CHAPTER 9
GUAM VISITORS BUREAU

2026 NOTE: Pursuant to 5 GCA § 1510, I Maga'hågan/Maga'låhen Guåhan means the "Governor of Guam" and I Maga'håga/Maga'låhi means the "Governor."

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GENERAL PROVISIONS

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§ 9100. Legislative Intent.

Recently the Guam District Court ruled that the Guam Visitors Bureau is a private entity contrary to the general understanding of I Liheslatura. It is the intent of I Liheslatura to continue, without interruption, the current acts and actions of the Guam Visitors Bureau and to clarify its legal status, duties, powers and the status of its employees.

SOURCE: Added by P.L. 17-037:9 (Nov. 29, 1983).

2026 NOTE: Reference to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101.

§ 9101. Short Title.

This Article may be cited as the "Guam Visitors Bureau Act."

SOURCE: GC § 38001. Repealed and added by P.L. 17-032:2 (Nov. 22, 1983).

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§ 9102. Creation.

There is hereby created a public corporation to be known as the Guam Visitors Bureau as hereinafter provided. The corporation shall be a non-stock, non-profit membership corporation to be governed in accordance with the applicable general corporation laws of Guam, except as provided otherwise by this Article. No Articles of Incorporation shall be required; this Article shall be its charter.

SOURCE: GC § 38001. Repealed and added by P.L. 17-032:2 (Nov. 22, 1983).

2026 NOTE: Reference to "Territory" omitted pursuant to 1 GCA § 420.

§ 9103. Definitions.

As used herein, unless otherwise indicated:

(a) "Bureau" means the Guam Visitors Bureau.

(b) "Board" means the Board of Directors of the Bureau.

(c) "General Manager" means the General Manager of the Bureau.

(d) "Director" means a member of the Board.

(e) "Member" means a member of the Bureau.

(f) "Employees" means employees of the Bureau.

SOURCE: GC § 38202. Repealed and added by P.L. 17-032:2 (Nov. 22, 1983).

§ 9104. Purpose.

The purpose of the Bureau shall be:

(a) To promote Guam's visitor industry in such manner as it deems most reasonably appropriate, including providing and disseminating information and materials promoting Guam as a visitor destination;

(b) To promote local interest and participation at all levels of the visitor industry;

(c) To assist, when requested, both government and private entities in the development, implementation and promotion of programs to further education, training, employment assistance and entrepreneurial development;

(d) To promote local cultural activities for residents;

(e) To promote items of local manufacture;

(f) To promote and assist in the development of adequate tourist facilities and attractions;

(g) To assist appropriate government of Guam agencies in the enforcement of applicable laws, rules and regulations relating to the visitor industry;

(h) To work with other entities to collect, analyze, evaluate and regularly publish comprehensive data on the visitor industry; and

(i) To engage in all lawful activities to promote tourism reasonable or incidental thereto.

SOURCE: GC § 38003. Repealed and added by P.L. 17-032:2 (Nov. 22, 1983). Repealed and reenacted by P.L. 20-205:12 (Aug. 20, 1990).

§ 9105. Powers.

The Bureau shall have and exercise each and all of the following powers:

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(a) To make and use a common seal and to alter the same at pleasure;

(b) Enter into contracts and execute all instruments necessary or appropriate in the exercise of any of its powers;

(c) Sue or be sued in its own corporate name;

(d) Adopt, amend and repeal reasonable by-laws, and other rules, regulations and directives, pursuant to the general corporation laws of Guam, as may be necessary for the conduct and administration of its activities and the exercise of the powers and performance of the duties conferred or imposed upon the Bureau or the Board by this Article;

(e) Adopt such rules and regulations pursuant to the Administrative Adjudication Act as may be necessary for the exercise of the powers and performance of the duties conferred or imposed upon the Bureau or the Board by this Article;

(f) Acquire, subject to the laws of Guam, by grant, purchase, gift, devise or lease, and hold and use any real or personal property necessary or convenient or useful for the carrying on of any of its powers pursuant to the provisions of this Article;

(g) Establish its internal organization and management;

(h) Sell, rent, exchange or otherwise dispose of, encumber, improve or remove any property of the Bureau or any interest therein, and to provide for any services in connection with any property, real or personal, of the Bureau subject to the laws of Guam;

(i) Establish reasonable charges for any of its services, where it deems appropriate and to otherwise provide for a means of raising funds and revenue, and to determine the character of and necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed and paid;

(j) Associate with like organizations of other states, territories, nations or regions, or agencies or instrumentalities thereof, and to enter into contracts and cooperative agreements with any of same or with any person, firm association or corporation may be deemed necessary or appropriate for the conduct of its activities;

(k) Establish and delegate its authority to any committee or subcommittee of the Board of Directors, and to determine the composition, duties and powers of any such committee;

(l) Form or cause to be formed, promote, aid and invest, in any reasonable manner within its means and purposes, in the promotion of any corporation or other firm, association or entity; and

(m) Do any and all things necessary or appropriate to carry out and further purposes of this Article, and to have all other corporate powers provided by law.

