

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
4-32 (LS), P.L. 32-010	T.A. Morrison, B.J.F. Cruz, V. Anthony Ada	AN ACT TO REPEAL AND RE-ENACT ARTICLE 2 OF CHAPTER 20 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING THE OFFICE OF TECHNOLOGY.	01/07/2013, 10:48am	1/7/13	Committee on General Government Operations and Cultural Affairs	01/31/2013 , 5:30pm	02/18/13 9:44 A.M.	Fiscal Note Requested 2/13/13
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	4/1/2013	AN ACT TO REPEAL AND RE-ENACT ARTICLE 2 OF CHAPTER 20 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF TECHNOLOGY.	4/2/13	12:10PM	4/12/13	4/11/2013	32-010	As substituted by the Committee on General Government Operations and Cultural Affairs; and further substituted and amended on the Floor.



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

April 12, 2013

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

RE: Bill No. 4-32 (LS) – Public Law No. 32-010

Dear Madame Speaker:

Transmitted herewith is Bill No. 4-32 (LS), "AN ACT TO REPEAL AND RE-ENACT ARTICLE 2 OF CHAPTER 20 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF TECHNOLOGY" OF 2013", which I signed into law on April 11, 2013, as Public Law 32-010.

Senseramente,

EDDIE BAZA CALVO

Attachment: Copy of Bill

72-13-272
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 4/12/13
Time 4 PM
Received by RT

2013 APR 12 PM 4: 22

0272

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

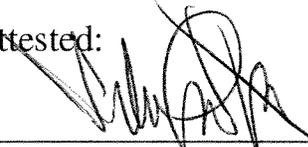
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 4-32 (LS), "AN ACT TO REPEAL AND RE-ENACT ARTICLE 2 OF CHAPTER 20 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF TECHNOLOGY", was on the 1st day of April, 2013, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:

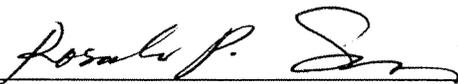


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 12 day of ~~February~~ ^{April},
RSN

2013, at

12:10 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: APR 1 1 2013

Public Law No. 32-010

1 **§ 20200. Findings and Purposes.**

2 *I Liheslaturan Guåhan* finds and declares that information technology is
3 essential to finding practical solutions to the everyday problems of government,
4 and that the management goals and purposes of government are furthered by the
5 development of compatible, linked information systems across government.
6 Therefore, it is the purpose of this Article to create, as an integral part of the
7 Department of Administration, the Office of Technology with the authority to
8 advise and make recommendations to all local governmental units on their
9 information systems, and to have the authority to oversee coordination of the
10 government's technical infrastructure.

11 **§ 20201. Scope of Authority.**

12 This Article *shall* apply to all agencies of the executive branch of the
13 government of Guam, not including the autonomous agencies as defined by
14 12GCA. This Article *shall not* apply to the legislative and judicial branches of
15 the government of Guam.

16 **§ 20202. Definitions.**

17 As used in this Article:

18 (a) *Information systems* means computer-based information equipment
19 and related services designed for the automated transmission, storage,
20 manipulation and retrieval of data by electronic or mechanical means;

21 (b) *Information technology* means data processing and
22 telecommunications hardware, software, services, supplies, personnel,
23 maintenance, and training, and includes the programs and routines used to
24 employ and control the capabilities of data processing hardware;

25 (c) *Information equipment* includes central processing units, front-end
26 processing units, microprocessors and related peripheral equipment, including
27 data storage devices, networking equipment, services, routers, document

1 scanners, data entry equipment, terminal controllers, data terminal equipment,
2 and computer-based word processing systems, other than memory typewriters;

3 (d) *Related services* includes feasibility studies, systems design,
4 software development and time-sharing services, whether provided by
5 government of Guam employees or others;

6 (e) *Telecommunications* means any transmission, emission or reception
7 of signs, signals, writings, images, or sounds of intelligence of any nature by
8 wire, radio, or other electromagnetic or optical systems. The term includes all
9 facilities and equipment performing those functions that are owned, leased or
10 used by the executive agencies of the government;

