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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

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

This is to certify that Bill No. 445-31 (COR), "AN ACT TO *REPEAL* AND *REENACT* CHAPTER 12 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE MODERNIZATION AND RIGHTSIZING COMMISSION OF THE GOVERNMENT OF GUAM, AND *REPEALING* ANTIQUATED, UNFUNDED AND/OR UNDERUTILIZED STATUTES OR ADMINSTRATIVE RULES", was on the 26th day of November, 2012, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 28th day of Nov, 2012, at 11:10 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 445-31 (COR)

Introduced by: Judith P. Guthertz, DPA
F. F. Blas, Jr.
T. C. Ada
V. A. Ada
B. J.F. Cruz
Chris M. Dueñas
Sam A. Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
V. C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *REPEAL* AND *REENACT* CHAPTER 12 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE MODERNIZATION AND RIGHTSIZING COMMISSION OF THE GOVERNMENT OF GUAM, AND *REPEALING* ANTIQUATED, UNFUNDED AND/OR UNDERUTILIZED STATUTES OR ADMINSTRATIVE RULES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslatura* finds that two (2) consecutive administrations did not implement the Modernization and Rightsizing Commission of the government of Guam for the 21st Century

(COMRIGHT-21), which was first enacted in the Spring of 2007 and later amended into its present form in the Fall of 2007. In the elapsed time, the current administration has implemented a reorganization plan, citing its Organic Act authority. *I Liheslaturan Guåhan* thus finds it necessary to revisit the COMRIGHT-21 and amend its structure and focus. It is the intent of *I Liheslaturan Guåhan* to provide all departments, bureaus, agencies, commissions, or other instrumentalities, whether autonomous, semi-autonomous, or non-autonomous in the Executive Branch of the government of Guam, including all line agencies, and the A.B. Won Pat International Airport Authority, the Port Authority of Guam, the Guam Power Authority, the Guam Waterworks Authority, the Guam Visitors Bureau, the Guam Housing and Urban Renewal Authority, and the Guam Economic Development Authority, a regular opportunity to revisit all laws and administrative rules and regulations that affect the operation and purpose of its being through an internal audit in order to recommend amendments to or the repealing of statutes or functions, as contained in the Guam Code Annotated, mandated by law, or integrated via the Guam Administrative Rules and Regulations, that hamper the entities' core mission or that are antiquated, unfunded, underfunded, or contrary to the individual entity's function. This opportunity will be required on a triennial basis. COMRIGHT-21 *shall* serve as the clearinghouse for all recommendations submitted by individual entities.

Section 2. Chapter 12 of Title 5, Guam Code Annotated, is hereby *repealed* and *reenacted* to read:

"CHAPTER 12

MODERNIZATION AND RIGHTSIZING COMMISSION OF THE GOVERNMENT OF GUAM FOR THE 21ST CENTURY (COMRIGHT-21).

§ 12101. Title.

§ 12102. Definitions.
§ 12103. Establishment of Modernization and Rightsizing Commission.
§ 12104. Purpose and Policy.
§ 12104.1. Agency Audit of Mandates, Administrative Rules, Internal Functions and Personnel.
§ 12104.2. COMRIGHT-21 *Shall* Serve as the Clearinghouse.
§ 12105. Membership of COMRIGHT-21.
§ 12106. Organization of COMRIGHT-21.
§ 12107. Duties of COMRIGHT-21.
§ 12108. Obtaining Information from Executive Branch Agencies.
§ 12109. Severability.

§ 12101. Title. This Chapter *shall* be known and cited as "The Government Reorganization and Program Performance Improvement Act of 2012."

§ 12102. Definitions. For the purposes of this Chapter:

(a) *COMRIGHT-21 or the Commission shall* mean the Modernization and Rightsizing Commission of the government of Guam for the Twenty-first (21st) Century and beyond.

(b) *Entity shall* mean any individual or combination of departments, bureaus, agencies, commissions, or other instrumentalities, whether autonomous, semi-autonomous, or non-autonomous in the Executive Branch of the government of Guam, including all line agencies, and the A.B. Won Pat International Airport Authority, the Port Authority of Guam, the Guam Power Authority, the Guam Waterworks Authority, the Guam Visitors Bureau, the Guam Housing and Urban Renewal Authority, and the Guam Economic Development Authority.

§ 12103. Establishment of the Modernization and Rightsizing Commission. There is hereby established the Modernization and Rightsizing Commission of the government of Guam for the Twenty-first (21st) Century and Beyond (COMRIGHT-21).

§ 12104. Purpose and Policy. The purpose of this Chapter is to promote simplicity, economy, efficiency, modernization, and streamlining of the delivery of services by all departments, bureaus, agencies, commissions, or other instrumentalities, whether autonomous, semi-autonomous, or non-autonomous in the Executive Branch of the government of Guam, including all line agencies, and the A.B. Won Pat International Airport Authority, the Port Authority of Guam, the Guam Power Authority, the Guam Waterworks Authority, the Guam Visitors Bureau, the Guam Housing and Urban Renewal Authority, and the Guam Economic Development Authority. This goal can be accomplished by:

(a) determining which statutes or functions, as contained in the Guam Code Annotated, mandated by law, or integrated via the Guam Administrative Rules and Regulations, hamper or are contrary to the core mission of individual entities, are antiquated, unfunded, or underfunded;

(b) eliminating duplication of services, activities, and functions *not* necessary to the efficient conduct of government, through consolidation and integration; and

(c) promoting the modernization and streamlining of government consistent with the public service needs of the citizenry by enhancing the skills of public service personnel through continuous training and education.

COMRIGHT-21 *shall* serve as the clearinghouse for all recommendations submitted by individual entities and provide the processes for the eventual disposition of such.

