



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

Office of the Governor
Hagåtña, Guam

DEC 31 2004

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31 DEC 2004

The Honorable Vicente C. Pangelinan
Speaker
Mina' Bente Siete Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 394 (LS), "AN ACT TO AMEND §2104 OF CHAPTER 21 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE COMMISSION ON DECOLONIZATION," now designated as Public Law 27-144

Sinseru yan Magâhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

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

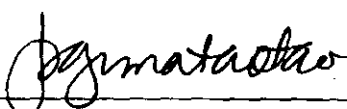
This is to certify that Bill No. 394 (LS), "AN ACT TO AMEND §2104 OF CHAPTER 21 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE COMMISSION ON DECOLONIZATION," was on the 20th day of December, 2004, duly and regularly passed.

Attested:


Tina Rose Muña Barnes
Senator and Legislative Secretary


vicente (ben) c. pangelinan
Speaker

This Act was received by *I Maga'lahen Guåhan* this 20 day of December, 2004,
at 5:50 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: December 30, 2004

Public Law No. 27-144

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

Bill No. 394 (LS)

As amended by the
Committee on Utilities and Land,
and further amended on the Floor.

Introduced by:

v. c. pangelinan
L. A. Leon Guerrero
F. B. Aguon, Jr.
J. M.S. Brown
F. R. Curliffe
Carmen Fernandez
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
J. A. Lujan
T. R. Muña Barnes
J. M. Quinata
R. J. Respicio
Toni Sanford
Ray Tenorio

AN ACT TO AMEND §2104 OF CHAPTER 21 OF TITLE 1,
GUAM CODE ANNOTATED, RELATIVE TO THE
COMPOSITION OF THE COMMISSION ON
DECOLONIZATION.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds that the Commission on Decolonization needs to include members that
4 have the desire, interest and commitment in the decolonization of the
5 *Chamorros* through the exercise of a vote on self-determination. Its current
6 membership mainly consists of elected leaders who, for one reason or another,

1 have been unable to move the issue forward resulting in a vote through a
2 plebiscite.

3 Therefore, in order to assist the Commission on Decolonization in timely
4 addressing the issues that face the Commission, *I Liheslaturan Guåhan* intends
5 to amend the membership composition of the Commission.

6 **Section 2.** §2104 of Chapter 21 of Title 1, Guam Code Annotated, is
7 hereby *amended* to read as follows:

8 **“§2104. Creation and Membership on Commission.** There is
9 established a Commission on Decolonization for the Implementation
10 and Exercise of Guam Self-Determination for the Native Inhabitants of
11 Guam, which shall be composed of eleven (11) members, including the
12 Chairperson.

13 *I Maga'lahren Guåhan* shall serve as the Chairperson of the
14 Commission. Three (3) members of the Commission shall be appointed
15 by *I Maga'lahren Guåhan*; one (1) shall be a member of and be selected by *I*
16 *Liheslaturan Guåhan's* minority; one (1) member to be appointed by the
17 Speaker of *I Liheslaturan Guåhan*, who may appoint himself; one (1)
18 member of the Mayors Council to be appointed by the Council; one (1)
19 member to represent the task force members who are advocating the
20 political status of Independence to be appointed by the Chairman of the
21 task force, who may appoint himself; one (1) member to represent the
22 task force members who are advocating the political status of Free
23 Association to be appointed by the Chairman of the task force, who may
24 appoint himself; one (1) member to represent the task force members
25 who are advocating the political status of Statehood to be appointed by

1 the Chairman of the task force, who may appoint himself; and one (1)
2 member to represent the youth of Guam to be appointed by the Speaker
3 of the Youth Congress from among the qualified members of the
4 Congress, who may appoint himself. The Commission shall choose a
5 Vice-Chairperson from among the members of the Commission.

6 No person shall be eligible to serve as a member of the
7 Commission *unless* that person shall be a citizen of the United States
8 qualified to vote on the plebiscite for political self-determination. *Except*
9 for the Chairperson, members shall serve throughout the life of the
10 Commission and shall elect among themselves a Vice-Chairperson, who
11 shall serve as Chairperson in the absence of *I Maga'lahaen Guåhan*.
12 Vacancies in the membership shall be filled in the same manner as the
13 original appointment.