(n) Lines of Credit. Arrange a line of credit not to exceed Six Million Dollars ($6,000,000) with any bank, banks or commercial lending institutions licensed on Guam, government of Guam autonomous agency and any other instrumentality of the government of Guam. All agreement terms of the line(s) of credit shall be negotiated by the Guam Visitors Bureau (Bureau) and approved by the Board in the best interest of the People of Guam. The terms of any line(s) of credit agreement shall include the following:

(1) Up to Five Million Three Hundred Thousand Dollars ($5,300,000) of the line of credit shall be used by the Bureau to promote Guam to specific segments of the Japanese market through the following campaigns in the following amounts: Three Million Fifty Thousand Dollars ($3,050,000) for the Guam Wedding Campaign; Seven Hundred Forty-eight Thousand Dollars

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($748,000.00) for the Guam Office Lady Campaign; Eight Hundred Fifty Thousand Dollars ($850,000.00) for the Guam Groups Campaign; and Six Hundred Fifty-two Thousand Dollars ($652,000.00) for the Guam Family Campaign; and provided, that the line of credit shall not be used to finance Bureau operations or capital improvement projects. The Bureau shall report to I Liheslaturan Guåhan its monthly budget for use of these incentives at least five (5) days prior to the beginning of the month.

(2) Up to Seven Hundred Thousand Dollars ($700,000.00) of the line of credit shall be used by the Bureau to promote Guam to the Korean market; and provided, that the line of credit shall not be used to finance Bureau operations or capital improvement projects.

(3) Except for the interest rate per the terms of the line of credit, no other charge by a lender for opening the line of credit shall be negotiated by the Finance Committee of the Bureau Board and approved by the Board through a resolution.

(4) The interest rate shall be negotiated between the Finance Committee of the Bureau Board and the lender, and approved by the Board through a resolution. Such interest rate shall be computed on a monthly average and based upon the actual amount extended to the Bureau.

(5) Interest earned by the lender shall be exempt from taxation by the government of Guam.

(6) The Bureau, through the approval of the Board pursuant to § 9113 of Title 12 of the Guam Code Annotated, shall pledge only Tourist Attraction Fund revenues as the source of repayment for the line(s) of credit. The funds necessary for the repayment of the principal and interest owed to any bank, banks or commercial lending institutions licensed on Guam, government of Guam autonomous agency and any other instrumentality of the government of Guam that have advanced funds to the Bureau pursuant to a line(s) of credit established pursuant to this Section, are appropriated from the Tourist Attraction Fund.

(7) Any money advanced through a line(s) of credit shall be repaid by September 30, 2007. In no case shall any amount be refinanced resulting in a repayment past September 30, 2007.

(8) Funds expended from any line(s) of credit with any bank, banks or commercial lending institutions licensed on Guam, government of Guam autonomous agency and any other instrumentality of the government of Guam will proportionately decrease the authorized amount established to open such line(s) of credit as established within this Section.

(o) Monetary Valued Handouts. Any visitor-incentive monetary valued handouts specific to a marketing campaign of the Guam Visitors Bureau, funded through the Tourist Attraction Fund or any other public funding source or legislative appropriation, shall be made available to any Guam-licensed vendor willing to accept the monetary value of the handout as payment for goods and services.

SOURCE: GC § 38004. Repealed and added by P.L. 17-032:2 (Nov. 22, 1983). Subsections (n) and (o) added by P.L. 26-083:2, 3 (May 10, 2002).

2026 NOTE: Reference to "the Territory of" omitted pursuant to 1 GCA § 420.

§ 9106. Board.

(a) The exercise of the powers of the Bureau shall be directed by the Board of Directors composed of twelve (12) members selected in accordance with this Section. Five (5) directors, referred to as "appointed directors" shall be members and shall be appointed by I Maga'håga/Maga'låhi with the advice and consent from I Liheslatura. One of the appointed directors shall be a Mayor or Vice Mayor selected by the Mayors' Council. Two (2) members shall be appointed by the Speaker of I Liheslaturan Guåhan and shall be referred to as the "Legislative Directors." Four (4) directors, referred as "elected directors" shall be contributing

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members in good standing elected by the membership in a manner that protects the confidentiality of the voting process. The five (5) appointed, the legislative directors and four (4) elected directors shall then select the twelfth (12th) director by a vote requiring concurrence of eight (8) of the directors. The twelfth (12th) director shall be actively and directly involved in the tourism industry. There shall be one (1) alternate director who shall be appointed by the Speaker of I Liheslatura. He shall have no voting power unless and until a member of the Board of Directors is absent from a meeting. The alternate shall replace the first absent director. Should a absent director, who has been replaced by an alternate arrive at a meeting, her/his voting power displaces that of the alternate on any matters which arise after her/his arrival. The alternate director shall not replace a director who is present at a meeting but chooses to leave prior to the close of the meeting. The Board of Directors shall elect from amongst its body a chairperson and vice chairperson. The twelfth (12th) director from a previous board shall not be held over solely to act as the twelfth (12th) director of a new board. The twelfth (12th) director of a previous board may be appointed as the twelfth (12th) director of any subsequent board as set forth herein.

(b) Eight (8) directors shall constitute a quorum of the board for the transaction of all business. No director shall be entitled to vote his or her vote by proxy.

(c) Elected and alternate directors, the legislative directors and the twelfth (12th) director shall serve for two (2) years.

(d) [No text]

(1) Appointed directors shall serve at the pleasure of I Maga'håga/Maga'låhi.

(2) Legislative Directors and the alternate director shall serve at the pleasure of the Speaker of I Liheslaturan Guåhan

(e) Elected and alternate directors, the legislative directors and the twelfth (12th) director may be removed for cause upon the vote of not less than eight (8) directors or with or without cause upon the vote of not less than two-thirds (2/3) of the total number of votes of the contributing members at a properly called meeting of the contributing members at which a quorum is present.

