

**I MINA 'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session**

**Bill No. 378 (EC)
Introduced by:**

**R.J. RESPICIO
J.P. GUTHERTZ
B.J.F. CRUZ
T.R. MUÑA BARNES
A.B. PALACIOS, SR.
v.c. pangelinan
D.L.G. SHIMIZU
J.T. WON PAT (15)**

AN ACT TO ADD A NEW TITLE 1 GUAM CODE ANNOTATED CHAPTER 23, RELATIVE TO CREATING *KUMISION GUÅHAN FINE'NANA* (THE GUAM FIRST COMMISSION) ON THE MILITARY MISSION IN GUAM, AND TO *AMEND* TITLE 4 GUAM CODE ANNOTATED CHAPTER 2 § 2105 RELATIVE TO REPRESENTATION OF SEXES ON BOARDS AND COMMISSIONS.

2008 NOV 13 PM 3:54



BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Statement of Legislative Findings and Intent. *I Mina'Bente*

Nuebi Na Liheslaturan Guåhan finds that the people of Guam have valid concerns about our island's ongoing military buildup. Although the U.S. military presence makes a significant contribution to our island's economy and the military presence is a major factor in Guam's economic growth, *I Liheslatura* also recognizes that serious concerns continue to plague our island's relationship with the Federal Government. These concerns include, but are not limited to, political status, ancestral lands, the right of the Chamorro people to self-determination, cleanup of environmental hazards,

1 unexplained high incidences of serious health problems that may be
2 related to military activity, and immigration.

3 *I Liheslatura* finds that our island's ideal location in the Asia-Pacific
4 area is both its blessing and its curse. Positioned as we are within a few
5 hours flying time from nearly two-thirds of the world's population, Guam
6 will forever be a desirable spot for both military interests and tourism.

7 Guam's visitor industry is the island's largest employer and our most
8 important economic engine. Of no surprise to most is that the Federal
9 Government is the second most important contributor to our economy and
10 the U.S. military has long recognized Guam's strategic global position.

11 There is no question that Guam has great value to the Department of
12 Defense, and the ongoing military buildup in Guam is an important part of
13 their global strategy. There is also no question that the Congress holds the
14 purse strings of the U.S. Armed Forces, and before the buildup can
15 continue in earnest, funding of projects in Guam must receive
16 Congressional approval.

17 Although the military classifies its bases in Guam as "overseas," our
18 island is part of the United States and we are American citizens carrying
19 U.S. passports. Guam is an American community and at the very least, we
20 deserve to be treated in the same manner as any other American
21 community that cohabits an area with military interests.

22 *I Liheslatura* has determined that as the U.S. military buildup in Guam
23 continues, it is in the people of Guam's interest to have a unified front
24 when we bring our serious concerns to the forefront in talks with Congress
25 and the Department of Defense. Guam must speak with one voice when it
26 deals with representatives of the Federal Government in order to properly
27 and more effectively coordinate policies affecting or related to Guam's
28 political, social, economic, environmental, and infrastructural concerns on
29 an ongoing basis.

1 Guam's people and government must have the goal of developing
2 strategies to first reach greater mutual understanding and then to achieve
3 measurable results on those concerns that directly affect the Chamorro
4 people.

5 It is the intent of *I Liheslatura* that these goals are directly addressed
6 and solutions are developed by adopting a "Team Guam" approach to
7 issues regarding federal-local relations and the military mission in Guam.

8 It is additionally the intent of *I Liheslatura* to establish in law a
9 commission to assume the duties of the Governor's Civilian-Military Task
10 Force created in Executive Order No. 2006-10, and to refine and deliver the
11 "Team Guam" message that puts the needs of Guam first in coordinating
12 all aspects of government and private sector efforts to achieve the best
13 results possible for the people of Guam.

14 **Section 2. Creation of the *Kumision Guåhan Fine'nana* on the**
15 **Military Mission in Guam.** A new Chapter 23 is added to Title 1 Guam
16 Code Annotated to read:

17 **"Chapter 23**

18 ***Kumision Guåhan Fine'nana* on the Military Mission in Guam**

19 **§ 2301. Creation of the *Kumision Guåhan Fine'nana* on the**
20 **Military Mission in Guam.**

21 **§ 2302. Membership of the *Kumision*.**

22 **§ 2303. Eligibility; Term of Service.**

23 **§ 2304. Vice Chairperson; Subcommittees.**

24 **§ 2305. Goals and Purposes of the *Kumision*.**

25 **§ 2306. Quorum; Voting.**

26 **§ 2307. Coordination of Activities; Technical and Staff**
27 **Support.**

28 **§ 2301. Creation of the *Kumision Guåhan Fine'nana* on the**
29 **Military Mission in Guam.** There is hereby established a "*Kumision*

1 *Guåhan Fine'nana* ("Guam First Commission") on the Military
2 Mission in Guam" (the "*Kumision*"). The *Kumision* shall replace and
3 assume the duties of the Governor's Civilian-Military Task Force
4 created in Executive Order No. 2006-10.

5 **§ 2302. Membership of the *Kumision*.** The *Kumision* shall be
6 composed of fifteen (15) voting members and three (3) ex-officio non-
7 voting members:

8 (a) *I Maga'Lahi* shall serve as Chairperson of the *Kumision*;

9 (b) Four (4) members of the *Kumision* shall be appointed
10 by *I Maga'Lahi*, of which one (1) shall be a member of the Guam
11 Chamber of Commerce; one (1) shall be a member of a
12 Chamorro rights organization who has been selected by the
13 combined memberships of the various organizations; one (1)
14 shall be a senior citizen who is not an employee of the
15 Government of Guam or the Federal Government at any time
16 during his tenure on the *Kumision*, and one (1) shall be a
17 member of the general public who is not an employee of the
18 Government of Guam or the Federal Government at any time
19 during his tenure on the *Kumision*.

