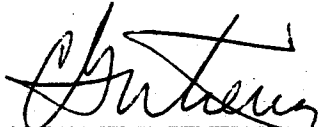


SEVENTEENTH GUAM LEGISLATURE
1984 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 100, "AN ACT TO AMEND SECTIONS 1960, 1961, 1962, 1974, 1975 AND 1976 AND TO REPEAL SECTIONS 1964 THROUGH 1973, CONSECUTIVELY, TO REPEAL SECTION 1977, AND TO ADD NEW SECTIONS 1964, 1965, AND 1966, ALL TO CHAPTER 12 OF TITLE II OF THE GOVERNMENT CODE RELATIVE TO UPDATING THE FUNCTION OF THE COMMISSION ON SELF-DETERMINATION," was on the 10th day of January, 1984, duly and regularly passed.



CARL T. C. GUTIERREZ
Speaker

Attested:



ELIZABETH P. ARRIOLA
Senator and Legislative Secretary

This Act was received by the Governor this _____ day of 10th January 1984, at 9:15 o'clock P.m.



Assistant Staff Officer
Governor's Office

APPROVED:



RICARDO J. BORDALLO
Governor of Guam

Date: January 13, 1984 (2:07 pm.)

Public Law No. 17-42

SEVENTEENTH GUAM LEGISLATURE
1983 (FIRST) Regular Session

Bill No. 100
Substitute

Introduced by:

E. D. Ramsey
C. T. C. Gutierrez

AN ACT TO AMEND SECTIONS 1960, 1961, 1962, 1974, 1975 AND 1976 AND TO REPEAL SECTIONS 1964 THROUGH 1973, CONSECUTIVELY, TO REPEAL SECTION 1977, AND TO ADD NEW SECTIONS 1964, 1965, AND 1966, ALL TO CHAPTER 12 OF TITLE II OF THE GOVERNMENT CODE RELATIVE TO UPDATING THE FUNCTION OF THE COMMISSION ON SELF-DETERMINATION.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. Section 1960 of the Government Code is amended to read:
3 "§1960. Statement of Legislative purpose. Noting that the
4 unincorporated territory of Guam is the only organized Government in
5 the West Pacific whose political status has remained unchanged for the
6 last thirty (30) years, finding that the people of Guam demand a
7 mechanism whereby the status of their government vis-a-vis the United
8 States and the rest of the world be redefined, and acknowledging that
9 the past attempts to change the status of the territory by means of
10 constitutional conventions have failed because the views of the people
11 of Guam were not sought prior to the initiation of such proposed
12 constitution, the Legislature declares that the time has come for the
13 people of Guam to actively seek commonwealth status for the territory
14 from the Congress of the United States. The purpose of this Chapter
15 is to establish a Commission on Self Determination for the people of
16 Guam empowered to represent them in manifesting the desires of the
17 people of Guam as expressed in the plebiscite of November 2, 1982 in
18 which the status of commonwealth was the choice of the people to the
19 Congress and to the government of the United States, and a further

1 purpose of this Chapter is to establish guidelines and procedures by
2 which the commonwealth status may be achieved.

3 Section 2. Section 1961 of the Government Code is amended to read:

4 "§1961. There is established a Commission on Self Determination
5 for the people of Guam which shall be composed of eight (8) members
6 including the Chairperson. The Governor shall serve as Chairperson
7 of the Commission. Two (2) members of the Commission shall be
8 appointed by the Governor; three (3) members of the Legislature, of
9 which one (1) shall be a member of and be selected by, the
10 Legislature's minority, one (1) to be the Chairperson of the
11 Legislature's ~~Committee~~ on Federal Foreign and Legal Affairs and one
12 (1) to be appointed by the Speaker, who may appoint himself; one (1)
13 member of the Commissioner's council shall be appointed by the
14 Commissioner's Council; and one (1) member to represent the judiciary
15 to be appointed by the Presiding Judge who may appoint himself. The
16 Commission shall choose a vice-chairperson from among the members of
17 the Commission. No person shall be eligible to serve as a member of
18 the commission unless he or she shall be a citizen of the United States
19 qualified to vote on Guam. Members shall serve so long as they retain
20 the positions they occupy or are members of the groups they represent
21 when appointed. The term of any non-elected appointee appointed by
22 the governor shall expire with the term of the appointing authority.
23 Vacancies in the membership shall be filled in the same manner as the
24 original appointment."

