

FILE COPY

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

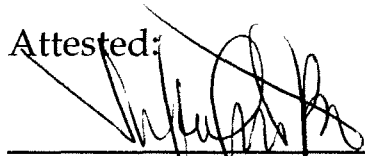
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÁHAN

This is to certify that **Bill No. 378 (EC)**, "AN ACT TO ADD A NEW CHAPTER 23 TO TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO CREATING *I KUMISION GUÁHAN FINE'NANA* (THE GUAM FIRST COMMISSION) ON THE MILITARY MISSION IN GUAM; AND TO *AMEND* §2105 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REPRESENTATION OF BOTH GENDERS ON BOARDS AND COMMISSIONS," was on the 21st day of November, 2008, duly and regularly passed.



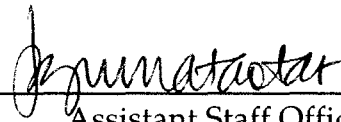
**Judith T. Won Pat, Ed. D.
Speaker**

Attested:



**Tina Rose Muña Barnes
Senator and Secretary of the Legislature**

This Act was received by *I Maga'lahaen Guáhan* this 25 day of Nov, 2008, at 9:41 o'clock A.M.



**Assistant Staff Officer
Maga'laha's Office**

APPROVED:

**FELIX P. CAMACHO
*I Maga'lahaen Guáhan***

Date: _____

Public Law No. _____

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

Bill No. 378 (EC)

As amended on the Floor.

Introduced by:

R. J. Respicio
Judith P. Guthertz, DPA
B. J.F. Cruz
Tina Rose Muña Barnes
A. B. Palacios, Sr.
v. c. pangelinan
Dr. David L.G. Shimizu
J. T. Won Pat, Ed. D.
Frank F. Blas, Jr.
Edward J.B. Calvo
James V. Espaldon
Mark Forbes
Frank T. Ishizaki
J. A. Lujan
Ray Tenorio

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

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Statement of Legislative Findings and Intent.** *I Liheslaturan*
3 *Guåhan* finds that the people of Guam have valid concerns about our island's
4 ongoing military buildup. Although the U.S. military presence makes a significant
5 contribution to our island's economy and the military presence is a major factor in

1 Guam's economic growth, *I Liheslatura* also recognizes that serious concerns
2 continue to plague our island's relationship with the Federal Government. These
3 concerns include, but are *not limited to*, political status, ancestral lands, the right of
4 the *Chamorro* people to self-determination, cleanup of environmental hazards,
5 unexplained high incidences of serious health problems that may be related to
6 military activity, and immigration.

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

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

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

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

25 *I Liheslatura* has determined that, as the U.S. military buildup in Guam
26 continues, it is in the people of Guam's interest to have a unified front when we
27 bring our serious concerns to the forefront in talks with Congress and the

1 Department of Defense. Guam must speak with one voice when it deals with
2 representatives of the Federal Government in order to properly and more
3 effectively coordinate policies affecting *or* related to Guam’s political, social,
4 economic, environmental, and infrastructural concerns on an ongoing basis.

5 Guam’s people and government must have the goal of developing strategies
6 to first reach greater mutual understanding and then to achieve measurable results
7 on those concerns that directly affect the *Chamorro* people.

8 It is the intent of *I Liheslatura* that these goals are directly addressed and
9 solutions are developed by adopting a “Team Guam” approach to issues regarding
10 federal-local relations and the military mission in Guam.

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

16 **Section 2. Creation of *I Kumision Guâhan Fine’nana* on the Military**
17 **Mission in Guam.** A new Chapter 23 is *added* to Title 1, Guam Code Annotated,
18 to read:

19 **“Chapter 23**

20 ***Kumision Guâhan Fine’nana* on the Military Mission in Guam**

21 **§2301. Creation of *I Kumision Guâhan Fine’nana* on the Military**
22 **Mission in Guam.**

23 **§2302. Membership of *I Kumision*.**

24 **§2303. Eligibility; Term of Service.**

25 **§2304. Vice Chairperson; Subcommittees.**

26 **§2305. Goals and Purposes of *I Kumision*.**

27 **§2306. Quorum; Voting.**

1 **§2307. Coordination of Activities; Technical and Staff Support.**

2 **§2301. Creation of *I Kumision Guåhan Fine'nana* on the Military**
3 **Mission in Guam.** There is hereby established a “*Kumision Guåhan*
4 *Fine'nana* (Guam First Commission) on the Military Mission in Guam” (the
5 *Kumision*). The *Kumision shall* replace and assume the duties of *I*
6 *Maga'lahi's* Civilian-Military Task Force (CMTF) created in Executive
7 Order No. 2006-10 and restructured by Executive Order 2008-09; the role
8 and duties of the Guam Buildup Office (GBO), also established by
9 Executive Order 2008-09; and those duties as further directed by this Act.

