


I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
195-35 (LS)	James C. Moylan	AN ACT TO AMEND §§ 1A101(h), 1A103, 1A103.1, 1A103.3, 1A103.4, and 1A104, AND TO ADD §§ 1A101(i), 1A112, 1A112.1, AND 1A112.2, ALL OF CHAPTER 1A, TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE CREATION OF A COMMISSION ON GOVERNMENT REORGANIZATION, AND ITS OBJECTIVES IN FULFILLING THE INTENT OF PUBLIC LAW 34-087:5, WHICH WAS TO RIGHTSIZES THE GOVERNMENT OF GUAM.	8/16/19 11:03 a.m.						


I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. ~~145~~-35 (LS)

Introduced by:

James C. Moylan 

AN ACT TO AMEND §§ 1A101(h), 1A103, 1A103.1, 1A103.3, 1A103.4, and 1A104, AND TO ADD §§ 1A101(i), 1A112, 1A112.1, AND 1A112.2, ALL OF CHAPTER 1A, TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE CREATION OF A COMMISSION ON GOVERNMENT REORGANIZATION, AND ITS OBJECTIVES IN FULFILLING THE INTENT OF PUBLIC LAW 34-087:5, WHICH WAS TO RIGHTSIZES THE GOVERNMENT OF GUAM.

2019 AUG 16 AM 11:03 

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Public Law 34-087:5 provided the Governor of Guam a very detailed and the complete authority to reorganize the government of Guam by the powers granted through an Executive Order. *I Liheslaturan Guåhan* further accepts that the principle of a “Government Reorganization” is noble and greatly needed to achieve a cost savings measure for taxpayers, while accomplishing the goal of rightsizing the government. However any form of reorganization is also very challenging to accomplish single handedly by just one entity.

An effective and efficient means of government reorganization can only be accomplished through a team effort, collectively comprised of members of the three branches of our government, along with members of the community.

Therefore it is the objective of this legislation to create a *Commission on*

1 *Government Reorganization* to prepare a plan for the Chief Executive to consider.
2 If all or a part of the plan is agreed upon, the provisions of PL 34-087:5 would
3 provide for the implementation of those recommendations.

4 The plan provided by this commission would essentially “jump start” the
5 process of reorganization. Whether the Governor accepts all, part or none of the
6 plan would be their prerogative. However the efforts of this commission would
7 allow the community to attain a better grasp at whether a cost savings with
8 government reorganization does exist, and if so, what amount that could be saved.
9 Likewise if the Governor chooses to elect a part or none of the recommendations
10 by the commission, nothing would prevent any future legislative body from
11 considering these options as legislation. After all, the plan finalized by the
12 Commission would provide a framework for government reorganization.

13 **Section 2.** § 1A112, § 1A112.1, and § 1A112.2, is hereby *added* to the
14 table of contents of Chapter 1A, Title 5, Guam Code Annotated, to read as follows:

15 **CHAPTER 1A**

16 **REORGANIZATION**

17 § 1A101. Definitions.

18 § 1A102. Internal Reorganization.

19 § 1A103. Reorganization of the Executive Branch.

20 § 1A103.1. Executive Order: Reorganization of the Executive Branch.

21 § 1A103.2. [Executive Order:] Table 1.

22 § 1A103.3. Same. [Executive Order:] Absorption of Functions.

23 § 1A103.4. Same. [Executive Order:] Abolition of Government Entities.

24 § 1A104. Transfer Authority.

25 § 1A104.1. Same. [Transfer Authority.] Outsourcing and Privatization.

26 § 1A105. Executive Order(s).

27 § 1A105.1. Same: [Executive Order(s).] Availability Roster.

- 1 § 1A106. Implementing Executive Order.
- 2 § 1A107. [Furloughs and Layoffs].
- 3 § 1A108. Transition - Files and Equipment.
- 4 § 1A109. Abolished Entity.
- 5 § 1A109.1. Same: [Abolished Entity.] Boards and Commissions of Entities Listed
- 6 in Group III.
- 7 § 1A110. Special Provision for Elected Officials.
- 8 § 1A111. Special Provision for the University of Guam and the Guam Community
- 9 College.

10 § 1A112. Commission on Government Reorganization.

11 § 1A112.1. Responsibilities of the Commission on Government Reorganization.

12 § 1A112.2. Compensation of the Commission on Government Reorganization.

13 **Section 2.** § 1A101(h) of Chapter 1A, Title 5 GCA is hereby *amended*, and
14 § 1A101(i), also of Chapter 1A, Title 5 GCA is hereby *added* to read as follows:

15 (h) Commission means the Commission on Government
16 Reorganization.