25 Section 3. Section 1962 of the Government Code is amended to read:

26 "§1962. The general purpose of the Commission is to take any
27 and all steps necessary to communicate with the federal government
28 regarding the form of commonwealth agreement which the people of
29 Guam desire, including but not limited to formulating and drafting a
30 Covenant defining the parameters of Guam's powers and its relationship
31 with the United States; studying existing applicable domestic and
32 international laws, treaties, constitutions and agreements which may
33 have a bearing on the present and future relationship between the
34 United States and Guam; and proposing draft modifications of such

1 laws, treaties, constitutions and agreements which might adversely
2 impact upon Guam's development, such drafts and proposals resulting
3 from communications between the Commission and representatives of the
4 federal government regarding such legislation."

5 Section 4. Sections 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970,
6 1971, 1972, 1973 and 1977 of Chapter XII of Title 2 of the Government Code
7 are repealed.

8 Section 5. Section 1974 of the Government Code is renumbered to be
9 Section 1963 of Chapter XII of Title II of the Government Code and amended
10 to read:

11 "§1963. After the purposes of the Commission have been
12 accomplished as set out under Section 1962 of this Chapter the
13 Commission shall reduce the desires of the people to a written
14 covenant, a federal-territorial relations act or any other proposed
15 legislation, if necessary, to be submitted to the Congress of the
16 United States as the manifest will of the people of Guam on the
17 question on their relationship with the government of the United States
18 of America and on the question of any federal laws affecting Guam.
19 The Commission shall hold public hearings on the proposed draft(s) to
20 be submitted to the Congress of the United States. Before a
21 covenant or federal-territorial relations act is introduced in the
22 Congress of the United States, a plebiscite shall be taken on Guam to
23 determine if the people support the covenant or federal-territorial
24 relations act in its form as drafted by the Commission. The
25 Commission shall represent the people of Guam in any communications
26 with the Congress of the United States or with representatives of the
27 federal government regarding any steps necessary towards the
28 implementation of such covenant or federal-territorial relations act or
29 both, if approved by the people of Guam by majority vote of those
30 persons voting in the referendum provided for in Section 1966 of this
31 Chapter."

32 Section 6. Section 1975 of the Government Code is renumbered to be
33 Section 1964 of Chapter XII of Title 2 of the Government Code.

1 Section 7. Section 1976 of the Government Code is renumbered to be
2 Section 1965 of Chapter XII of Title 2 of the Government Code and is
3 amended to read:

4 "§1965. The Nieves Flores Memorial Library shall be the
5 depository of all public records and materials pertaining to political
6 status of the territory of Guam. The Commission and Office shall
7 transfer all of its official public documents upon completion of its
8 work."

9 Section 8. A new Section 1966 is added to Chapter XII of Title 2 of
10 the Government Code to read:

11 "§1966. Upon the completion of the drafting of a covenant or
12 federal-territorial relations act to be introduced in the United States
13 Congress, and after the Commission and representatives of the United
14 States Government have completed whatever communications are
15 necessary to finalize such a covenant or act, the Commission shall
16 conduct a public education program to inform the people of Guam about
17 the covenant or act. Prior to the commencement of the public
18 education program, however, the Commission shall notify the election
19 Commission of a desired date upon which the draft covenant or act
20 shall be submitted to the voters for ratification. The Guam Legislature
21 shall establish a date for such referendum, to be conducted consistent
22 with Title 3 of the Guam Code Annotated, except that Sections 3105
23 and 4104 of Title 3 of the Guam Code Annotated shall not be applicable
24 to the elections required to be conducted pursuant to this Chapter.
25 In lieu of the provisions of those Sections, the Election Commission
26 shall conduct registration only at its main office and appoint to each
27 and every polling place a precinct board consisting of an inspector and
28 two (2) judges, each of whom shall be paid fifty dollars (\$50.00) for
29 their services. Upon ratification of a draft of a covenant or
30 federal-territorial relations act by a majority of the voters voting in
31 such referendum, the draft agreement and the results of the
32 referendum shall be transmitted by the Governor to the President of
33 the United States, the Speaker of the United States House of

1 Representatives and the President of the Senate with a request that it
2 be enacted into law."

3 Section 9. The positions of all former members and staff of the
4 Commission on Self-Determination, as established under Public Law 15-128,
5 as amended, having accomplished the primary purposes of the Commission in
6 Phase One of its tasks, are hereby vacated effective upon enactment of this
7 law in order to allow for a reappointment and reduction in number of the
8 members of the Commission, enabling them to more effectively accomplish the
9 goals of Phase Two of the Commission's tasks. Former members and staff of
10 the Commission are eligible to be reappointed to continue the Commission's
11 work.

12 Section 10. The sum of Two Hundred Thousand Dollars (\$200,000.00)
13 is appropriated from the General Fund to the Commission for the purpose of
14 commencing the activities authorized by this Act.