14 Any appointed member of the Commission who fails to attend,
15 without being excused pursuant to a motion passed by the Commission,
16 three (3) consecutive regularly scheduled meetings shall automatically
17 be disqualified to continue serving in his or her position and the
18 appointing authority shall then be required to appoint a replacement for
19 said member."

20 **Section 3. Severability.** *If any provision of this Act or its application*
21 *to any person or circumstances is found to be invalid or contrary to law, such*
22 *invalidity shall not affect other provisions or applications of this Act which*
23 *can be given effect without the invalid provisions or applications, and to this*
24 *end the provisions of this Act are severable.*



Mina' Bente Siete Na Liheslaturan Guahan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

DEC 15 2004

The 27th Guam Legislature
I Mina' Bente Siete Na Liheslaturan Guahan
155 Hesler Street
Hagatna, GU 96910

The Committee on Utilities and Land, to which was referred **Bill 394, "AN ACT TO AMEND SECTION 2104 OF CHAPTER 21 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE MEMBERSHIP COMPOSITION OF THE COMMISSION ON DECOLONIZATION,"** has had the same under consideration, and now wishes to report back an amended version with the recommendation to

do pass

The Committee votes are as follows:

<u>6</u>	To Do Pass
<u>1</u>	Not to Pass
<u>0</u>	Abstain
<u>0</u>	Inactive File

A copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chairman of the Committee on Utilities and Land

enclosure

Committee on Utilities and Land
I Mina'Bente Siete Na Libeslaturan Guahan

VOTING SHEET ON

Bill No. 394 (COR): *As amended by the Committee on Utilities and Land: "AN ACT TO AMEND SECTION 2104 OF CHAPTER 21 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE MEMBERSHIP COMPOSITION OF THE COMMISSION ON DECOLONIZATION."*

COMMITTEE MEMBER	INITIAL	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
vicente (ben) c. pangelinan Chairman		✓			
Carmen Fernandez Vice Chairperson	<i>CF</i>	<i>CF</i>			
Frank Aguon, Jr. Member					
Randy Cunliffe Member	<i>RC</i>	✓			
Lou Leon Guerrero Member	<i>LLG</i>	✓			
Rory Respicio Member	<i>RR</i>	<i>RR</i>			
Toni Sanford Member	<i>TS</i>	✓			
Joanne Brown Member					
Mark Forbes Member					
Ray Tenorio Member	<i>RT</i>		✓		

Committee on Utilities and Land
I Mina 'Bente Siete Na Liheslaturan Guahan

Bill 394 (LS)

AN ACT TO AMEND SECTION 2104 OF CHAPTER 21 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE MEMBERSHIP COMPOSITION OF THE COMMISSION ON DECOLONIZATION.

The Committee on Utilities and Land, to which was referred Bill 394 (LS), "AN ACT TO AMEND SECTION 2104 OF CHAPTER 21 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE MEMBERSHIP COMPOSITION OF THE COMMISSION ON DECOLONIZATION," conducted a public hearing on Tuesday, December 7, 2004, at the Guam Legislature Public Hearing Room. Speaker vicente (ben) c. pangelinan conducted the legislative hearing as Chairman on Utilities and Land. Also in attendance was Senator Robert Klitzkie.

Summary

Mr. Charles Troutman, representing the Office of the Attorney General, testified against the bill. He said the main reason is that he does not believe any minor changes to the underlying Commission on Decolonization will resurrect the idea of greater self-determination for Guam. He said there is little interest in this topic now, even among those eligible to vote in the plebiscite. He acknowledged there's still a major goal to be achieved and that is the recognition by the United States of some form of a right to self-government inherent in all of the people of Guam. But this, he said, cannot be accomplished through the existing process or structure we currently have. Rather, he recommended that what we need is an executive planning structure, with input from all concerned, then negotiations with the United States and only when both parties agreed on a result, it will be given to the people for ratification. He explained that this is a standard form of international and internal negotiating practice, which has worked well over centuries.

