

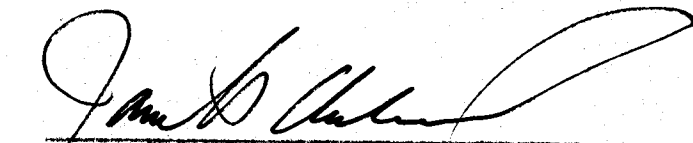
FIFTEENTH GUAM LEGISLATURE
1980 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 417, "An Act to create the Commission on Self-Determination for the people of Guam and to appropriate the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) to carry out the activities of the Commission", was on the 8th day of May 1980, duly and regularly passed.


THOMAS V. C. TANAKA
Speaker

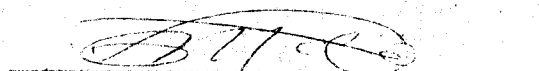
ATTESTED:


JAMES H. UNDERWOOD
Legislative Secretary

This Act was received by the Governor this 20th day of May, 1980, at 3:30 o'clock P..M.


SHERRA L. FRANCISCO
Assistant Staff Officer
Governor's Staff

APPROVED:


PAUL M. CALVO
Governor of Guam

DATED: 5/3/80 9:20 A.M.
P.L. 15-128

FIFTEENTH GUAM LEGISLATURE
1980 (SECOND) Regular Session

Bill No. 417
(As Substituted by
the Committee on
Territorial-Federal
Affairs)

Introduced by

E. R. Duenas
A. M. Palomo
R. F. Taitano
T. V. C. Tanaka
C. A. Kasperbauer
C. C. Bamba
P. F. Perez, Jr.
E. M. Espaldon
F. F. Blas
A. R. Unpingco
A. C. Lamorena III
B. M. Palomo
R. Q. Sudo
J. T. San Agustin

AN ACT TO CREATE THE COMMISSION ON SELF-
DETERMINATION FOR THE PEOPLE OF GUAM AND
TO APPROPRIATE THE SUM OF ONE HUNDRED
FIFTY THOUSAND DOLLARS (\$150,000.00) TO
CARRY OUT THE ACTIVITIES OF THE COMMISSION.

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

2 Section 1. A new Chapter XII is added to Title II of the
3 Government Code to read:

4 "CHAPTER XII

5 Commission on Self-Determination

6 for the People of Guam

7 Section 1960. Statement of Legislative Purpose.

8 Noting that the unincorporated territory of Guam is the
9 only organized government in the Western Pacific whose
10 political status has remained unchanged for the last
11 thirty years, finding that the people of Guam demand
12 a mechanism whereby the status of their government
13 vis-a-vis the United States and the rest of the world
14 be redefined, and acknowledging that past attempts to

1 change the status of the territory by means of
2 constitutional conventions have failed because the
3 views of the people of Guam were not sought prior to
4 the initiation of such proposed constitution, the
5 Legislature declares that the time has come for the
6 people of Guam to choose their future political
7 status and then, having made such choice, to actively
8 seek the same from the Congress of the United States.
9 The purpose of this Chapter is to establish a
10 Commission on Self-Determination for the people of
11 Guam empowered to so ascertain the will of the
12 people of Guam and to thereafter represent them in
13 manifesting such will to the Congress and to the
14 government of the United States.

15 Section 1961. There is established a Commission
16 on Self-Determination for the people of Guam which
17 shall be composed of eleven (11) members including
18 the Chairman. The Governor shall serve as Chairman
19 of the Commission. Five (5) members of the Commission
20 shall be appointed by the Governor, at least three (3)
21 of which shall be from the private section in the
22 community of Guam; three (3) members shall be appointed
23 by the Speaker; and two (2) members shall be appointed
24 by the Commissioners Council. No person shall be
25 eligible to serve as a member of the Commission unless
26 he or she shall be a citizen of the United States
27 qualified to vote on Guam. Members (except for the
28 Chairman) shall serve throughout the life of the
29 Commission and shall elect from among themselves a
30 Vice-Chairman who shall serve as Chairman in the
31 absence of the Governor. Vacancies in the membership

1 shall be filled in the same manner as the original
2 appointment.

3 Section 1962. The general purpose of the
4 Commission is to ascertain the desire of the people
5 of Guam as to their future political relationship
6 with the United States of America. Once the desire
7 of the people of Guam is ascertained, the Commission
8 shall be the primary advocate in the government of
9 Guam for the relationship that the people of Guam
10 desire with the United States.