10 Among other things, the *Kumision shall*: (a) Be the government of
11 Guam's single point of contact for the military expansion;

12 (b) Act as Guam's local counterpart to the Joint Guam Program
13 Office (JGPO). All JGPO interaction with the government of Guam *shall*
14 originate from the *Kumision*, subject to the laws of Guam;

15 (c) The *Kumision* is also tasked with monitoring all federal and
16 international activities relative to the military expansion and providing all
17 relevant information to *I Maga'lahi'* and *I Liheslatura*. The *Kumision* will
18 be the initial contact point for public information, official requests, and any
19 other inquiries regarding the buildup;

20 (d) The *Kumision* will serve as program oversight office for the
21 Guam Buildup planning and implementation;

22 (e) The *Kumision* may manage all operational and administrative
23 support functions for CMTF relative to the buildup as necessary;

24 (f) The *Kumision* will serve as the central clearinghouse for all
25 communications and policy directives relative to the buildup, providing
26 policy synchronization, oversight, and integration planning for the Guam
27 Buildup; and

1 (g) The *Kumision shall* monitor all policies, plans and activities
2 relative to the buildup from the U. S. Federal Government, U.S. Congress,
3 DOD, the local government, *I Liheslatura* (Legislature), *or* any other
4 organization regarding all relevant developments relative to the Guam
5 Buildup.

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

9 (a) *I Maga'lahi shall* serve as Chairperson of the *Kumision*;

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

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

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

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

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

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

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

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

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

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

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

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

25 Members *shall* serve so long as they retain the positions they occupy
26 *or* are members of the groups they represented when they were appointed.
27 The term of any non-elected member appointed by *I Maga'lahi* *or* serving as

1 a designee *shall* expire with the term of the appointing authority *except* that
2 any non-elected member appointed by *I Maga'lahi* or serving as a designee
3 who is *not* present at three (3) consecutive meetings, and whose absences are
4 unexcused, *shall* no longer be eligible to serve, and the appointing *or*
5 designating authority *shall* name a replacement. Vacancies in membership
6 *shall* be filled in the same manner as the original appointment.

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

11 **§2305. Goals and Purposes of *I Kumision*.** The *Kumision shall*
12 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 Department of
15 Defense relative to the military buildup and relations with the Armed
16 Forces.

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

- 25 (1) Political status;
- 26 (2) Return of ancestral lands;
- 27 (3) *Chamorro* self-determination;

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

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

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

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

21 (f) To participate in the procurement process, to include, but
22 *not be limited to*, the development of scope of work, the selection and
23 evaluation process, and to provide *I Maga'lahaen Guahan* with a
24 recommendation for an award of contract with any procurement by
25 the government of Guam associated with the military buildup.

26 **§2306. Quorum; Voting.** Eight (8) members of the *Kumision shall*
27 be required for a quorum. *No meetings shall be held if a quorum is not*

1 present. Eight (8) affirmative votes are required for passage of any
2 *Kumision* motion *or* resolution.

3 **§2307. Coordination of Activities; Technical and Staff Support.**

4 All government of Guam departments and agencies *shall* extend their full
5 cooperation to the *Kumision*, and *shall* coordinate activities associated with
6 the military buildup with the *Kumision*.

7 The members of *I Maga'lahi's* Civilian-Military Task Force created
8 in Executive Order No. 2006-10 and amended by Executive Order No. 2008-
9 09, along with the Guam Economic Development and Commerce Authority,
10 the Bureau of Statistics and Plans, and the staff of the GBO originally
11 established in the Governor's Office by Executive Order No. 2008-09, *shall*
12 provide technical and staff support to the *Kumision*."

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

15 **"§2105. Same: Representation of Both Genders on Boards.** Each
16 Board *or* Commission, of which at least four (4) members are appointed by *I*
17 *Maga'lahi*, *shall* include at least two (2) members from each gender."

18 **Section 4. Effective Date.** The provisions of this Act *shall* take effect
19 upon enactment into Law.