(f) [No text]

(1) A vacancy on the Board, whether created by resignation or removal, of a director who was appointed by I Maga'håga/Maga'låhi shall be filled by appointment of I Maga'håga/Maga'låhi with the advice and consent of I Liheslaturan Guåhan. Said persons shall serve at the pleasure of I Maga'håga/Maga'låhi.

(2) The Speaker of I Liheslaturan Guåhan shall fill vacancies on the Board, whether created by resignation or removal, of the Legislative Directors and the alternate director. Said persons shall serve at the pleasure of the Speaker of I Liheslaturan Guåhan.

(g) A vacancy on the Board (whether created by resignation or removal) of an elected member shall be filled by selection by at least two of the remaining elected directors. An elected director filling a vacancy shall serve only until the end of the term of the director whom he replaced.

(h) A vacancy on the Board (whether created by resignation or removal) of the twelfth (12th) director shall be filled by selection of at least eight (8) of the directors. A person filling a vacancy of the twelfth (12th) director shall serve only until the end of the term of the director whom he replaced.

(i) The Board shall act only by resolution at a meeting duly held. Neither the chairperson nor vice-chairperson nor any individual director or group of directors shall have any authority to direct any employee of the Bureau except by resolution adopted as herein provided. Any resolution or action of the Board shall require an affirmative vote or eight (8) at a properly held meeting of the Board.

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(j) Special meetings of the Board of Directors may be called at any time by the Chairperson, or in the Chairperson's absence, the Vice-Chairperson; or, by the General Manager on the written instruction of any two (2) directors.

(k) Neither an elected Director of the eleventh director shall serve more than two consecutive terms.

(l) A vacancy on the Board (whether created by resignation or removal) of the legislative member shall be filled by appointment of the Speaker. The legislative director filling a vacancy shall serve only until the end of the term of the director whom he replaced.

(m) Appointments made by I Maga'håga/Maga'låhi shall conform to the requirements of 4 GCA § 2105.

(n) Appointments made by I Maga'håga/Maga'låhi shall include an individual who possesses expertise in our island's folk arts, culture, language, heritage or history.

(o) All members of the Board of Directors shall comply with the financial disclosure requirements of Chapter 13, Title 4, Guam Code Annotated. Failure to comply with such disclosure requirements shall constitute cause for removal from the Board.

SOURCE: § 9106(a)-(j) enacted by P.L. 17-032:2 (Nov. 22, 1983); subsections (a), (c), (e) and (f) amended by P.L. 17-081:30 (Dec. 18, 1984); (a), (b), (c), (e), (h) and (i) Repealed and reenacted by P.L. 19-005:135 (Aug. 21, 1987); (k) added by P.L. 19-005:122 (Aug. 21, 1987) and (l) added by P.L. 19-005:135 (Aug. 21, 1987). Subsection (a) amended by P.L. 19-010:36 (Nov. 14, 1987). Subsection (c) amended by P.L. 19-010:37 (Nov. 14, 1987). Subsection (e) amended by P.L. 19-010:38 (Nov. 14, 1987). Subsection (h) amended by P.L.19-010:39 (Nov. 14, 1987). Subsection (d) repealed and reenacted by P.L. 24-030:2 (May 16, 1997). Subsection (f) repealed and reenacted by P.L. 24-030:3 (May 16, 1997). Subsection (m) added by P.L. 27-049:2 (Dec. 17, 2003). Subsection (n) added by P.L. 27-049:3 (Dec. 17, 2003. Subsection (a) amended and (o) added by P.L. 38-136:XII:48, 47 (Aug. 28, 2026)

2026 NOTE: Reference to "Commissioner" replaced with "Mayor" pursuant to P.L. 20-033:1 (Sept. 6, 1989). Reference to the "Governor" replaced with I Maga'håga/Maga'låhi pursuant to 5 GCA § 1510. Reference to the "Guam Legislature"/"Legislature" replaced with I Liheslaturan Guåhan/Liheslatura pursuant to 2 GCA § 1101. The Compiler has added "no text" to indicate a change in formatting only; the content of the provision has not been altered.

COMMENT: The Guam Visitors Bureau is not a "public corporation", nor is it an entity of the government of Guam. *Bordallo v. Reyes, et al*., No. 84-1665, 9th Circuit Court of Appeals (1985), affirming the District Court of Guam, CV83-95-CCD under the same name. However, the amendments made to this Chapter as a result of this decision reaffirm the original intent that the GVB be a part of the government. See § 9100.

§ 9107. Board: Duties.

The Board shall:

(a) Promote visitor satisfaction with Guam as a tourist destination and facilitate the orderly growth and maintenance of the visitor industry;

(b) Encourage and support the employment of local residents in job opportunities in the tourism industry.

(c) Assist in the development of adequate tourist facilities and attractions, including local beautification projects;

(d) Work with other entities to collect, analyze and evaluate pertinent data on the visitor industry developed by itself, other governmental and private agencies and publish and disseminate comprehensive statistics and other data on a monthly, quarterly and yearly basis. Data shall, as reasonably available, include the number of visitors, expenditures by visitors, points of origin and destination, hotel occupancy, taxes collected, jobs created and lost, percentage of U.S. and permanent residents employed at all levels in the visitor industry, and any and all other relevant information related to tourism and the visitor industry. Notwithstanding any other provision of law, all government

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agencies shall coordinate with the Bureau in providing the data and other information required herein so as to become an agency source for the dissemination of visitor industry statistics and information;

(e) Provide advice and technical assistance to tourism development organizations in planning programs to attract visitors, and develop and disseminate literature for distribution to visitors, and potential visitors to Guam;

(f) Cooperate with regional agencies promoting Micronesia and the Mariana Islands as a tourist destination;

(g) Encourage and support local activities, programs and development which would enhance Guam as an attractive tourist destination;

(h) Support the marketing of local arts, handicrafts and other manufactured products to visitors; and

(i) Encourage local cultural activities for tourist and general public enjoyment.