11 Section 1963. The Commission shall appoint
12 one (1) Task Force composed of seven (7) advocates
13 of Statehood for the territory of Guam. The Task
14 Force shall draw upon the resources of the Commission
15 and conduct an extensive study on the consequences of
16 Statehood for Guam. The Task Force shall prepare a
17 position paper which presents well reasoned advocacy
18 for Statehood. The Task Force shall advise the
19 Commission as to the feasibility of Statehood within
20 the immediate or foreseeable future. The Task Force
21 shall assist the Commission in preparing a public
22 education program on the consequences of Statehood.

23 Section 1964. The Commission shall appoint one
24 (1) Task Force composed of seven (7) advocates of
25 Independence or Free Association with the United
26 States for the territory of Guam. The Task Force shall
27 draw upon the resources of the Commission and conduct
28 an extensive study on the consequences of Independence
29 or Free Association for Guam. The Task Force shall
30 prepare a position paper which presents well reasoned
31 advocacy for Independence or Free Association. The

1 Task Force shall advise the Commission as to the
2 feasibility of Independence or Free Association within
3 the immediate or foreseeable future. The Task Force
4 shall assist the Commission in preparing a public
5 education program on the consequences of Independence
6 or Free Association.

7 Section 1965. The Commission shall appoint one
8 (1) Task Force composed of seven (7) advocates of
9 Incorporated Territorial Status with the United States
10 for the territory of Guam. The Task Force shall draw
11 upon the resources of the Commission and conduct an
12 extensive study on the consequences of Incorporated
13 Territorial Status for Guam. The Task Force shall
14 prepare a position paper which presents well reasoned
15 advocacy for Incorporated Territorial Status. The
16 Task Force shall advise the Commission as to the
17 feasibility of Incorporated Territorial Status. The
18 Task Force shall advise the Commission as to the
19 feasibility of Incorporated Status within the immediate
20 or foreseeable future. The Task Force shall assist
21 the Commission in preparing a public education program
22 on the consequences of the Incorporated Territorial
23 Status.

24 Section 1966. The Commission shall appoint one
25 (1) Task Force composed of seven (7) advocates of
26 Commonwealth Status with the United States for the
27 territory of Guam. The Task Force shall draw upon
28 the resources of the Commission and conduct an
29 extensive study on the consequences of Commonwealth
30 Status for Guam. The Task Force shall prepare a
31 position paper which presents well reasoned advocacy

1 for Commonwealth Status. The Task Force shall advise
2 the Commission as to the feasibility of Commonwealth
3 Status within the immediate or foreseeable future. The
4 Task Force shall assist the Commission in preparing
5 a public education program on the consequences of
6 Commonwealth Status.

7 Section 1967. The Commission shall appoint one
8 (1) Task Force composed of seven (7) advocates of a
9 continuation of Guam's current relationship with the
10 United States. The Task Force shall draw upon the
11 resources of the Commission and conduct an extensive
12 study on the consequences of continuing the Status
13 Quo. The Task Force shall prepare a position paper
14 which presents well reasoned advocacy for continuation
15 of Guam's current relationship with the United States.
16 The Task Force shall assist the Commission in preparing
17 a public education program on the consequences of the
18 continuation of Guam's current relationship with the
19 United States.

20 Section 1968. The Commission shall prepare a
21 proposed Territorial-Federal Relations Act which
22 addresses immediate concerns on or before January 1,
23 1981.

24 Section 1969. Following public input, a final
25 draft of the Act shall be completed on or before June
26 1, 1981, such document reflecting the views of the
27 people of Guam. A referendum on the proposed Act
28 shall be held on September 12, 1981.

29 Section 1970. The Commission shall retain the
30 services of at least five (5) experienced researchers
31 so that at least one (1) researcher may be assigned

1 to each Task Force to assist the Task Force in its
2 research and preparation of its position paper. Such
3 other clerical and administrative help as is necessary
4 may be retained by the Commission.

5 Section 1971. No later than ten (10) months
6 after the appointment of the five (5) Task Forces,
7 each Task Force shall present its position paper to the
8 Commission. The Commission shall prepare an educational
9 program based on the position papers presented by each
10 Task Force.

11 Section 1972. On September 12, 1981, the Guam
12 Election Commission shall conduct a plebiscite at which
13 the following question shall be asked:

14 'As the ultimate goal of the territory of Guam,
15 do you favor:

- 16 1. Statehood ()
17 2. Independence ()
18 3. Free Association ()
19 4. Territorial Status with the
20 United States ()
21 5. Commonwealth Status with the
22 United States ()
23 6. Status Quo ()
24 7. Other (specify) _____ () ?'

25 Section 1973. If no one political status proposal
26 receives majority of the votes cast in the above
27 plebiscite, a run-off plebiscite shall be held sixty
28 (60) days from the date thereof between the two status
29 proposals receiving the highest number of votes.