17 (i) *Reorganization* means:

18 (1) the transfer of the whole or any part of any agency, or of the
19 whole or any part of the functions thereof, to the jurisdiction and
20 control of any other agency;

21 (2) the abolition of all or any part of the functions of any
22 agency;

23 (3) the consolidation or coordination of the whole or any part of
24 any agency, or of the whole or any part of the functions thereof, with
25 the whole or any part of any other agency or the functions thereof;

1 (4) the consolidation or coordination of any part of any agency
2 or the functions thereof with any other part of the same agency or the
3 functions thereof;

4 (5) the authorization of any non-elective officer to appoint any
5 individual to perform any of his/her functions;

6 (6) the abolition of the whole or any part of any agency which
7 agency or part does not have any function; or

8 (7) the use of a person under contract to perform functions
9 which regularly are performed or budgeted to be performed by
10 employees appointed under the merit system.

11 **Section 4.** § 1A103 of Chapter 1A, Title 5, Guam Code Annotated, is
12 hereby *amended* to read as follows:

13 **§ 1A103. Reorganization of the Executive Branch.**

14 Reorganization of the executive branch, pursuant to the recommendations
15 submitted by the Commission in § 1A112 and § 1A112.1 of this Chapter, shall be
16 accomplished in accordance with this Chapter.

17 **Section 5.** § 1A103.1 of Chapter 1A, Title 5, Guam Code Annotated, is
18 hereby *amended* to read as follows:

19 **§ 1A103.1. Executive Order: Reorganization of the Executive Branch.**

20 Upon receipt and acceptance of the reorganization plan submitted by the
21 Commission, pursuant to § 1A112 and § 1A112.1 of this Chapter, tThe Governor
22 by executive order(s) *may* direct the reorganization of the various entities of the
23 executive branch and *may* implement the Priority Placement Procedure as listed in
24 Appendix C of Chapter 1, Division 1, Title 2, Guam Administrative Rules and
25 Regulations, relative to the Personnel Rules and Regulations of the Department of
26 Administration as the standard policy and uniform guideline to address employees
27 affected by adverse effects such as, but not limited to, consolidation, transfer of

1 functions, lack of work or funds, position classification or reduction in force; or
2 executive branch reorganization, restructuring, reform, modernization,
3 streamlining, innovation or transformation initiatives.

4 **Section 6.** § 1A103.3 of Chapter 1A, Title 5, Guam Code Annotated, is
5 hereby *amended* to read as follows:

6 **§ 1A103.3. Same: [Executive Order:] Absorption of Functions.**

7 (a) Upon receipt and acceptance of the reorganization plan submitted by *the*
8 *Commission*, pursuant to § 1A112 and § 1A112.1 of this Chapter, ~~t~~The Governor
9 by executive order(s) may direct the absorption of any or all of the functions of any
10 one (1) agency of the government listed in Table 1 with a Priority Number (PN) of
11 201 or higher by any agency(ies) of the government with a lower priority number.

12 (b) (1) Any agency in Group I may absorb any of the functions of any other
13 agencies in Groups II and III, and (2) any agencies within Groups II and III may
14 absorb the functions of any other agencies within Group II or Group III.

15 **Section 7.** § 1A103.4 of Chapter 1A, Title 5, Guam Code Annotated, is
16 hereby *amended* to read as follows:

17 **§ 1A103.4. Same: [Executive Order:] Abolition of Government Entities.**

18 Upon receipt and acceptance of the reorganization plan submitted by *the*
19 *Commission*, pursuant to § 1A112 and § 1A112.1 of this Chapter, ~~t~~The Governor
20 by executive order(s) may abolish any agency of the government listed in Table 1
21 with a PN of 301 or higher.

22 **Section 8.** § 1A104 of Chapter 1A, Title 5, Guam Code Annotated, is hereby
23 *amended* to read as follows:

24 **§ 1A104. Transfer Authority.**

25 Upon receipt and acceptance of the reorganization plan submitted by *the*
26 *Commission*, pursuant to § 1A112 and § 1A112.1 of this Chapter, ~~t~~The Governor is
27 authorized to transfer the appropriation, and any cost savings, unspent

1 appropriation, or excess spending authority, of any agency of the government
2 which is abolished or any function which is absorbed to any other agency(ies) of
3 the government with a PN of 101E-108S. This provision shall only exist for the
4 Fiscal Year the reorganization is enacted, and no savings shall be transferred to the
5 following Fiscal Year without the authorization of I Liheslaturan Guahan.