SOURCE: Added by P.L. 17-032:2 (Nov. 22, 1983). Subsection (d) repealed and reenacted by P.L. 20-205:13 (Aug. 20, 1990).

2026 NOTE: Reference to "territory" replaced with "Guam" pursuant to 1 GCA § 420. Former title "Same" replaced by the Compiler with "Board" for clarity.

§ 9108. General Manager.

(a) The Board, by an affirmative vote of at least eight (8) votes, shall appoint a General Manager. The General Manager shall serve as the Bureau's chief administrative officer, and his duties and compensation shall be determined and approved by the Board. The General Manager will serve at the pleasure of the Board.

(b) The day-to-day operations of the Bureau shall be the province of the General Manager. The General Manager shall be primarily responsible for the maintenance, operation, development, and administration of the Bureau's business affairs.

(c) The duties of the General Manager shall include the following:

(1) Insuring that the Board's rules and regulations are enforced;

(2) Attending all Board meetings unless excused by the Board;

(3) Keeping the Board advised as to the needs of the Bureau;

(4) Approving demands for the payment of obligations of the Bureau within the purposes and amounts authorized by the Board;

(5) Selecting, appointing, terminating, with or without cause, and supervising employees of the Bureau;

(6) Publishing a financial report in a manner provided by the Board within one hundred twenty (120) days from the end of each fiscal year showing the result of operations for the preceding fiscal year and the financial status of the Bureau on the last day thereof;

(7) Rendering a monthly accounting statement to the Board in such form as the Board directs;

(8) Annually submitting to the Board and I Maga'håga/Maga'låhi programs and financial plans in accordance with the provisions of the Executive Budget Act set forth in Title VI, Chapter III of the Government Code of Guam; and

(9) Performing such other and additional duties as the Board may direct.

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SOURCE: Added by P.L. 17-032:2 (Nov. 22, 1983). Subsection (a) repealed and reenacted by P.L. 28-068:IV:62 (Sept. 30, 2005).

2015 NOTE: Subsection designations in (c) altered pursuant to 1 GCA § 1606.

2026 NOTE: Reference to the "Governor" replaced with I Maga'håga/Maga'låhi pursuant to 5 GCA § 1510.

§ 9109. Other Personnel.

(a) The General Manager may employ, subject to the approval of the Board, a Deputy Manager and secretary. The duties and compensation of such personnel shall be determined by the General Manager with the advice and approval of the Board.

(b) The Board may employ or retain an attorney, or firm of attorneys, who shall be admitted to practice before the courts of Guam, who shall advise the Board and the General Manager on all legal matters to which the Bureau is a party or in which the Bureau is legally interested, and may represent the Board in connection with legal matters before I Liheslatura, other Boards and other agencies of Guam. The Attorney General shall represent the Bureau in litigation in which the Bureau is interested, provided that the Attorney General may deputize or designate the attorney for the Bureau as a Special Assistant Attorney General for this purpose. The terms, conditions and compensation of employment of any such attorney shall be determined by the Board, and the attorney shall serve at the pleasure of the Board.

(c) [Repealed.]

SOURCE: Added by P.L. 17-032:2 (Nov. 22, 1983). Subsection (c) added by P.L. 27-106:VI:21 (Sept. 30, 2004), and repealed by P.L. 28-068:IV:103 (Sept. 30, 2005).

2026 NOTE: Reference to "Territory" replaced with "Guam" pursuant to 1 GCA § 420. Reference to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101.

§ 9110. Employment.

(a) Pursuant to the provisions of 4 GCA § 4105, the Board shall establish rules and regulations governing selection, promotion, performance evaluation, demotion, suspension, removal and other disciplinary action for the employees of the Bureau.

(b) Employees of the Bureau, excluding the Directors, and including the General Manager, shall be members of the Government of Guam Retirement Fund, subject to the provisions of 4 GCA § 8105. The Bureau shall contribute to the Government of Guam Retirement Fund on the basis of bi-weekly billings as determined by the Board of Trustees, Government of Guam Retirement Fund, for the government's share of the cost of the retirement benefits applicable to the Bureau's employees and their beneficiaries. The Bureau also shall contribute to the Workmen's Compensation Fund, on the basis of annual billings as determined by the Workmen's Compensation Commissioner, for the benefit payments made from such fund on account of the Bureau's employees.

(c) Each Bureau employee shall be eligible to participate in any Government of Guam health and life insurance or prepaid health plan.

SOURCE: Added by P.L. 17-032:2 (Nov. 22, 1983).

§ 9111. Contracts and Purchases.

The Bureau will always seek the most reasonable prices for services and products needed, giving due consideration to the urgency of the requirement. Purchase orders or letters of authorization will be executed by the General Manager for needed products or provisions, pursuant to the current budget. Such purchase orders or letters of authorization for expenditures in excess of Twenty-four Thousand Nine Hundred Ninety-nine Dollars ($24,999), except salaries, shall require prior approval by the Board of Directors.

