of Trustees. The *Mas Ge’Hilo’* shall be directly responsible to the Trustees for the day-to-day operations of the Corporation and shall administer its programs and policies. The *Mas Ge’Hilo’* shall be an *ex-officio* member of the Board of Trustees, without the right to vote, and shall serve at the pleasure of the Trustees, *unless* sooner terminated by the Trustees.

(b) Salary and Expenses. The *Mas Ge’Hilo’* shall be paid a salary and other allowances and benefits established by the Director of Administration.

COMMENT: Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 87107. Corporate Use of Funds.

(a) The Corporation is authorized to use its funds, from whatever source derived, in the exercise of its corporate powers and functions, *subject* to the requirements of the funding source.

(b) The Corporation shall contribute to, or as authorized by Legislative appropriation, provide for the government’s share of the costs of retirement benefits applicable to the Corporation’s employees and

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their beneficiaries. The Corporation shall provide Workers' Compensation coverage for its employees.

§ 87108. Appropriation Authorized.

There is authorized to be appropriated to the Corporation, from time-to-time, funds necessary to enable the Corporation to accomplish the purposes of this Chapter.

§ 87109. Sources of Funds.

The sources of funding for the Corporation and its various Divisions shall consist of the same sources designated in previous law for, or available to, the commissions, agencies and departmental divisions that are subsumed into the *Dipattamenton I Kaorao Guinahan Chamorro*, or Department of Chamorro Affairs.

§ 87110. Donations.

All donations to the Corporation and any or all of its programs and units, associations, subsidiaries, affiliates, but *not* limited to the same, shall be tax-deductible to the donors in the same manner and to the same extent that donations to charitable or educational non-profit organizations are deductible as referred to in the provisions of §501(c)3 of the U.S. Internal Revenue Code.

§ 87111. Annual Report and Audits.

The Corporation shall submit to *I Maga'lahen Guåhan* and *I Liheslaturan Guåhan* a detailed annual report of activities and an audited, annual financial report. For this purpose, the Corporation shall contract for independent auditing services. It shall also submit to *I Maga'lahen Guåhan* and *I Liheslaturan Guåhan* other special reports as each may require from time-to-time. The Corporation's books shall likewise be subject to annual legislative audit as prescribed by law, and shall be open for public inspection by the public pursuant to the Sunshine Reform Act.

§ 87112. Utilization of Governmental Agencies and Instrumentalities.

The services and facilities of agencies and instrumentalities of the Federal Government and of the government of Guam, to the extent allowed by law, may be made available to the Corporation in the exercise of its functions.

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§ 87113. Rules and Regulations.

The Corporation shall review and revise existing standard operating procedures and create rules and regulations for the Corporation regarding the functions and operations of the Corporation, according to the provisions of the Administrative Adjudication Law.

§ 87114. Fiduciary Duties.

The Corporation, through the Board of Trustees, shall establish the fiduciary duties that are appropriate and necessary for each of the various Divisions of the Corporation.

§ 87115. Amendments.

Any subsequent changes and additions in the rules and regulations shall be made in accordance with provisions of the Administrative Adjudication Law.

§ 87116. Chapter to be Liberally Construed.

This Chapter shall be construed liberally so far as may be necessary for the purpose of effecting its general intent.

§ 87117. Severability.

In the event that any article, section, subsection, sentence, clause or phrase of this Chapter shall be declared or adjudged invalid, a nullity or unconstitutional, such adjudication shall in no manner affect the force and validity of the other articles, sections, subsections, sentences, clauses or phrases of this Chapter *not* so declared or adjudged, and which shall remain in full force and valid.

§ 87118. Indemnification.

The Corporation shall indemnify any Trustee, Administrator, officer, staff person, or former Trustee, Administrator, officer or staff person who may have served at its request as a Trustee, Administrator or officer of the Corporation, in whole or in part, in connection in the defense of any action, suit, proceedings, civil or criminal, in which the person is made a party by reason of affiliation, with the Corporation, *except* in relation to matters as to which the person is adjudged in the action, suit or proceeding to be liable for negligence or criminal misconduct in the performance of duty to the Corporation; and, to make other indemnification that is authorized by the Articles of Incorporation,

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Bylaws or resolutions adopted after notice by Trustees entitled to vote.

§ 87119. Conflict of Interest.