20 (c) Four (4) members shall represent the Legislature, of
21 which one (1) shall be a member of and be selected by, the
22 Legislature's minority; one (1) member shall be the Chairperson
23 of the standing committee with specific jurisdiction over
24 Federal Affairs; one (1) member shall be the Chairperson of the
25 standing committee with specific jurisdiction over Military
26 Affairs; and one (1) member shall be appointed by the Speaker,
27 who may appoint himself;

28 (d) One (1) member shall be appointed by the Mayors
29 Council from among the membership of the Mayors Council;

1 (e) One (1) member shall be appointed by the Chief
2 Justice of the Supreme Court of Guam, who may appoint
3 himself;

4 (f) One (1) member to represent the youth of Guam shall
5 be appointed from among the qualified members of the Guam
6 Youth Congress by the Speaker of the Youth Congress, who
7 may appoint himself;

8 (g) One (1) member to represent *Fuetsan Famalao'an* shall
9 be selected by the organization from among its membership;

10 (h) The Administrator of the Guam Economic
11 Development and Commerce Authority or his designee shall be
12 a member of the *Kumision*;

13 (i) The General Manager of the Guam Visitors Bureau or
14 his designee shall be a member of the *Kumision*;

15 (j) Guam's Delegate to the United States Congress shall be
16 an ex-officio non-voting member;

17 (k) The Chairperson of the Consolidated Commission on
18 Utilities shall be an ex-officio non-voting member;

19 (l) The Adjutant General of the Guam National Guard
20 shall be an ex-officio non-voting member.

21 **§ 2303. Eligibility; Term of Service.** No person shall be eligible
22 to serve as a member of the *Kumision* unless he or she shall be a
23 citizen of the United States qualified to vote in Guam.

24 Members shall serve so long as they retain the positions they
25 occupy or are members of the groups they represented when they
26 were appointed. The term of any non-elected member appointed by
27 the Governor or serving as a designee shall expire with the term of
28 the appointing authority except that any non-elected member
29 appointed by the Governor or serving as a designee who is not

1 present at three consecutive meetings, and whose absences are
2 unexcused, shall no longer be eligible to serve, and the appointing or
3 designating authority shall name a replacement. Vacancies in
4 membership shall be filled in the same manner as the original
5 appointment.

6 **§ 2304. Vice-Chairperson; Subcommittees.** The *Kumision* shall
7 choose a vice-chairperson from among the voting members of the
8 *Kumision*. The *Kumision* may form subcommittees as necessary at its
9 own discretion. A member of the *Kumision* shall chair each
10 subcommittee.

11 **§ 2305. Goals and Purposes of the *Kumision*.** The *Kumision*
12 shall have the following purposes:

13 (a) The formation of a “Team Guam” approach in all
14 dealings with the Congress of the United States and the
15 Department of Defense relative to the military buildup and
16 relations with the Armed Forces.

17 (b) Development of a plan that envisions Guam fifteen
18 (15) years and more into the future. The plan should take into
19 account the needed and necessary construction, upgrades and
20 expansion of Guam’s economy, infrastructure and government
21 services. The plan shall include positions for negotiation,
22 discussion and resolution with the Federal Government on
23 Federal and local issues that the *Kumision* determines are of
24 significant concern, including, but not limited to, the following:

- 25 (1) Political status;
- 26 (2) Return of ancestral lands;
- 27 (3) Chamorro self-determination;
- 28 (4) Cleanup of environmental hazards;

- 1 (5) Investigation of serious health problems
- 2 possibly related to federal activity;
- 3 (6) Immigration policies and controls;
- 4 (7) Section 30 and Compact Impact funding;
- 5 (8) Mass transit and public transportation;
- 6 (9) Utilities and telecommunications;
- 7 (10) Public education;
- 8 (11) Public health;
- 9 (12) Public safety and homeland security;
- 10 (13) Protecting the environment;
- 11 (14) Economic development;
- 12 (15) War reparations.

13 (c) Conducting local scoping hearings and town meetings
14 on each aspect of the military buildup.

15 (d) Meeting with Federal officials and representatives and
16 serving as the focal point for all discussions with the Federal
17 Government on the military buildup.

18 (e) Seeking Federal funding and grants-in-aid to achieve
19 the goals and objectives of the *Kumision*.

20 **§ 2306. Quorum; Voting.** Eight (8) members of the Kumision
21 shall be required for a quorum. No meetings shall be held if a
22 quorum is not present. Eight (8) affirmative votes are required for
23 passage of any *Kumision* motion or resolution.

24 **§ 2307. Coordination of Activities; Technical and Staff**
25 **Support.** All Government of Guam departments and agencies shall
26 extend their full cooperation to the *Kumision*, and shall coordinate
27 activities associated with the military buildup with the Kumision.

28 The Governor's Civilian-Military Task Force created in
29 Executive Order No. 2006-10, along with the Guam Economic

1 Development and Commerce Authority and the Bureau of Statistics
2 and Plans, shall provide technical and staff support to the *Kumision*."

3 **Section 3. Title 4 Guam Code Annotated Chapter 2 § 2105 is**
4 *amended to read:*

5 "§ 2105. **Same: Representation of Sexes.** Each board or
6 commission, of which at least four (4) members ~~the members of~~
7 ~~which~~ are appointed by the Governor, shall include at least two (2)
8 members from each sex."

9 **Section 4. Effective Date.** The provisions of this Act shall take effect
10 upon enactment into law.

o