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SOURCE: Added by P.L. 17-032:2 (Nov. 22, 1983); amended by P.L. 17-081:31 (Dec. 18, 1984), P.L. 20-221:29 (Dec. 31, 1990), and P.L. 35-099:XII:41 (Sep. 15, 2020).

§ 9112. Members.

(a) Any person including natural persons, partnerships, and corporations shall be entitled to be a member of the Bureau.

(b) There shall be two (2) classes of membership:

(1) "Contributing Members" who shall be those members contributing the sum of One Hundred Dollars ($100.00) or more annually; and

(2) "Honorary Members" being those members contributing less than One Hundred Dollars ($100.00) annually. Only contributing Members shall be entitled to vote, however, membership meetings shall be open to all members.

(c) All contributions of contributing members herein mentioned shall be cash and must be paid in full ninety (90) days prior to having any voting rights.

(d) A quorum of the membership shall require attendance of at least fifty percent (50%) of the total voting power of the members. Except as otherwise provided by law, any act of the members shall require a vote of a majority of the voting power of the members present at any meeting duly held.

(e) Notwithstanding any other provision of law, government funds of any department, agency or instrumentality of the government may not be used to pay membership dues or acquire voting rights. Any such funds used to acquire or continue membership or acquire or continue voting rights after October 1, 1985 shall be reimbursed to the affected department, agency or instrumentality of the government.

(f) Notwithstanding the provisions of 18 GCA § 2207, cumulative voting is prohibited.

SOURCE: Added by P.L. 17-032: (Nov. 22, 1983). Subsection (e) added [as (f)] by P.L. 18-030:62 (Feb. 19, 1986); subsection (f) added by [as (e)] by P.L. 18-048:11(Jan. 2, 1987). Subsection (c), (d), (f) amended by P.L. 38-136:XII:46 (Aug. 28, 2026)

2026 NOTE: Civil Code § 307 was codified in the GCA as 18 GCA § 2207. The reference in subsection (f) was updated by the Compiler pursuant to the authority of 1 GCA § 1606.

2015 NOTE: Subsection designations in (b) were altered pursuant to 1 GCA § 1606.

§ 9113. Fiscal Authority.

(a) For each fiscal year there is authorized to be appropriated as part of the executive budget, money in the "Tourist Attraction Fund", such sums as may be necessary for the Bureau to carry out the provisions of this Article. Such appropriations shall be governed by the Executive Budget Act set forth in Chapter 4 of Title 5 of the Guam Code Annotated.

(b) All funds appropriated to the Bureau by the Government of Guam shall be considered grants in aid. No disbursement of funds of the Bureau shall be made unless the same has been approved, authorized and ordered by the Board of Directors.

(c) I Liheslatura may condition payment of any sums appropriated pursuant to subsection (a) of this section upon requirements that the membership match the appropriated funds, with cash or in-kind contributions, on the basis of not more than twenty cents ($ 0.20) for every eighty cents ($ 0.80) so appropriated.

(d) As a condition to receiving any funds appropriated to the Bureau by I Liheslaturan Guåhan or borrowed pursuant to § 9105(n), the Bureau shall agree to abide by the off-Guam travel rates and regulations applicable to government of Guam employees, and shall allow an audit of all the Bureau's funds and

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matching cash, and in-kind contributions of its membership by the Public Auditor as authorized by Chapter 19 of Title 12 of the Guam Code Annotated, as amended by § 59 of Public Law Number 26-76.

Should the audit reveal any discrepancies or violations of law or of the Bureau's rules and regulations or policies, then the Board shall take steps to correct the discrepancies and to recover any expenditures not made in accordance with existing laws, rules, regulations or policies. The Public Auditor shall provide a copy of any audit conducted pursuant to this Subsection to the Attorney General. Upon the enactment of this Subsection, an audit of the Bureau shall be conducted for prior fiscal years.

SOURCE: Added P.L. 17-032:2 (Nov. 22, 1983); Subsection (d) added by P.L. 20-041:9 (Sept. 13, 1989). Subsection (d) amended by P.L. 26-083:5 (May 10, 2002).

2026 NOTE: Chapter III of Title VI of the Government Code of Guam was codified as Chapter 4 of Title 5 GCA. The reference in subsection (a) was updated by the Compiler pursuant to the authority of 1 GCA § 1606. Reference to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101.

§ 9114. Commencement of Business.

(a) The Bureau as organized pursuant to this Article shall commence business on January 9, 1984.

(b) I Maga'håga/Maga'låhi shall submit to I Liheslatura the names of nominees of appointed directors no later than December 15, 1983.

(c) The four (4) directors elected by the membership of the existing Guam Visitors Bureau shall call and conduct a meeting of contributing members no later than December 28, 1983 to elect elected directors to serve for a two-year term commencing January 9, 1984. For the first election contributing members who have paid contributions for the 1984-1985 bi-annual period on or before December 14, 1983, shall be entitled to one (1) vote for each $200 contributed up to a maximum of ten (10) votes. No contributing member may vote by proxy at the first meeting. The quorum for the first meeting shall be at least fifty percent (50%) of votes of contributing members. The four persons receiving the four highest number of votes shall be elected. In case of a tie, a run-off shall be held.

SOURCE: Added by P.L. 17-032:2 (Nov.22, 1983), amended by P.L. 17-037:10 (Nov. 29, 1983).

2026 NOTE: Reference to the "Governor" replaced with I Maga'håga/Maga'låhi pursuant to 5 GCA § 1510. Reference to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101.