While serving in office, and for a period of one (1) year after leaving office, no individual member of the Trustees or the Divisions' Boards, no employee, no member of its committees, subcommittees, panels or advisory groups shall be eligible to receive in that person's name a grant, loan or other form of assistance from the *Dipattamenton I Kaohao Guinahan Chamorro*, or any related or administered program.

§ 87120. Property of the Corporation.

Any property acquired, developed or produced in the name of the Corporation, whether physical or intellectual, and whether tangible or intangible, shall remain with the Corporation, including, but *not* limited to, copyrights, patents and trademarks.

§ 87121. Segundo/a Mas Ge'Hilo' or Vice-President.

(a) The Trustees shall appoint a *Segundo/a Mās Ge'Hilo'* from a pool of qualified candidates, who shall possess the following minimum qualifications: a local resident with a bachelor's degree in Business Administration/Management or Finance/Economics, experience as a manager in the area of business or financial administration and with the knowledge and ability to manage diverse work units, oversee day-to-day activities, and understand property and fiscal management concepts and human resources management. The *Segundo/a Mās Ge'Hilo'* shall be under the direct supervision of the *Mās Ge'Hilo'* and shall be responsible for the operations of the *Ufisinan Minaneha* and may perform the duties of Comptroller of the Corporation.

(b) Salary and Expenses. The *Segundo/a Mas Ge'Hilo'* shall be paid a salary and other allowances and benefits as established by the Director of Administration.

COMMENT: Effective January 1, 2006, reference to the "Civil Service Commission," amended to "Director of Administration" pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 87122. Transfer of Staff and Inventories.

Upon enactment of this Chapter, the funds, book inventories, assets, equipment and personnel, including the Acting Executive Director and previously mandated positions assigned to the Chamorro Heritage

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Institute Planning Group shall be transferred to *Inaligao, Tinige' Yan Fina'na'gue'* to enable it to carry out its functions.

§ 87123. Kottura Board of Advisors.

(a) Composition. There is within the Corporation a *Kottura* Board of Advisors. The *Kottura* Board of Advisors shall consist of five (5) members appointed by *I Maga'lahren Guâhan*, subject to the advice and consent of *I Liheslaturan Guâhan*, one (1) of whom may be a *Saina* representative, and one (1) of whom may be a *Manhoben* representative.

(b) Term. Members of the *Kottura* Board shall serve a term of four (4) years, commencing with the date of appointment and until their successors are appointed and qualified. When a vacancy occurs, it shall be filled by appointment of *I Maga'lahren Guâhan* for the remainder of the vacating member's term, with the advice and consent of *I Liheslaturan Guâhan*. Members serve at the pleasure of *I Maga'lahren Guâhan* and work directly with the Board of Trustees

(c) Qualifications. Members of the *Kottura* Board shall be residents of Guam, must be demonstrated speakers or writers of the Chamorro language.

(d) Meetings. The *Kottura* Board of Advisors shall meet in regular session at least once a month and in special session as the Chairperson may deem necessary. The Chairperson shall be counted for a quorum. Three (3) members shall constitute a quorum, and three (3) affirmative votes are required for the transaction of all business. All meetings of the *Kottura* Board shall be open to the public as provided by law.

(e) Officers. The *Kottura* Board shall annually elect from among its members a Chairperson and Vice-Chairperson. The Chairperson of the *Kottura* Board shall preside at all meetings, act as the spokesperson and perform other duties as directed by the *Kottura* Board. The Vice-Chairperson shall succeed to the duties of the Chairperson in the absence or inability of the Chairperson. From among its members, the *Kottura* Board may select a Secretary and any other officers, which the Board may deem necessary, to serve on an annual basis.

(f) Compensation. Each member shall receive Fifty Dollars (\$50.00) for attendance at any meeting of the *Kottura* Board, but this stipend shall *not* apply to more than two (2) meetings in any one (1) calendar month. No member shall receive any other compensation, but shall be

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reimbursed for actual travel, subsistence and out-of-pocket expenses incurred in the discharge of responsibilities, including authorized attendance at meetings held off-Island, *subject* to the *prior* approval of the Kottura Board.

§ 87124. Kottura Board Duties.