11 (f) *Chief Technology Officer* means the person holding the position
12 created in §20203 of this Article, and vested with the authority to oversee
13 agencies/programs in planning and coordinating information systems that serve
14 the effectiveness and efficiency of the government and individual
15 agencies/programs, and further the overall management goals and purposes of
16 government;

17 (g) *Technical infrastructure* means all information systems, information
18 technology, information equipment, telecommunications, and related services, as
19 defined in this Section;

20 (h) *Information technology project* means the process by which
21 telecommunications, automated data processing, databases, the internet,
22 management information systems and related information, equipment, goods and
23 services are planned, procured and implemented;

24 (i) *Major information technology project* means any information
25 technology project estimated to cost *more than* One Hundred Thousand Dollars,
26 or require *more than* three hundred man hours to complete; and

1 (j) *Steering committee* means an internal agency oversight committee
2 established jointly by the Chief Technology Officer and the agency requesting
3 the project, which shall include representatives from the Office of Technology
4 and *at least* one representative from the agency requesting the project.

5 **§ 20203. Office of Technology; Chief Technology Officer;**
6 **Appointment and Qualifications.**

7 The Office of Technology is created within the Department of
8 Administration. A Chief Technology Officer *shall* be appointed by *I Maga'låhen*
9 *Guåhan* (the Governor) with the advice and consent of *I Liheslaturan Guåhan*
10 (the Legislature). *I Maga'låhen Guåhan* may create and empanel an advisory
11 council within the Office of Technology to provide guidance and expertise to the
12 Chief Technology Officer and the Office of Technology staff. The Chief
13 Technology Officer *shall* have knowledge in the field of information technology,
14 experience in the design and management of information systems and an
15 understanding of the special demands upon government with respect to
16 budgetary constraints, the protection of privacy interests and federal and local
17 standards of accountability.

18 The candidate for this position *shall* have *at least* five (5) years of
19 managerial experience in the field of Information Technology, Management
20 Information Systems, Financial Information Systems, or closely related field, in a
21 company or governmental agency with revenues in excess of Ten Million Dollars
22 (\$10,000,000).

23 **§ 20204. Powers and Duties of the Chief Technology Officer;**
24 **Generally.**

25 (a) With respect to all agencies/programs the Chief Technology Officer
26 may:

1 (1) develop an organized approach to information resource
2 management for the government of Guam;

3 (2) provide, with the assistance of the
4 information/technology/communications services of the Department of
5 Administration, technical assistance to the administrators of the various
6 agencies/programs in the design and management of information systems;

7 (3) evaluate, in conjunction with the Information Services and
8 Communications Division, the economic justification, system design and
9 suitability of information equipment and related services, and review and
10 make recommendations on the purchase, lease or acquisition of
11 information equipment and contracts for related services by the
12 agencies/programs;

13 (4) develop a mechanism for identifying those instances where
14 systems of paper forms should be replaced by direct use of information
15 equipment and those instances where applicable government of Guam or
16 federal standards of accountability demand retention of some paper
17 processes;

18 (5) develop a mechanism for identifying those instances where
19 information systems should be linked and information shared, while
20 providing for appropriate limitations on access and the security of
21 information;

22 (6) create new technologies to be used in government, convene
23 conferences, and develop incentive packages to encourage the utilization
24 of technology;

25 (7) engage in any other activities as directed by *I Maga'låhi* (the
26 Governor);

1 (8) charge a fee to the agencies/programs for evaluations
2 performed and technical assistance provided under the provisions of this
3 Section. All fees collected by the Chief Technology Officer *shall* be
4 deposited in a special account in the Government of Guam Treasury to be
5 known as the Technology Office Administration Fund. Expenditures from
6 the Fund *shall* be made by the Chief Technology Officer for the purposes
7 set forth in this Article in accordance with an appropriation by *I*
8 *Liheslaturan Guåhan*.