§ 9115. Reservation of Powers.

I Liheslatura hereby reserves the power to alter, amend or repeal any or all of the sections of this Article.

SOURCE: Added by P.L. 17-032:2 (Nov. 22, 1983).

2026 NOTE: Reference to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101.

§ 9116. Personnel Status.

On the effective date of this Act, present employees of the Guam Visitors Bureau shall continue to be employees of the Guam Visitors Bureau, members of the Government of Guam Retirement Fund and, with the exception of the General Manager, Deputy Manager, and Secretary, their positions shall be classified positions. The previous legal status of the Bureau shall not detrimentally affect the rights of employees, past and present, whose contributions to the Retirement Fund were made prior to the effective date of this Act.

SOURCE: Added as uncodified law by P.L. 17-032:5 (Nov. 22, 1983), codified by Compiler.

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§ 9117. Grant Awards Fund and Authority to Award Grants to Organizations.

There is hereby created the Guam Visitors Bureau Grant Awards Fund (Grant Fund) that is funded by sources that include, but are not limited to, appropriations from I Liheslaturan Guåhan, federal grants, and private donations. The Board of Directors of the Guam Visitors Bureau shall, subject to the availability of funds, solicit for and receive grant applications and proposals from governmental and non-governmental organizations and shall, subject to the availability of funds, allocate the Grant Fund balances in each fiscal year to Categories One and Two as follows:

(a) Category One (the total funds allocated to Category One shall not exceed fifty percent (50%) of the Grant Fund balance and revenues available each fiscal year):

(1) the Department of Parks and Recreation;

(2) the Mayors' Council of Guam;

(3) individual Mayoral offices or Municipal Planning Councils;

(4) the Guam Environmental Protection Agency; or

(5) any other agency as determined by the Board.

(b) Category Two (the total funds allocated to Category Two shall not exceed fifty percent (50%) of the Grant Fund balance and revenues available each fiscal year):

(1) På'å Taotao Tåno';

(2) Historic Inalåhan Foundation;

(3) Pacific War Museum Foundation;

(4) Håya Cultural Preservation Foundation;

(5) Guam International Film Festival;

(6) Humåtak Foundation;

(7) Åmot Taotao Tåno';

(8) Huråo Academy, Inc.;

(9) Inetnon Gefpa'go Cultural Arts Program, Inc.;

(10) Humanities Guåhan;

(11) Guam Symphony Society;

(12) Guam Unique Merchandise and Arts (GUMA);

(13) Duk Duk Goose, Inc.;

(14) Ayuda Foundation;

(15) Traditions Affirming our Seafaring Ancestry (TASA);

(16) Traditions About Seafaring Islands (TASI);

(17) Guåfi, Inc.;

(18) University of Guam Press;

(19) Ulitao;

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(20) Micronesia Conservation Trust;

(21) Inadahen I Lina'la Kotturan CHamoru, Inc.; or

(22) any other non-profit organization as determined by the Board.

(c) The Guam Visitors Bureau shall adopt rules and regulations for the Guam Visitors Bureau Grant Awards Fund program prior to the implementation of the provisions of this Section in accordance with the Administrative Adjudication Law.

(d) Reporting Requirements. The Guam Visitors Bureau Board of Directors shall prepare a report with full statements of all funds received and expended out of the Grant Fund and shall transmit such report to the Speaker of I Liheslaturan Guåhan no later than thirty (30) days after the end of each fiscal year.

SOURCE: Added by P.L. 36-030:1 (June 11, 2021).

ARTICLE 2
TOURIST STAMP

§ 9201. Definitions.
§ 9202. Authorization to Issue Stamps.
§ 9203. Production and Marketing of Stamps.
§ 9204. Use of Funds.
§ 9205. Required Reports.

§ 9201. Definitions.

Unless the context otherwise requires, the following provisions shall govern the construction of this Article:

(a) "Tourist stamps" means paper devices which are gummed on one side and printed on the other and designed in such a manner that they may be affixed to the outside of the envelopes. The stamps shall be the same approximate dimensions as those of the Christmas or Easter Seals and may be issued in booklets or sheets in any denomination, and shall be printed on one side. Said printing shall consist of the Guam seal, a historic or scenic view of Guam and/or such other matter as the Board finds proper.

(b) "Board" means the Board of Directors of the Guam Visitors Bureau.

SOURCE: GC § 38100, as added by P.L. 13-197:1 (Oct. 21, 1976).

§ 9202. Authorization to Issue Stamps.

The Board is authorized to issue tourist stamps from time to time in such denominations and in such quantities as it finds advisable.

SOURCE: GC § 38100, as added by P.L. 13-197:1 (Oct. 21, 1976).

§ 9203. Production and Marketing of Stamps.

In accordance with the laws of Guam, the Board may enter into contracts for the production and marketing of tourist stamps.

SOURCE: GC § 38102, as added by P.L. 13-197:1 (Oct. 21, 1976).

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§ 9204. Use of Funds.

The net proceeds from the sale of tourist stamps shall be funds of the Guam Visitors Bureau for use in the promotion of tourism. Said funds shall be considered part of the Government's contribution to the Guam Visitors Bureau's annual operating budget.

SOURCE: GC § 38103, as added by P.L. 13-197:1 (Oct. 21, 1976).

§ 9205. Required Reports.

The Guam Visitors Bureau shall annually submit reports to I Maga'håga/Maga'låhi and to I Liheslatura of transactions within §§ 9202, 9203 and 9204 herein.