The *Kottura* Board shall serve in an advisory capacity to the Trustees and shall:

(a) recommend for removal of *Kottura* Board members who fail to comply with their responsibilities as *Kottura* Board members;

(b) continue to study and update the orthographic rules of the Chamorro language and to update the Chamorro-English/English-Chamorro dictionary;

(c) serve as the ‘*Kumision I Na’an Lugat*’, or Guam Place Name Commission, as previously referenced in § 13999.1 of the Government Code;

(d) develop and implement a coherent, culturally sound and historically accurate set of criteria for selecting place names;

(e) restore to the maximum extent feasible the ancient Chamorro pronunciation of place names, consistent with the established orthography;

(f) cooperate with the Guam Land Use Commission, the Chamorro Land Trust Commission, the Department of Education, the University of Guam, other *Dipattamenton I Kaohao Guinahan Chamorro* Divisions, and with civil and religious organizations interested in providing appropriate place names for Guam;

(g) report to the Trustees by annual report within sixty (60) days of the end of each fiscal year, and upon request of the Trustees, present special reports within thirty (30) days of the request;

(h) perform general reviews and evaluations of *Kottura*’s programs; *and*

(i) do any and all things necessary to the full and convenient exercise of the above duties in accordance with this Article, or as designated by the Trustees.

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2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. P.L. 30-050:2 (July 14, 2009) reverted the name of the Guam Public School System to the Department of Education.

§ 87125. Kottura Fund.

There is established a Fund, known as the '*Kottura Fund*,' which the Trustees shall maintain separate and apart from other funds of the Corporation, the records of which shall be kept and maintained by the Trustees. All monies received by Kottura from sources other than government appropriation shall be deposited in the Kottura Fund for Kottura purposes.

§ 87126. *Dibision Inaligao, Tinige', Yan Fina'na'gue* Board of Advisors.

(a) Composition. There is within the Corporation a *Dibision Inaligao, Tinige', Yan Fina'na'gue* Board of Advisors. The *Dibision Inaligao, Tinige', Yan Fina'na'gue* Board of Advisors shall consist of five (5) members appointed by *I Maga'lalen Guåhan*, with the advice and consent of *I Liheslaturan Guåhan*, one (1) of whom may be a *Saina* representative, and one (1) of whom may be a *Manhoben* representative.

(b) Term. Members of *Dibision Inaligao, Tinige', Yan Fina'na'gue* Board of Advisors shall serve a term of four (4) years, commencing with the date of appointment and until their successors are appointed and qualified. When a vacancy occurs, it shall be filled by appointment of *I Maga'lalen Guåhan* for the remainder of the vacating member's term, with the advice and consent of *I Liheslaturan Guåhan*. Members serve at the pleasure of *I Maga'lalen Guåhan* and work directly with the Board of Trustees.

(c) Qualifications. Members of the *Dibision Inaligao, Tinige', Yan Fina'na'gue* Advisory Board shall be residents of Guam, must be demonstrated speakers or writers of the Chamorro language, or knowledgeable in research and publications.

(d) Meetings. The *Dibision Inaligao, Tinige', Yan Fina'na'gue* Board of Advisors shall meet in regular session at least once a month and in special session as the Chairperson may deem necessary. The Chairperson shall be counted for a quorum. Three (3) members shall constitute a quorum, and three (3) affirmative votes are required for the transaction of all business. All meetings of the *Dibision Inaligao,*

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Tinige', *Yan Fina'na'gue* Advisory Board shall be open to the public as provided by law.

(e) Officers. The *Dibision Inaligao, Tinige', Yan Fina'na'gue* Advisory Board shall annually elect from among its members a Chairperson and Vice-Chairperson. The Chairperson of the *Dibision Inaligao, Tinige', Yan Fina'na'gue* Advisory Board shall preside at all meetings, act as spokesperson and perform other duties as the *Dibision Inaligao, Tinige', Yan Fina'na'gue* Advisory Board shall direct. The Vice-Chairperson shall succeed to the duties of the Chairperson in the absence or inability of the Chairperson. From among its members, the *Dibision Inaligao, Tinige', Yan Fina'na'gue* Advisory Board may select a secretary and any other officers, which the Advisory Board may deem necessary, to serve on an annual basis.

