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I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

November 13, 2013

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
***Hagåtña,* Guam 96910**

OFFICE OF THE GOVERNOR
CENTRAL FILES
J. Dela Rosa
RECEIVED
TIME 11:28 a.m. DATE 11/15/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

Tina Rose Muña Barnes
Legislative Secretary

Enclosures (38)

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I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

This is to certify that **Bill No. 116-32 (COR), "AN ACT TO AMEND § 65102; AND TO ADD A NEW SUBSECTION (e) TO § 65103, AND A NEW § 65103.1, ALL OF CHAPTER 65, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF OPERATIONAL CONTINUITY PLANS FOR EACH AGENCY OF THE GOVERNMENT OF GUAM",** was on the 12th day of November 2013, 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 15th day of Nov., 2013, at 11:28 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 116-32 (COR)
As amended by the Committee on Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs and Judiciary; and further amended on the Floor.

Introduced by: Michael F.Q. San Nicolas
B. J.F. Cruz
FRANK B. AGUON, JR.
Vicente (ben) C. Pangelinan
T. C. Ada
V. Anthony Ada
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* § 65102; AND TO *ADD* A NEW SUBSECTION (e) TO § 65103, AND A NEW § 65103.1, ALL OF CHAPTER 65, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF OPERATIONAL CONTINUITY PLANS FOR EACH AGENCY OF THE GOVERNMENT OF GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act *shall* be cited as the "Responsible Operational Continuity Plans Act."

Section 2. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Office of Civil Defense is given the authority to prepare for and direct and control government emergency functions in the event of emergency conditions. The main function of Civil Defense is related to the continuation of government emergency functions for public health, safety, transportation and utilities.

I Liheslatura further finds that the continuity of operations for the government of Guam in the event of any emergency resulting from a natural or other disaster or hostile action is necessary for the security of individuals and property in Guam. Additionally, some circumstances may adversely impact operational continuity for agencies which do *not* arise from emergency conditions, such as the loss of personnel by attrition, the breakdown of equipment, or the loss of records due to a systems failure.

It is, therefore, the intent of *I Liheslaturan Guåhan* that each agency of the government of Guam should establish and maintain an up-to-date operational continuity plan to achieve maximum operational continuity in the events which would disrupt the ability of the agency to operate, including emergencies resulting from a natural or other disaster or hostile action.

Section 3. §65102, Chapter 65, Title 10, Guam Code Annotated, is hereby *amended* to read:

"**§ 65102. Definition and Scope of Activity.**

As used in this Chapter, the term *Civil Defense shall* mean the preparation for the carrying out of all emergency functions, other than functions for which United States military forces or other Federal agencies are primarily responsible, to prevent, minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or by fire, flood, typhoon or other causes. These functions include, without limitation, fire fighting services, police services, medical and health

services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons of defense, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), emergency transportation, plant protection, the approval and maintenance of a separate record of adopted operational continuity plans for agencies of the government of Guam, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for the carrying out of the foregoing functions."

Section 4. A new Subsection (e) is hereby *added* to §65103 of Chapter 65, Title 10, Guam Code Annotated, to read:

"(e) The Administrator *shall* maintain a separate record for each adopted operational continuity plan submitted to the Office of Civil Defense."

Section 5. A new §65103.1 is hereby *added* to Chapter 65, Title 10, Guam Code Annotated, to read:

"**§ 65103.1. Agency Operational Continuity Plans.**

Each agency of the government of Guam *shall* establish an operational continuity plan. Each such plan *shall* be reviewed for adequacy and thereafter adopted by the governing board or, in the absence of a governing board, *I Maga'lahen Guåhan* and, thereafter, submitted annually on or before October 1st with amendments, as necessary, to the Administrator of the Office of Civil Defense. Copies of the adopted plan *shall* be furnished to *I Liheslaturan Guåhan* (the Guam Legislature) and *I Maga'lahi* (the Governor) *no later than* October 1st of each year. Such plan *shall* include provisions for:

(a) events which would disrupt the ability of the agency to operate, such as:

(1) the loss of personnel by retirement, whether known or unknown in advance, national guard deployment, military reserve deployment, sickness, death or other contingencies;

(2) the loss, malfunction or breakdown of equipment necessary for the efficient provision of services;

(3) the loss of physical or electronic records necessary for the efficient provision of services;

(4) the unavailability of a facility which is necessary for the efficient provision of services; or

(5) any combination of the above through reasonably foreseeable instances, such as natural or other disasters or acts, or omission of the agency or other entities, including hostile acts;

(b) the maintenance of maximum operational continuity in the event of any situation which would disrupt the ability of the agency to operate pursuant to Subsection (a) of this Section; and

(c) a statement of actions to be taken to prevent or mitigate any vulnerabilities, pursuant to Subsection (a) of this Section, which pose a significant risk to the continuity of operations of the agency."