SOURCE: GC § 38104, as added by P.L. 13-197:1 (Oct. 21, 1976).

2026 NOTE: Reference to the "Governor" replaced with I Maga'håga/Maga'låhi pursuant to 5 GCA § 1510. Reference to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101.

ARTICLE 3
RAINY DAY FUND

SOURCE: Entire article added by P.L. 13-171:1 (Jul. 28, 1975). Repealed by P.L. 19-007:7 (Aug. 26, 1987). Added by P.L. 30-116:1(b) (Apr. 1, 2010).

§ 9301. Rainy Day Fund, Established.
§ 9302. Annual Deposit.
§ 9303. Use of Funds.
§ 9304. Access to Funds, Established.
§ 9305. Initial Deposit, Identified.
§ 9306. Annual Audit, Required.

§ 9301. Rainy Day Fund, Established.

There is hereby created, separate and apart from all other funds, the Guam Visitors Bureau "Rainy Day Fund" (Fund). The deposits into the Fund shall not be commingled with deposits received from the Tourist Attraction Fund for the operations, special projects, and any other appropriations made to the Guam Visitors Bureau, and shall be kept in a separate bank account. The bank account shall be established and maintained by the Guam Visitors Bureau, and its funds shall only be available for use as stipulated herein.

§ 9302. Annual Deposit.

An amount equal to one and one-half percent (1½%) of the adopted revenue projection of the Tourist Attraction Fund for each fiscal year, or Two Hundred Thousand Dollars ($200,000), whichever amount is greater, shall be set aside and allocated by the Department of Administration to the Guam Visitors Bureau for deposit into the Fund established by this Section. Each annual deposit shall be made over the course of the fiscal year as collections are received.

SOURCE: Added by P.L. 30-116:1(b) (Apr. 1, 2010), amended by P.L. 34-135:1 (Oct. 17, 2018).

§ 9303. Use of Funds.

The funds may be used to support identified activities to meet unforeseen or unanticipated challenges resulting from either a natural or man-made disaster that has occurred on Guam, or from external economic conditions that have severely affected Guam's ability to attract visitors.

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§ 9304. Access to Funds, Established.

Following the approval of a resolution by the Board of Directors of the Guam Visitors Bureau containing:

(a) a statement of facts that a natural or man-made disaster has occurred on Guam, or certain external economic conditions have been experienced;

(b) a recitation of the activities to be undertaken to mitigate the potential harm to Guam's tourism industry; and

(c) insufficient funds are available for such activities within the current fiscal year's operating budget; up to fifty percent (50%) of the Fund's balance may be made available to the Guam Visitors Bureau for each such occurrence. If the activities to be undertaken require funding greater than the amount available, the Guam Visitors Bureau shall immediately notify I Liheslaturan Guåhan of their need for additional funding assistance, and seek the approval of legislation to expend more than the fifty percent (50%) authorized herein.

§ 9305. Initial Deposit, Identified.

Notwithstanding the general provisions of Title 11, Guam Code Annotated, § 30107.1, and for the purposes of the initial deposit only, the funds contained in the Guam Visitors Bureau's Bank of Guam Certificate of Deposit shall constitute the deposits for Fiscal Year 2009 and Fiscal Year 2010.

§ 9306. Annual Audit, Required.

The Guam Visitors Bureau shall conduct an annual audit of the Fund to ensure compliance with all statutory regulations governing its deposits and expenditures.

ARTICLE 4
CULTURAL AND SPORTS AMBASSADORS FUND

SOURCE: Article 4 added by P.L. 33-010 (Apr. 1, 2015).

§ 9401. Legislative Statement.
§ 9402. Cultural and Sports Ambassadors Fund, Established.
§ 9403. Adoption of Rules and Regulations.

§ 9401. Legislative Statement.

(a) Cultural performers and athletes on Guam serve as integral components of Guam's tourism industry. Opportunities for cultural groups and sports teams to promote Guam's rich and unique culture abroad help to educate other communities about, and raise awareness of, our island as a safe, clean, and pleasant destination of choice. Cultural groups and sports teams continue to strengthen Guam's image abroad through their participation in regional and international fairs, competitions, and activities.

(b) It is, therefore, a policy of the government of Guam to identify and sustain a viable funding source to support opportunities for cultural organizations and sports teams to strengthen existing, and to attract new, visitor markets through their participation in activities that are duly approved by the Guam Visitors Bureau.

2015 NOTE: Subsection designations added pursuant to 1 GCA § 1606.

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§ 9402. Cultural and Sports Ambassadors Fund, Established.

(a) There is hereby created, separate and apart from all other funds, the Guam Visitors Bureau "Cultural and Sports Ambassadors Fund" (Fund). The Guam Visitors Bureau is hereby authorized to use Fund proceeds to provide grants for transportation expenses for off-island travel by cultural and sports ambassadors. Deposits into the Fund shall not be commingled with deposits received from the Tourist Attraction Fund for the operations, special projects, and any other appropriations made to the Guam Visitors Bureau, and shall be kept in a separate bank account. The bank account shall be established and maintained by the Guam Visitors Bureau, and its funds shall only be available for use as stipulated herein.

(b) Financial contributions may also be made to the Fund by participating businesses and organizations, as sponsors of cultural and sports ambassadors.

(c) Any unexpended balance of the Cultural and Sports Ambassadors Fund shall not revert to the Tourist Attraction Fund or any other fund, and shall be available until fully expended for the purposes described herein.