Mr. Rufo Lujan, representing both the Organization of People for Indigenous Rights (OPI-R) and the Colonized Chamorro Coalition, testified in favor of the bill. He said this bill is a good start in correcting a major problem with the initial law that established the membership composition of the Commission on Decolonization. Mr. Rufo Lujan recommended the following criteria to be applied to the Governor's appointees: "No person shall be eligible to serve as a member of the Commission, unless that person shall be a resident made a citizen of the United States by the Organic Act of Guam of August 1, 1950, or the descendants of such residents, and, provided that the person is qualified and registered to vote in the plebiscite for the implementation and exercises of Guam's

Self-Determination. Further, that all members, appointed and statutory, shall acknowledge and pursue the rights of the Chamorros and those non-Chamorros qualified by the Organic Act of Guam of August 1, 1950 to freely exercise self-determination to decolonize and decide on a political status of their choosing. Except for the Chairperson, members shall serve throughout the life of the Commission and shall elect among themselves a Vice-Chairperson, who shall serve as Chairperson in the absence of I Maga 'lahen Guahan. Vacancies in the membership shall be filled in the same manner as the original appointment.”

Mr. Edward Duenas, representing the Guam Statehood Task Force, testified in favor of the bill. He expressed his frustration on how the Guam self-determination issue has been treated for the past eight years. There seems to be a lack of interest, real commitment and the determination to put before the voters the question to de-link Guam from the United Nations oversight as one of the few remaining non-self governing territories. He said the Commission on Decolonization has been ineffective as it was riddled with the consistent lack of quorum to conduct meetings and get on with its mission of conducting the plebiscite.

Mr. Edward Duenas made the following recommendations to improve the bill. On page 2 of lines 5-6, change “three shall be appointed by I Maga 'lahen Guahan from Chamorro non-government organizations” to “three shall include the chairman of the Guam Statehood Task Force, the chairman of the Independence Task Force, and the chairman of the Free Association Task Force”. Or, to include the following after “Court of Guam” (line 14, page 2), “the three respective chairmen of the Guam Statehood Task Force, Independence Task Force, and the Free Association Task Force to be appointed by I Maga 'lahen Guahan”.

Mr. Edward Duenas also commented that the government must provide the necessary funds, rejuvenate the commission membership, direct the appropriate agency or commission to conduct an aggressive voter registration for the plebiscite, and set a definite date for the plebiscite and conduct it. He urged the Committee that there be no more delay, no more complacency, and no more procrastination.

Mr. Joe Garrido also testified, fully supporting the bill. He made the following suggestions: On line 4 of page 1, include the word “commitment”. On line 1 of page 2, replace “10” with “11”. He also commented that Mr. Charles Troutman’s testimony did not represent the Office of the Attorney General, but rather, it represented more of Mr. Charles Troutman’s personal feeling.

Ms. Cathy McCollum testified in full support of the bill. As a member of the Ancestral Lands Commission, they are made up of individuals working hard and faithfully, paid or not, in order to return lands to original landowners. She hopes the new membership composition of the Commission on Decolonization would have the same passion as the members of the Ancestral Lands Commission in trying to achieve their purpose—for the Commission on Decolonization, that is, to hold the plebiscite on self-determination.

Mr. Antonio Sablan testified in favor of the bill. He submitted several proposed amendments, one of which is similar to Mr. Edward Duenas' proposal.

Mr. Howard Hemsing, in Chamorro, commented on the bill. He said that a treaty was signed. Other countries did not have to vote for their political status, they were simply granted independence. He questions why we have to do this. He believes the bill is illegal.

Mr. Ed Benavente expressed his frustration of the decolonization process. He also questions the meaning of Mr. Charles Troutman's testimony. He said that treaties are the supreme laws of the land and that the decolonization process for Guam is an external process and the United States has ignored its obligations. To this date, the U.S. has failed to comply with the United Nations treaty obligation.