(f) Compensation. Each member shall receive Fifty Dollars (\$50.00) for attendance at any meeting of the *Dibision Inaligao, Tinige', Yan Fina'na'gue* Advisory Board, but this stipend shall *not* apply to more than two (2) meetings in any one (1) calendar month. No member shall receive any other compensation, but shall be reimbursed for actual travel, subsistence and out of pocket expenses incurred in the discharge of responsibilities, including authorized attendance at meetings held off-Island, subject to the prior approval of the *Dibision Inaligao, Tinige', Yan Fina'na'gue* Advisory Board.

(g) Definitions. As used in this Article, *unless* otherwise indicated:

(i) *Inaligao, Tinige' Yan Fina'na'gue'* means the *Dibision Inaligao, Tinige', Yan Fina'na'gue'* or Research, Publications and Training Division;

(ii) *Atmenestrادت/dora Inaligao, Tinige' Yan Fina'na'gue'* means the person employed by the Trustees and directed to supervise the administration of the *Dibision Inaligao, Tinige' Yan Fina'na'gue'*.

(h) Purpose. The purpose of the *Inaligao, Tinige' Yan Fina'na'gue'* is to develop articulated curriculum and course text for mandated courses in Guam's schools and institutions of higher learning related to Guam's history, language and culture. The *Inaligao, Tinige' Yan Fina'na'gue'* shall conduct research, publish, and produce multi-media and print materials relating to the Chamorro heritage. *Inaligao, Tinige' Yan*

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Fina'na'gue' shall provide training to promote increased understanding of Chamorro Heritage.

§ 87127. *Atmenestrادت/dora Inaligao, Tinige' Yan Fina'na'gue'*.

The *Atmenestrادت/dora Inaligao, Tinige' Yan Fina'na'gue'* shall be the Division Administrator and shall perform the administrative functions of *Inaligao, Tinige' Yan Fina'na'gue'* that are directed by the *Mas Ge'Hilo'* of the Corporation. The *Atmenestrادت/dora Inaligao, Tinige' Yan Fina'na'gue'* is responsible for *Inaligao, Tinige' Yan Fina'na'gue'* operations and programs.

The *Atmenestrادت/dora Inaligao, Tinige' Yan Fina'na'gue'* shall meet the following qualifications: a local resident with advanced knowledge of Chamorro language, culture and history; formal education and experience in research and publications or other requirements as set forth by the Trustees.

§ 87128. Research and Publication Fund.

(a) There is established a fund known as the 'Research and Publication Fund,' which shall be maintained separate and apart from other funds of the Corporation, the records of which shall be kept and maintained by the *Salappe'* of the *Ufisinan Minaneha*. The Research and Publications Fund is under the general cognizance of the Trustees, which shall manage and use it for the *Inaligao, Tinige' Yan Fina'na'gue'* purposes as provided in this Article;

(b) All income generated by the sales of publications and other products and money received from sources other than government appropriation shall be deposited in a revolving account to be used by *Inaligao, Tinige' Yan Fina'na'gue'* in carrying out its functions;

(c) *Except* as otherwise provided by law, all non-appropriated expenditures of the *Inaligao, Tinige' Yan Fina'na'gue'*, shall be made from the Research and Publications Fund.

§ 87129. Transfer of Staff and Inventories.

Upon enactment of this Chapter, the funds, book inventories, assets, equipment and personnel, including the Acting Executive Director and previously mandated positions assigned to the Department of Chamorro Affairs Planning Group, shall be transferred to *Inaligao, Tinige' Yan Fina'na'gue'* to enable it to carry out its functions.

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§ 87130. *Sagan Rikuetdon Guåhan.*

(a) There is established the ‘*Sagan Rikuetdon Guåhan*’ or ‘Guam Archives’ (‘*Sagan Rikuetdo*’) as a Program Division within the Corporation. *Sagan Rikuetdo* is the official depository for all government publications including any printed or processed paper, book, periodical, pamphlet or map, originating in, or printed with the imprint of, or at the expense and by the authority of the government of Guam. *Sagan Rikuetdo* is the official depository of those public records and other papers *not* in current use by the Executive, Judicial and Legislative Branches of the government of Guam and have been determined by *Sagan Rikuetdo* to have sufficient legal, historical or other value to warrant their continued preservation by the government of Guam. *Sagan Rikuetdo* shall also be the custodian of non-governmental historical records that contain significant information about the past or present, and are therefore worthy of long-term preservation and systematic management for historical or other research purposes.