30 Section 1974. After the results of the plebiscite
31 are made known, the Commission shall reduce the desires

1 of the people of Guam to a written covenant, if
2 necessary, to be submitted to the Congress of the United
3 States as the manifest will of the people of Guam on
4 the question of their relationship with the government
5 of the United States of America. The Commission shall
6 represent the people of Guam in negotiating with the
7 Congress of the United States the implementation of such
8 covenant.

9 Section 1975. General Powers. The Commission
10 shall have, and may exercise, the following general
11 powers in carrying on the activities specified in this
12 Chapter:

13 (a) To acquire, in any lawful manner, any
14 property real, personal, mixed, tangible or intangible -
15 to hold, maintain, use and operate the same; and to
16 sell, lease, or otherwise dispose of the same, whenever
17 any of the foregoing transactions are deemed necessary
18 or appropriate to the conduct of the activities
19 authorized by this Chapter, and on such terms as may
20 be prescribed by the Commission.

21 (b) To enter into and perform such contracts,
22 leases, cooperative agreements or other transactions
23 with any person, firm, association, corporation, or
24 any agency or instrumentality of the government of
25 Guam or of the United States or of any state, territory
26 or nation, or any political subdivision thereof, as
27 may be deemed necessary or appropriate to the conduct
28 of the activities authorized by this Chapter, and on
29 such terms as may be prescribed by the Commission.

30 (c) To execute all instruments necessary or
31 appropriate in the exercise of any of its functions.

1 (d) To appoint, without regard to the provisions
2 of the Personnel and Compensation Laws, such officers,
3 agents, attorneys, consultants, and employees as may
4 be necessary for the conduct of the business of the
5 Commission; delegate them such powers and to prescribe
6 for them such duties as may be deemed appropriate by
7 the Commission; to fix and pay such compensation to
8 them for their services as the Commission may determine,
9 without regard to the provisions of the Personnel and
10 Compensation Laws. In the appointment of officials
11 and the selection of employees, agents and consultants
12 for the Commission, no political test or qualification
13 shall be permitted or given consideration, but all
14 such appointments shall be given and made on the basis
15 of merit and knowledge. The Commission shall give due
16 consideration to residents of Guam in the selection of
17 its officials, attorneys, agents, consultants and
18 employees.

19 (e) To accept gifts or donations of services, or
20 of property - real, personal, or mixed, tangible or
21 intangible - in aid of any of the activities authorized
22 by this Chapter.

23 (f) To adopt rules and regulations governing
24 operations of the Commission and to take such other
25 action as may be necessary or appropriate to carry out
26 the powers and duties herein specified or hereafter
27 granted to or imposed upon it.

28 Section 1976. The Micronesian Area Research Center
29 shall be the depository of all records and materials
30 pertaining to political status of the territory of
31 Guam. The Commission shall transfer all of its official

1 documents to the Center upon completion of its work."

2 Section 2. The sum of One Hundred Fifty Thousand Dollars
3 (\$150,000.00) is appropriated from the General Fund to the
4 Commission on Self-Determination for the people of Guam created
5 by this Act for the purpose of carrying out the activities as
6 authorized by this Act.

7 Section 3. The appropriation made in Section 2 of this
8 Act shall be administered and authorized to be expended by the
9 Commission on Self-Determination for the people of Guam in
10 accordance with its rules. Notwithstanding any other provision
11 of law, the certifying officer with respect to such appropriation
12 shall be designated by the Chairman of the Commission.

Date 5-8-80

15TH GUAM LEGISLATURE

VOTING RECORD

BILL/RESOLUTION NO. 417

MAIN SPONSOR ERP

SENATOR	AYE	NAY	NOT VOTING	ABSENT
AGUON, Katherine B.				
BAMBA, Cecilia C.	✓			
BLAS, Frank F.	✓			
CHARFAUROS, Edward T.		✓		
CRISOSTOMO, Thomas C.		✓		
DUENAS, Edward R.	✓			
ESPALDON, Ernesto M.	✓			
KASPERBAUER, Carmen A.	✓			
LAMORENA, Alberto C., III	✓			
PALOMO, Antonio M.	✓			
PALOMO, Benigno M.	✓			
PEREZ, Peter, Jr.	✓			
QUAN, John F.	✓			
QUITUGUA, Franklin J.	✓			
SAN AGUSTIN, Joe T.		✓		
SANTOS, Francisco R.	✓			
SUDO, Ramon Q.	✓			
TAITANO, Richard F.	✓			
TANAKA, Thomas V. C.	✓			
UNDERWOOD, James H.		✓		
UNPINGCO, Antonio R.	✓			
TOTAL	15	16	4	0