Findings and Recommendations

The Committee on Utilities and Land, to which was referred Bill 394 (LS), "AN ACT TO AMEND SECTION 2104 OF CHAPTER 21 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE MEMBERSHIP COMPOSITION OF THE COMMISSION ON DECOLONIZATION," recommends that the legislation be

TWENTY-SEVENTH GUAM LEGISLATURE
I MINA 'BENTE SIETE NA LIHESLATURAN GUAHAN
 Committee on Utilities and Land

Witness Sign in Sheet

Bill No. 394 (LS): "AN ACT TO AMEND SECTION 2104 OF CHAPTER 21 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE MEMBERSHIP COMPOSITION OF THE COMMISSION OF THE COMMISSION ON DECOLONIZATION."

Name	Representing	Testimony (written/oral)	Testimony (against/for)
✓ Charles Treviño	AG	w	against
✓ Ruffo J. Lujan	OPIR/CCC	w & oral	for
EDDIE DUEÑAS	GUAM STATEHOOD TF	w	For
Jose U. Garrido	Chair task force of Free asso.	oral	for
Catherine F. McCollum	Ritidian Families Assoc.		for
Danny/Josephine Jackson	NASION CHAMORU		for
Maga Aniti	SELF	oral	



CHARLES H. TROUTMAN
CONSUMER COUNSEL -
DEPUTY ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL

December 7, 2004

Honorable vicente b. Pangelinan
Chairman, Committee on Utilities and Land
27th Guam Legislature
Hagåtña, Guam

Re; Bill No. 394

Dear Senator Pangelinan,

Today, I wish to oppose Bill 394. The main reason is that I do not believe that any minor changes to the underlying Commission on Decolonization will resurrect the idea of greater self-determination for Guam. There seems to be remarkably little interest in this topic now, even among those eligible to vote in the indefinitely-postponed election. In addition, our past efforts have partially failed. One reason is that our methods of open commission negotiations and plebiscites that do nothing but express non-binding opinions will never work. Another reason is that many of the issues driving past efforts have been solved. Excess lands have been returned. Not only do we have our own Supreme Court, but it has been given full "constitutional" status and equality with state supreme courts and the federal oversight by the Ninth Circuit has been terminated. All this by HR 2400 which President Bush signed not long ago. The US Supreme Court, in *Ada v. Gutierrez*, for the first time ruled that the Organic Act should be read as a whole, not word by word. Local lawyers have not yet had an opportunity, or used it, to exploit this decision, but it holds serious promise.

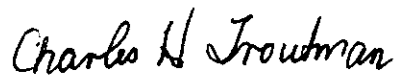
There is still a major goal to be achieved—the recognition by the United States of some form of a right to self-government inherent in all of the people of Guam. I agree with Senator Jesse Lujan Anderson that we should not give up. Rather we need to completely reengineer our local efforts to eliminate our self-imposed roadblocks and then through Delegate Bordello and others, approach the United States with a plan that is not one that will be automatically rejected by the United States.

This can be accomplished, but not with our current structure nor under that proposed by the bill. Essentially what we need is a executive planning structure, with input from all concerned, then negotiations with the United States and only when we both agree on a result will we give it to the people for ratification. This is a standard form of international and internal negotiating practice

which has worked well over centuries. The main reason for a different structure of negotiating between the former Trust Territory and the US was that the former had no government of their own at the time. We do, so we need to work within that framework.

I will be most happy to work with anyone who wants to get the process on a realistic track.

Sincerely yours,

A handwritten signature in cursive script that reads "Charles H. Troutman".

CHARLES H. TROUT MAN
Deputy Attorney General

**ORGANIZATION OF PEOPLE FOR INDIGENOUS RIGHTS
(OPI-R)**

c/o P. O. Box 4105, Hagatna, Guam 96932
Tel: (671) 789-1848; e-mail: rufoj@yahoo.com

December 7, 2004

Honorable vicente (ben) c. pangelinan
Speaker & Chairman on the Committee on Utilities and Land
Mina'Bente Siete Na Liheslaturan Guåhan
155 Hesler St.
Hagåtña, Guam 96910

Dear Speaker pangelinan:

Thank you for inviting me to comment on Bill No. 394: AN ACT TO AMEND SECTION 2104 OF CHAPTER 21 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE MEMBERSHIP COMPOSITION OF THE COMMISSION ON DECOLONIZATION. This bill is a good start at correcting a major problem with the initial law establishing the membership composition to the Commission on Decolonization (hereinafter referred to as "Commission").