(b) Definitions. As used in this Article, *unless* otherwise indicated:

(i) *Sagan Rikuetdo* means the *Sagan Rikuetdon Guåhan* or the Guam Archives;

(ii) *Guam Archivist* means the person employed and directed by *Mas Ge'Hilo* to administer the Guam Archives as its *Atmenestrado/dora*;

(iii) *Governmental Publications* means all print or non-print materials produced and disseminated by any government entity;

(iv) *Government Records* means public records, including, all vital statistics (births and deaths), marriage records, deeds, probate records, court records, departmental records, gubernatorial papers, letters, maps, books, photographs, administrative files, sound recordings, magnetic or other tapes, electronic data processing records, computer memory, electronic government information products, or documentary materials, regardless of physical form or characteristics, made or received pursuant to law, rule or regulation, in connection with the transaction of official business by an agency or officer of government; *and*

(v) *Significant Non-Governmental Records* means diaries, memoirs, correspondence, church records, Bible records, cemetery

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records, business records, and organizational and institutional records.

(c) Purpose. In cooperation with libraries, museums, historical societies, government agencies, genealogical societies, businesses and citizens, the purpose of *Sagan Rikuetdo* is to insure the retention and preservation of our documentary heritage. As the official repository and custodian of historical government and non-government records of Guam, *Sagan Rikuetdo* is mandated to acquire, preserve and make available for public use, records relating to the cultural and documentary heritage of Guam. *However*, nothing herein shall constitute authority to take possession of privately owned document(s) in the possession of the R. F. Taitano Micronesian Area Research Center, or any non-governmental entity without consent of that person or entity.

Sagan Rikuetdo shall foster research on the records in its inventory and shall disseminate the results of this and other research to the public through media as public exhibitions, demonstrations, lectures, scholarly activities, television programs, publications and other public programs contributing to and encouraging public enlightenment.

§ 87131. *Atmenestrادت/dora Sagan Rikuetdo.*

The *Atmenestrادت/dora* is the Division Administrator and shall perform administrative functions of *Rikuetdo*, as directed by the *Mas Ge'Hilo'* of the *Dipattamenton I Kaorao Guinahan Chamorro*. The *Atmenestrادت/dora Rikuetdo* is responsible for *Sagan Rikuetdo* operations and programs.

The *Atmenestrادت/dora Sagan Rikuetdo* shall meet the following qualifications: a local resident with advanced knowledge of Chamorro culture and history; formal education or experience in the physical handling and intellectual control of historical records, documents and materials; *prior* specific training and experience in archival administration; and other requirements which may be set forth by the Trustees.

§ 87132. State Historical Records Advisory Board.

The Board of Trustees shall serve as the Official State Historical Records Advisory Board on behalf of the *Sagan Rikuetdo* for the purpose of participating in the grants program of the National Historical Publications and Records Commission as Federally regulated in Title 36

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Code of Federal Regulations § 1206.

§ 87133. Fees and Fines.

The Trustees have the authority to establish fees for services provided by *Sagan Rikuetdo*, and to impose fines for overdue, lost or damaged materials or other misuses of *Sagan Rikuetdo*'s resources, according to the Administrative Adjudication Law.

§ 87134. Guam Archives Fund.

(a) There is established a fund known as the '*Guam Archives Fund*' which the Trustees shall maintain separate and apart from other funds of the Corporation, the records of which shall be kept and maintained by the Board of Trustees. The Guam Archives Fund is under the general cognizance of the Trustees, which shall manage and use it for purposes as provided in §§ 87130-87135, *Sagan Rikuetdon Guåhan - Confidentiality of Patron's Records*.

(b) All money received by the *Sagan Rikuetdo* from sources other than government appropriation shall be deposited in the Guam Archives Fund, which shall be in an interest bearing account.

(c) *Except* as otherwise provided by law, all non-appropriated expenditures of *Sagan Rikuetdo* shall be made from the Guam Archives Fund.

§ 87135. Confidentiality of Patron's Records.

(a) *Sagan Rikuetdo* shall *not* allow disclosure of any record or other information, written or oral, which identifies a user of archival services as requesting or obtaining specific materials or services, or as otherwise using the *Sagan Rikuetdo* resources.