§ 12104.1. Agency Audit of Mandates, Administrative Rules, Internal Functions and Personnel. All administrators, directors or equivalent executives of all executive branch entities *shall*, within ninety (90) days of enactment of this Act, review its organization's purpose, structure and areas of responsibilities, and all mandates relative to their respective entity, for the purpose of recommending amendments to, or the repealing of statutes or functions as mandated by law that hamper or are contrary to the core mission of individual entities or are antiquated, unfunded, or underfunded.

As well, each organization *shall* identify unnecessary or additional positions and accompanying qualifications required to fulfill its purpose and provide enhanced public service.

Upon review, agency heads *shall* compile and forward their findings to COMRIGHT21 for consideration. This review *shall* take place on a triennial basis.

§ 12104.2. COMRIGHT-21 Shall Serve as the Clearinghouse. The Commission *shall* serve as the clearinghouse for all recommendations submitted by individual entities, and provide the processes for the eventual disposition of such recommendations.

§ 12105. Membership of COMRIGHT-21. The COMRIGHT-21 Commission *shall* be comprised of seven (7) members as follows:

(a) *I Maga'lahen Guåhan,* or his designated representative who must be a member of his senior policy team or Cabinet;

(b) The Compiler of Laws, who *shall* serve as the Chairperson in the absence of *I Maga'lahen Guåhan*;

(c) A member of the Mayors' Council of Guam (MCOG), who *shall* be appointed by its President;

(d) The Attorney General of Guam, or his designee;

(e) A member of the general public, appointed by the Speaker of *I Liheslaturan Guåhan;*

(f) The Director of the Civil Service Commission; and

(g) The Director of the Department of Administration, who *shall* serve as the Secretary of the COMRIGHT-21.

The term of any appointee *shall* expire with the term in office of the respective appointing authority, *unless* he is reappointed.

§ 12106. Organization of COMRIGHT-21.

(a) *I Maga'lahen Guåhan shall* coordinate the inaugural swearing-in of all members of COMRIGHT-21, and schedule the Commission's first meeting within thirty (30) days of the passage of this Act.

(b) The administrative support function of COMRIGHT-21 *shall* be assigned by *I Maga'lahen Guåhan,* whose office *shall* provide administrative, clerical and professional services, and logistical support and resources, and a meeting as requested by the Chairperson of COMRIGHT-21.

(c) *If* necessary, the *Office of the Governor* may provide a budget request to *I Liheslatura* on behalf of COMRIGHT-21.

(d) After its inaugural year, COMRIGHT-21 *shall* convene on a triennial basis, and *no later than* April 1 of each designated year. All successor Governors that fall within the designated year of each subsequent convening of the COMRIGHT-21 *shall* coordinate the composition and swearing-in of all members of COMRIGHT-21, and schedule each subsequent Commission's first meeting *no later than* April 1 of each respective year.

§ 12107. Duties of COMRIGHT-21.

(a) COMRIGHT-21 *shall* review the recommendations of the heads of all departments and entities to amend, repeal or enact statutes relative to their respective entity, as contained in § 12104(a), (b) and (c).

(b) Upon review, the Commission *shall* conduct public hearings for each entity, pursuant to the provisions of the open government law, for the purposes of consulting with public officers and their employees, and the general public, and reconciling conflicting interests that arise from modernization and streamlining, or any suggested repeal or enactment of law.

(c) After the requisite public hearings, COMRIGHT-21 *shall* adopt, reject or amend the findings of the respective agencies, and forward their recommendations to the Speaker of *I Liheslaturan Guåhan,* and the respective members and chairperson of *I Liheslatura's* Standing Committee with oversight over each entity for action.

(d) In its review of government agencies and in proposing reforms pursuant to this Chapter, COMRIGHT-21 *shall* consider and make use of such studies and recommendations as may be presented to it by each respective entity with respect to enhancing the performance of the agencies *or* programs and services for the island community.

(e) COMRIGHT-21 may also, as part of its function, recommend to *I Maga'lahi* and *I Liheslatura* the merger, coordination, consolidation, *or* integration of departments, agencies, offices, instrumentalities, and functions of the government, and the transfer of functions, appropriations, equipment, property, records and personnel from one (1) department, agency, office *or* instrumentality to another.

(f) COMRIGHT-21 may recommend to *I Maga'lahi* and *I Liheslatura* the dissolution *or* termination of departments, agencies, offices, instrumentalities, programs *or* functions that are *not* necessary for the efficient conduct of government functions, services and activities.

(g) COMRIGHT-21 may recommend to *I Maga'lahi* and *I Liheslatura* the elimination *or* consolidation of overlapping and duplicative services, functions and activities of the government.

(h) COMRIGHT-21 may recommend to *I Maga'lahi* and *I Liheslatura* the creation, classification and dissolution of employment positions.

(i) COMRIGHT-21 may recommend to *I Maga'lahi* and *I Liheslatura* the standardization of salaries, materials and equipment throughout the government; suggest changes to existing law; and create and submit new legislation to *I Liheslatura,* in addition to its triennial review of the various government entities.

§ 12108. Obtaining Information from Executive Branch Agencies. COMRIGHT-21 is authorized to obtain directly from any executive department, bureau, agency, board, commission, office, public corporation, or instrumentality of the government of Guam via written requests, any and all information needed to execute its functions. All requests for information by COMRIGHT-21 *shall* have the benefit of the provisions of a Freedom of Information Act (FOIA) Request.

§ 12109. Severability. *If* any provision of this Act or its application to any person *or* circumstances is held invalid, the invalidity shall *not* affect other provisions *or* applications 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."