Section 1, lines 5-8, identifies the problem with the current membership composition. I totally agree with the Findings and Intent. I serve as the Vice-Chair of the Commission and, in the past two (2) years, the Commission has only had three official meetings due to the lack of a quorum. The problem with the lack of quorum is not due to the members appointed by the Governor.

Section 2 of the bill is intended to be a "fix" to the problem identified in Section 1. However, reading lines 15-17 on page 1 and lines 1-18 on page 2 clearly indicates that this is not the case. Further, while the bill retained the membership composition at 10, a review of lines 3-17 on page 2 adds to a total of 12 members. The change is in the number of appointees by the Governor which Bill 394 intends to amend from 3 to 5, "of which three (3) shall be from Chamorro non-government organizations." In actuality, if the membership composition is at 12 of which only 5 are non-elected then it is basically status quo and if the past is an indication then having a quorum to conduct an official meeting would continue to be a problem.

On the qualification of the members, lines 19-226, as this mainly applies to the Governor's appointees, I recommend that this be amended to read as follows:

No person shall be eligible to serve as a member of the Commission, unless that person shall be a resident made a citizen of the United States by the Organic Act of Guam of August 1, 1950, or the descendants of such residents; and, provided that the person is qualified and registered to vote in the Plebiscite for the Implementation and Exercise of Guam's Self-Determination. Further, that all members, appointed and statutory, shall acknowledge and pursue the

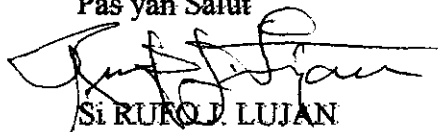
rights of the Chamorros and those non-Chamorros qualified by the Organic Act of Guam of August 1, 1950 to freely exercise self-determination to decolonize and decide on a political status of their choosing. Except for the Chairperson, members shall serve throughout the life of the Commission and shall elect among themselves a Vice-Chairperson, who shall serve as Chairperson in the absence of *I Maga'lahañ Guåhan*. Vacancies in the membership shall be filled in the same manner as the original appointment.

Mr. Speaker, unless the membership composition is "balanced" between elected and non-elected members, I do not foresee any progress at efforts to decolonize. Regardless of what the detractors and opponents of decolonization and self-determination think, it is in Guam's best interest to exercise self-determination; only then can we chart a clear political path into the future.

Our administering Power, the United States, refuses to acknowledge its responsibility to grant the Chamorros their right of self-determination. It is right and just that *I Liheslaturan Guåhan* recognizes this basic human right.

Thank you for the opportunity to comment. And, to you Mr. Speaker, I express my sincerest gratitude for all your help.

Pas yan Salut'



SI RUROU LUJAN

Chairman, OPIR

Chairman, Colonized Chamorro
Coalition

Edward R. Duenas' Testimony
before the
Committee on Utilities and Land
27th Guam Legislature
7 December 2004

Mr. Speaker/Chairman Ben Pangelinan and members of this committee:

I am Eddie Duenas, chairman of the Guam Statehood Task Force. I deeply appreciate this opportunity to appear before this body to offer my thoughts and comments regarding the membership of the Guam Commission on Decolonization. Please bear with me as I will take liberty at the outset of my testimony on Bill 394 to publicly express my frustration and that of many other citizens on how the Guam self-determination issue has been treated for the past eight years. Rather than rallying our total efforts -- as I feel we should to ensure that the political status issue get our full support -- it was glaringly obvious that there was a lack of genuine interest, real commitment and the determination to put before the voters the question to delink Guam from the United Nations oversight as one of the few remaining non-self governing territories. This is an essential step to take in our political self-determination that would be acknowledged by the world body and hopefully by our administering authority -- the United States of America.