(b) Records may be disclosed:

- (1) *if* necessary for the reasonable operation of *Sagan Rikuetdo*;
- (2) on written consent of the user;
- (3) on receipt of a court order; *or*
- (4) if required by law.

(c) Any person who knowingly discloses any record or other information in violation of this Section is guilty of a Petty Misdemeanor.

§ 87136. Kosas Board of Advisors.

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(a) Purpose. Kosas or Guam Museum is mandated to promote increased understanding of Guam's geology, biota, prehistory, history and contemporary culture. As the official repository and custodian of historical artifacts of Guam, Kosas is mandated to acquire, preserve, and make available for public viewing artifacts and archival materials relating to the cultural, historical and natural heritage of Guam.

(b) Composition. There is created within the Corporation a *Kosas* Board of Advisors. The *Kosas* Board of Advisors shall consist of five (5) members appointed by *I Maga'lahren Guåhan*, subject to the advice and consent of *I Liheslaturan Guåhan*, one (1) of whom may be a *Saina* representative, one (1) of whom may be a *Manhoben* representative, and one (1) of whom shall be a member with extensive formal experience or education in Guam History or Museum Administration.

(c) Term. Members of the *Kosas* Board shall serve a term of four (4) years, commencing with the date of appointment, and until their successors are appointed and qualified. When a vacancy occurs, it shall be filled by appointment of *I Maga'lahren Guåhan* for the remainder of the vacating member's term with the advice and consent of *I Liheslaturan Guåhan*. Members serve at the pleasure of *I Maga'lahren Guåhan* and work directly with the Board of Trustees.

(d) Qualifications. Members of the *Kosas* Board shall be residents of Guam and must demonstrate extensive knowledge of Guam's history and culture.

(e) Meetings. The *Kosas* Board of Advisors shall meet in regular session at least once each month and in special session as the Chairperson may deem necessary. The Chairperson shall be counted for a quorum. Three (3) *Kosas* members shall constitute a quorum and three (3) affirmative votes are required for the transaction of all business. All meetings of the *Kosas* Board of Advisors are open to the public, as provided by law.

(f) Officers. The *Kosas* Board shall annually elect from among its members a Chairperson and Vice-Chairperson. The Chairperson of the *Kosas* Board shall preside at all meetings, act as the spokesperson and perform other duties as the *Kosas* Board directs. The Vice-Chairperson shall succeed to the duties of the Chairperson in the absence or inability of the Chairperson. From among its members, the *Kosas* Board may select a Secretary and any other officers which the Board may deem

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necessary, to serve on an annual basis.

(g) Compensation. Each member shall receive Fifty Dollars (\$50.00) for attendance at any meeting of the *Kosas* Board, but this stipend shall *not* apply to more than two (2) meetings in any one (1) calendar month. No member shall receive any other compensation, but shall be reimbursed for actual travel, subsistence and out of pocket expenses incurred in the discharge of responsibilities, including authorized attendance at meetings off-Island, *subject* to the *prior* approval of the *Kosas* Board.

(h) Guam Museum Fund. There is established a fund known as the Guam Museum Fund which the Trustees shall maintain separate and apart from other funds of the Corporation, the records of which shall be kept and maintained by the Trustees. All monies received by *Kosas* from sources other than government appropriations shall be deposited in the Guam Museum Fund for *Kosas* purposes.

§ 87137. *Kosas* Board Duties.

The *Kosas* Board shall serve in an advisory capacity to the Trustees and shall:

(a) annually elect a Chairperson and Vice-Chairperson, and select other officers from among its members to serve a four (4) year term;

(b) perform its duties and exercise its powers by resolution adopted by at least four (4) votes in a public meeting;

(c) recommend qualified candidates to the Board of Trustees who shall appoint the *Atmenestrado/dora Kosas*;

(d) recommend for removal of *Kosas* Board members who fail to comply with their responsibilities as *Kosas* Board members;

(e) ensure that collection storage conditions conform to the guidelines and standards established by the U.S. Department of Interior, Title 36, Code of Federal Regulations, Part 79, and adopt policies for exhibitions, collections, acquisitions, collection de-accessioning, and for merchandise sales by *Kosas* or by vendors operating under lease agreements;

(f) report to the Board of Trustees by annual report within sixty (60) days after the end of each fiscal year, and upon request by the

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Trustees, present special reports within thirty (30) days of the request;

(g) perform general reviews and evaluations of *Kosas* programs; *and*

(h) do any and all things necessary to the full and convenient exercise of the above duties in accordance with this Article, or as designated by the Trustees.