2015 NOTE: Subsection designations added pursuant to 1 GCA § 1606.

§ 9403. Adoption of Rules and Regulations.

(a) Within ninety (90) days following the enactment of this Act, the Guam Visitors Bureau shall adopt, pursuant to the requirements of the Administrative Adjudication Law, the rules and regulations necessary to effectuate the provisions herein, which shall include, but not be limited to: the definition of a cultural ambassador and a sports ambassador; the types of fairs, competitions, and activities to be authorized; a requirement that grants awarded to each ambassador not exceed fifty percent (50%) of transportation expenses; eligibility and selection criteria; and the requirement for cultural and sports ambassadors to complete community service hours as a condition for receiving public funds.

(b) In developing the required rules and regulations, the Guam Visitors Bureau may consider incorporating existing rules and regulations established for the "Off-Island Educational Training and Cultural Enhancement Fund," and the "Sports Fund for Off-Island Travel," as applicable and necessary. The rules and regulations shall ensure that Fund proceeds are used exclusively to support cultural groups sanctioned by the Guam Visitors Bureau, youth sports teams participating in nationally and internationally recognized competitions, and other sports teams that are acknowledged by a nationally or internationally recognized sports organization.

2015 NOTE: Subsection designations added pursuant to 1 GCA § 1606.

ARTICLE 5
GUAM VISITORS BUREAU REQUEST FOR INFORMATION; DEVELOPMENT OF A CRUISE SHIP INDUSTRY ON GUAM

SOURCE: Entire Article added by P.L. 34-075:2 (Feb. 9, 2018).

§ 9501. Request for Information.

§ 9501. Request for Information.

The Guam Visitors Bureau (GVB) shall develop and publish a Request for Information (RFI) for the purpose of soliciting and determining public interest and the desired direction that public policymakers may take relative to the development, management and operation of a cruise ship industry on Guam.

(a) [No text]

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(1) The information to be solicited shall include, at a minimum, but shall not be limited to:

(A) what is needed for Guam to develop, manage, and operate a cruise ship industry homeported at the Jose D. Leon Guerrero Commercial Port;

(B) what is needed for local cruise tourism support, including communications infrastructure, ground travel, cultural experiences, sports and nature experiences, site visits, entertainment, retail facilities, dining facilities, comfort facilities, and any other experience support needed for cruise passengers that dock on Guam;

(C) what is needed to engage a public/private collaboration in the renovations needed at the Jose D. Leon Guerrero Commercial Port in an area suitable for a cruise ship industry;

(D) what is needed to develop communication, collaboration, and organization between island governments, educational and cultural institutions, and private business and non-profit entities throughout Micronesia to collaborate on a Micronesia-wide cruise ship enterprise;

(E) information relative to needed funding and available funding from any resource, government and private, for the development of a cruise ship industry, and any of the related experiences passengers would have on Guam and throughout Micronesia;

(F) what is needed for success-monitoring of a Micronesia-wide cruise industry as it pertains to Guam;

(G) what is needed for training, marketing, safety and security, enhanced transportation, and tourism asset development within Guam to include a cruise ship industry within the current visitor industry; and

(H) what is needed to solicit interest from cruise ship lines with appropriate vessels for visiting throughout Micronesia to offer their services on a Micronesia cruise adventure.

(2) The publication of the RFI shall expressly state that it is being issued solely for the purpose of soliciting public information for planning purposes, does not constitute a Request for Proposal (RFP), and does not commit the government to contract for any supply or service.

(3) Respondents shall be advised that the government of Guam and/or GVB will not pay for any information received or administrative costs incurred in responding to this RFI.

(A) All costs experienced or associated with responding to this RFI will be incurred solely at the responding party's expense.

(B) Not responding to this RFI does not preclude participation in any future RFP, should there be one issued.

(C) All submissions to this RFI shall become the property of the government of Guam, subject to public review, and will not be returned.

(D) Any issues relating to intellectual property and copyright must be clarified by the respondent and clearly marked.

(b) Delivery Period/Dissemination. GVB shall publicly disseminate the RFI in a manner to solicit the broadest number of qualified interested respondents.

(1) Registries, direct mailings, and other methods, at a minimum, shall be utilized to maximize the potential number of responses to the RFI.

(2) GVB shall adhere to the following schedule:

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(A) within sixty (60) days from enactment of this legislation, develop and publish the Request for Information (RFI);

(B) provide for a fifteen (15) day question period, Saturday, Sunday, and government holidays excepted, commencing from the date of publication, for requested clarification(s) on the RFI from interested parties/potential respondents;

(C) provide for a thirty (30) day period, Saturday, Sunday, and government holidays excepted, after the close of the question period for submission to the RFI by respondents;

(D) compilation by GVB of all respondents and analysis ascertaining the strength and weakness of each RFI submission by respondents;

(E) transmittal of the RFI compilation/analysis from GVB to I Maga'låhen Guåhan and I Liheslaturan Guåhan no more than thirty (30) days after the receipt of information to the RFI; and

(F) a GVB board resolution indicating the Bureau's clear strategic plans and policy recommendations to either move forward or to suspend any further efforts in developing a cruise ship industry on Guam.

2026 NOTE: Reference to "J. D. Leon Guerrero Commercial Port of Guam" replaced with "Jose D. Leon Guerrero Commercial Port" pursuant to 1 GCA § 835. The Compiler has added "no text" to indicate a change in formatting only; the content of the provision has not been altered.

2018 NOTE: Subsection designations added/altered pursuant to the authority granted by § 1606.

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