When Spain ceded Guam to the U.S. following the Spanish-American war in 1898, the treaty signed in Paris by both powers stipulated that the political status of the inhabitants of Guam would be determined by the U.S. Congress. In the 1945 United Nations charter establishing that international body, the U.S. pledged to provide the inhabitants of Guam the right to self-determination when Guam is ready to take that step.

Unlike many of the non-self governing territories under the UN which exercised their self-determination rights several decades ago, Guam never got around to exercising that same right. Today, Guam is among the very few still left behind. But the UN is now giving us the opportunity to delink and decide on a terminal political status either to:

- o Fully integrate with the U.S. administering power by seeking statehood, or
- o Assume independence as a sovereign power, or
- o Become independence in free association with another sovereign power.

We are now at that juncture in our political emergence when we should take the final step to acquire our ultimate political status. For the past 10 years or so, Guam leadership has been tossing in a sea of complacency and indecision.

The Commission on Decolonization, created to spearhead the self-determination plebiscite, has been ineffective as it was riddled with the consistent lack of quorum to conduct meetings and get on with its mission of conducting the plebiscite. The plebiscite was scheduled to be held three times in the past several years, the last one to have been conducted concurrently with last month's general elections. Like in the past, the November plebiscite was unceremoniously ignored when the Guam Election Commission did not include it in last month's balloting.

The self-determination plebiscite, it appears to me, has been a charade that points a finger to the island leadership as being indifferent, disinterested or lacking the fortitude to put the question before the people because of fear of offending certain voting sectors of our electorate that would not be eligible to vote in the plebiscite.

The Decon Commission floundered almost from the very start because it was not adequately funded to research and analyze the three status options, conduct a massive public education to inform the electorate of the pros and cons of each option, allocate adequate funding to each of the three task forces created to advocate its respective status, and to conduct the plebiscite as required by public law 23-127.

But all these could have been addressed by the commission had it been able to meet as scheduled. Instead, it was plagued by a continuous lack of quorum, as only a few members would be present, along with the three task force chairmen. Thus, the needs and problems of the plebiscite were not dealt with and are now at a standstill.

If we are really sincere in achieving our self-determination, let us resolve henceforth to move on without any delay. First, I recommend that the commission membership be reconstituted as proposed by Bill 394, authored by our good Speaker Pangelinan, but with these recommendations:

- o On line 5 and 6 of page 2, substitute the proposed amendment reading "three (3) shall be appointed by the Maga'lahaen Guahan from Chamorro non-government organizations" and in lieu thereof insert "**three (3) shall include the chairman of the Guam Statehood Task Force, the chairman of the Independence Task Force, and the chairman of the Free Association Task Force**". The

proposed amendment retains at 10 the number of commission members as proposed in Bill 394.

Or

o On line 14 after "*Court of Guam*;" insert the following: **the three respective chairmen of the Guam Statehood Task Force, Independence Task Force, and the Free Association Task Force to be appointed by the Maga'lahaen Guahan....** This will increase the number of commission members to 13.

Personally, I prefer the first option because 10 is a more manageable number, and the Governor, as chairman of the commission, will make the appointment.

If we are to be taken seriously about our political status self-determination, our elected and appointed leadership must demonstrate a real commitment and determination to conduct the plebiscite without any further delay. Provide the necessary funds, rejuvenate the commission membership, direct the appropriate agency or commission to conduct an aggressive voter registration for the plebiscite, and set a definite date for the plebiscite and conduct it. Please ... no more delay, no more complacency, no more procrastination. The Governor and the Legislature should work together to ensure that the plebiscite is conducted soon, possibly sometime next year if a special election is to be held with regards to filling a vacancy in the Guam Utility Commission.

Mr. chairman, once and for all, let's us have the resolve to exercise our rights to self-determination. Let us demonstrate that we are ready, willing and able to take our right place in the 21st century.

Thank you and si Yuus maase.

ooOoo


Antonio Artero Sablan
152 Chalan Canton Tutujan
Sinajana, Guam 96910-3662
Tel # 477-7700; Cell: # 482-4826

December 07, 2004

Mr. Speaker,
Senators - Member of the Committee on Utilities and Land:

I submit the below reproduction of Bill No. 394 (LS). I am submitting for your consideration to amend this bill to reflect the changes as enlarged and bolded below.