6 **Section 9.** § 1A112, § 1A112.1, and § 1A112.2 is hereby *added* to Chapter
7 1A of Title 5, Guam Code Annotated, to read as follows:

8 **§ 1A112. Commission on Government Reorganization**

9 There is hereby created a Commission on Government Reorganization,
10 hereafter referred to as the Commission for the purposes of this Chapter. The
11 Commission shall comprise of members of the three branches of government, the
12 general public, and the business community, however the chairperson who is
13 elected from the membership, shall be an employee of the Executive Branch of
14 government.

15 The membership of the Commission shall comprise of the following:

- 16 (a) The Governor of Guam or their appointee;
17 (b) The Director of the Department of Administration or their
18 appointee;
19 (c) The Director of the Department of Revenue and Taxation or their
20 appointee;
21 (d) Two (2) appointees from the Governor of Guam who shall
22 represent Public Safety Agencies;
23 (e) The Director of the Department of Public Health and Social
24 Services or their appointee;
25 (f) The Administrator of the Guam Memorial Hospital or their
26 appointee;

- 1 (g) Two (2) appointees from the Superintendent of the Guam
2 Department of Education who represent the Guam Department of
3 Education;
- 4 (h) Two (2) appointees from the Governor of Guam, with the consent
5 of the President of the Guam Chamber of Commerce who shall
6 represent the Business Community;
- 7 (i) Two (2) appointees from the Governor of Guam who shall
8 represent the General Public, and are not employed in the public
9 sector;
- 10 (j) The Public Auditor or their appointee;
- 11 (k) Two (2) appointees from the Chief Justice of the Supreme Court
12 who represent the Judiciary of Guam;
- 13 (l) Two (2) members of the Majority in the Guam Legislature, to be
14 selected by the Speaker;
- 15 (m) One (1) member of the Minority in the Guam Legislature, to be
16 selected by the Speaker, and;
- 17 (n) Two (2) appointees from the Speaker of the Guam Legislature
18 with the consent of the President of the Guam Chamber of
19 Commerce, who shall represent the Business Community.
- 20 (o) Two (2) appointees from the Speaker of the Guam Legislature
21 who shall represent the General Public, and are not employed in
22 the public sector

23 The members of the Commission shall elect among their membership a
24 Chairperson and Vice Chairperson, granted that the Chairperson is employed by
25 the Executive Branch of the government of Guam. The Chairperson may create
26 sub-committees of the Commission and appoint the chairperson(s). Any vote by
27 the Commission shall be determined by a majority vote of those present, however

1 to attain quorum, participation shall be fifty percent (50%) plus one (1) of the
2 membership of the Commission.

3 The commission shall hold their first official meeting no more than thirty
4 (30) days from the enactment of this Act.

5 **§ 1A112.1. Responsibilities of the Commission on Government**
6 **Reorganization.**

7 The Commission shall meet as needed, with at least two (2) official meetings
8 scheduled each month. Their objectives shall be to present a detailed plan and
9 recommendations on “Government Reorganization”, pursuant to §§ 1A102,
10 1A103, 1A103.1, 1A103.2, 1A103.3, 1A103.4, 1A104, 1A104.1, 1A105, 1A109,
11 and 1A109.1, of this Chapter. The detailed report shall comprise of, but shall not
12 be limited to the following recommendations:

13 (a) prioritization in force;

14 (b) outsourcing;

15 (c) absorption;

16 (d) abolition;

17 (e) reorganization;

18 (f) availability rosters;

19 (g) the designation of functions to be absorbed; or

20 (h) the designation of entities to be abolished.

21 The detailed plan on “Government Reorganization” shall be submitted to the
22 Governor of Guam no more than one hundred eighty (180) days from the first (1st)
23 meeting of the Commission. The plan shall also consist of the financial savings the
24 proposed “Government Reorganization” shall provide towards the expenditures of
25 the government of Guam.

1 The Commission shall adopt their rules and procedures on how to approach
2 the finalization of the “Government Reorganization” plan during their inaugural
3 meeting.

4 **§ 1A112.2. Compensation of the Commission on Government Reorganization.**

5 Members of the Commission shall not be compensated, nor shall any funds
6 from the General Fund or any Special Fund be appropriated for the purposes of this
7 Chapter. Any resource(s) needed to address the objectives of the detailed plan and
8 recommendations for Government Reorganization shall be supported by respective
9 entities in the Government of Guam.

10 **Section 10. Severability.** If any provision of this Act or its application to
11 any person or circumstance is found to be invalid or contrary to law, such
12 invalidity *shall not* affect other provisions or applications of this Act that can be
13 given effect without the invalid provision or application, and to this end the
14 provisions of this Act are severable.

15 **Section 11. Effective Date.** The Act *shall* become effective immediately
16 upon enactment.