§ 87138. *Irensia* Board of Advisors.

[Repealed.]

SOURCE: Repealed by P.L. 25-89:5.

§ 87139. *Irensia* Board Duties.

[Repealed.]

SOURCE: Repealed by P.L. 27-89:5.

§ 87140. *Irensia* Fund.

[Repealed.]

SOURCE: Repealed by P.L. 27-89:5.

§ 87141. *Irensia* Board Fund.

[Repealed.]

SOURCE: Repealed by P.L. 27-89:5.

§ 87142. Guam Register of Historic Places.

[Repealed.]

SOURCE: Repealed by P.L. 25-72 and confirmed by P.L. 27-89:3. Subject matter returned by 21 GCA Chapter 76.

§ 87143. Guam Monuments.

[Repealed.]

SOURCE: Repealed by P.L. 25-72 and confirmed by P.L. 27-89:3. Subject matter returned to 21 GCA Chapter 76.

§ 87144. Vote to Include Any Historic Site, Structure, Building or Object on Guam Register of Historic Places.

[Repealed.]

SOURCE: Repealed by P.L. 25-72 and confirmed by P.L. 27-89:3. Subject matter returned to 21 GCA Chapter 76.

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§ 87145. Vandalism and Unlawful Taking of Historic Properties and Sites.

[Repealed.]

SOURCE: Repealed by P.L. 25-72 and confirmed by P.L. 27-89:3. Subject matter returned to 21 GCA Chapter 76. This section has been returned to 21 GCA §76211.

§ 87146. Underwater Historic and Cultural Property.

[Repealed.]

SOURCE: Repealed by P.L. 25-72 and confirmed by P.L. 27-89:3. Subject matter returned to Article 3 of 21 GCA Chapter 76.

§ 87147. Enforcement and Power of Arrest.

[Repealed.]

SOURCE: Repealed by P.L. 25-72 and confirmed by P.L. 27-89:3. Subject matter returned to 21 GCA Chapter 76.

§ 87148. Certificate of Approval.

[Repealed.]

SOURCE: Repealed by P.L. 25-72 and confirmed by P.L. 27-89:3. Subject matter returned to 21 GCA Chapter 76, § 76511.

§ 87149. Treatment of Human Remains.

[Repealed.]

SOURCE: Repealed by P.L. 25-72 and confirmed by P.L. 27-89:3. Subject matter returned to 21 GCA Chapter 76, § 76504.

§ 87150. Abatement of Taxes.

[Repealed.]

SOURCE: Repealed by P.L. 25-72:13(g). Replaced by 21 GCA § 76109 in 2004.

§ 87151. Purpose.

The Corporation shall maintain and operate under its control a public market, or markets, for Guam products at such place or places as *I Mas Ge'Hilo'* may deem proper. Any such market shall be maintained and operated at all times in a sanitary and orderly manner, beneficial to both producers and patrons alike. Producers and sellers desiring to use space within such market to display or sell their produce shall be levied a uniform fee based upon the amount of space used and period of such use.

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SOURCE: Added by P.L. 28-068:IV:56 (Sept. 30, 2005).

§ 87152. Public Market Revolving Fund.

(a) There is hereby established a fund to be known as the '*Public Market Revolving Fund*,' which shall be maintained separate and apart from any other funds of the government of Guam. The President of Chamorro Affairs shall administer the Fund. Independent records and accounts shall be maintained in connection therewith.

(b) Funds of the Public Market Revolving Fund shall be used *exclusively* for the administration, operation and maintenance of the Public Market.

(c) All funds collected from fees levied pursuant to § 87151 shall be deposited in the Public Market Revolving Fund.

(d) An audit shall be conducted by the Public Auditor for regulatory compliance at least once every two (2) years.”

(e) Revenues and expenditures from the Public Market Revolving Fund shall be reported to the Speaker of *I Liheslaturan Guåhan* at the end of each month and such report shall be posted on the Department’s website.

SOURCE: Added by P.L. 28-068:IV:57 (Sept. 30, 2005).