Si Yu'os Ma'ase,



MINA BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session
Bill No. 394 (LS)

Introduced by: v. c. pangelinan

**AN ACT TO AMEND SECTION 2104 OF CHAPTER 21 OF TITLE 1, GUAM
CODE ANNOTATED, RELATIVE TO THE MEMBERSHIP COMPOSITION
OF THE COMMISSION ON DECOLONIZATION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. I Liheslaturan Guåhan finds that the Commission on Decolonization needs to include members that have the desire and interest in the decolonization of the Chamorro through the exercise of a vote on self-determination. Its current membership mainly consists of elected leaders, who for one reason or another have been unable to move the issue forward resulting in a vote through a plebiscite.

Therefore, in order to assist the Commission on Decolonization in timely addressing the issues that face the Commission, I Liheslaturan Guahan intends to amend the membership composition of the Commission.

///

Section 2. Section 2104 of Chapter 21 of Title 1, Guam Code Annotated, is hereby amended to read as follows:

“§ 2104. Creation and Membership on Commission.

There is established a Commission on Decolonization for the Implementation and Exercise of Guam Self-Determination for the Native Inhabitants of Guam, which shall be composed of ~~ten (10)~~ **thirteen (13)** members, including the Chairperson.

I Maga'láhen Guåhan shall serve as the Chairperson of the Commission. ~~Three (3)~~ Five (5) members of the Commission shall be appointed by I Maga'láhen Guåhan, of which three (3) shall be from Chamorro non-government organizations; one (1) shall be a member of and be selected by I Liheslaturan Guåhan's minority; one (1) member to be the Chairperson of the Committee on Federal and Foreign Affairs, or its equivalent legislative committee; one (1) member to be appointed by the Speaker of I Liheslaturan Guåhan, who may appoint himself; one (1) member of the Mayor's Council to be appointed by the Council; one (1) member representing the Judiciary to be appointed by the Presiding Judge of the Superior Court of Guam; one (1) member to represent the youth of Guam to be appointed by the Speaker of the Youth Congress from among the qualified members of the Congress, who may appoint himself;

one (1) member to represent the task force members who are advocating the political status of Independence to be appointed by the Chairman of the task force, who may appoint himself;

one (1) member to represent the task force members who are advocating the political status of free association to be appointed by the Chairman of the task force, who may appoint himself; and

one (1) member to represent the task force members who are advocating the political status of ~~free association~~ ^{statehood} to be appointed by the Chairman of the task force, who may appoint himself.

///

The Commission shall choose a Vice-Chairperson from among the members of the Commission. No person shall be eligible to serve as a member of the Commission, unless that person shall be a citizen of the United States ~~qualified to vote on Guam.~~

qualified to vote on the plebiscite for political self-determination of Guam.

Except for the Chairperson, members shall serve throughout the life of the Commission and shall elect among themselves a Vice-Chairperson, who shall serve as Chairperson in the absence of I Maga'láhen Guáhan. Vacancies in the membership shall be filled in the same manner as the original appointment.”

Any appointed member of the Commission who fails to attend three (3) consecutive regularly scheduled meeting shall automatically be disqualified to continue serving in his/her position and the appointing authority shall then be required to appoint a replacement for said member.

Section 3. Severability. If any of the provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

From: "speaker ben pangelinan" <senben@kuentos.guam.net>
Subject: **FW: Proposition 394 (amendment to membership)**
Date: December 1, 2004 6:12:57 PM GMT+10:00
To: "Karen Quitlong" <ksq_98@guam.net>

This is for our bill file.

ben

-----Original Message-----

From: Patria Sablan [mailto:patriasablan@hotmail.com]
Sent: Tuesday, November 30, 2004 11:09 PM
To: senben@kuentos.guam.net
Subject: Proposition 394 (amendment to membership)

Hello, Speaker!

I'm e-mailing you to let you know that I'm in favor of Proposition 394 (to amend membership of Decolonization). Hope all goes well when you speak in favor of it on Dec. 7 at 8:30 a.m. Patria Sablan

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