9 (9) monitor trends and advances in information technology and
10 technical infrastructure;

11 (10) direct the formulation and promulgation of policies,
12 guidelines, standards and specifications for the development and
13 maintenance of information technology and technical infrastructure,
14 including, but *not* limited to:

15 (A) standards to support the government of Guam and the
16 exchange, acquisition, storage, use, sharing and distribution of
17 electronic information;

18 (B) standards concerning the development of electronic
19 transactions, including the use of electronic signatures;

20 (C) standards necessary to support a unified approach to
21 information technology across the totality of the government of
22 Guam, thereby assuring that the residents and businesses of Guam
23 receive the greatest possible security, value and convenience from
24 investments made in technology;

25 (D) guidelines directing the establishment of government-
26 wide standards for the efficient exchange of electronic information

1 and technology, including technical infrastructure, between the
2 public and private sectors;

3 (E) technical and data standards for information technology
4 and related systems to promote efficiency and uniformity;

5 (F) technical and data standards for the connectivity,
6 priorities and interoperability of technical infrastructure used for
7 homeland security, public safety and health, and systems reliability
8 necessary to provide continuity of government operations in times of
9 disaster or emergency; and

10 (G) technical and data standards for the coordinated
11 development of infrastructure related to deployment of electronic
12 government services;

13 (11) periodically evaluate the feasibility of subcontracting
14 information technology resources and services, and to subcontract *only*
15 those resources that are feasible and beneficial to the government of
16 Guam;

17 (12) direct the compilation and maintenance of an inventory of
18 information technology and technical infrastructure, which may include
19 personnel, facilities, equipment, goods and contracts for services, wireless
20 tower facilities, geographic information systems, and any technical
21 infrastructure or technology that is used for law enforcement, homeland
22 security, or emergency services;

23 (13) develop job descriptions and qualifications necessary to
24 perform duties related to information technology as outlined in this
25 Article;

26 (14) periodically evaluate government wide public
27 safety/homeland security communications system/network requirements,

1 inclusive of the "911" system, and report findings and recommendations to
2 *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan*, and provide support for
3 the procurement, installation and operation of such systems/networks; and

4 (15) promulgate rules as may be necessary to standardize and make
5 effective the administration of the provisions of Article 6 of this Chapter.

6 (b) With respect to executive agencies, the Chief Technology Officer may:

7 (1) develop a unified and integrated structure for information
8 systems for all executive agencies;

9 (2) establish, based on need and opportunity, priorities and time
10 lines for addressing the information technology requirements of the
11 various executive agencies of the government of Guam;

12 (3) exercise authority delegated by *I Maga'låhi* (the Governor) by
13 Executive Order to overrule and supersede decisions made by the
14 administrators of the various executive agencies of government with
15 respect to the design and management of information systems and the
16 purchase, lease or acquisition of information equipment and contracts for
17 related services;

18 (4) draw upon staff of other executive agencies for advice and
19 assistance in the formulation and implementation of administrative and
20 operational plans and policies; and

21 (5) recommend to *I Maga'låhi* (the Governor) transfers of
22 equipment and human resources from any executive agency and the most
23 effective and efficient uses of the fiscal resources of executive agencies, to
24 consolidate or centralize information-processing operations.

25 (c) The Chief Technology Officer may employ the personnel necessary
26 to carry out the work of the Office of Technology and may approve
27 reimbursement of costs incurred by employees to obtain education and training.

1 (d) The Chief Technology Officer *shall* oversee telecommunications
2 services used by agencies/programs for the purpose of maximizing efficiency to
3 the fullest possible extent. The Chief Technology Officer may establish
4 microwave or other networks and hops; audit telecommunications services and
5 usage; recommend and develop strategies for the discontinuance of obsolete or
6 excessive utilization; participate in the renegotiation of telecommunications
7 contracts; and encourage the use of technology and take other actions necessary
8 to provide the greatest value to the government of Guam.

9 **§ 20204.1. Duties of the Chief Technology Officer Relating to**
10 **Security of Government Information.**

11 (a) The Chief Technology Officer *shall* ensure the security of
12 government information and the data communications infrastructure from
13 unauthorized uses, intrusions or other security threats. At a minimum, these
14 policies, procedures and standards *shall* identify and require the adoption of
15 practices to safeguard information systems, data and communications
16 infrastructures, as well as define the scope and regularity of security audits, and
17 which bodies are authorized to conduct security audits. The audits may include
18 reviews of physical security practices.

19 (b) Annual audits:

20 (1) The Chief Technology Officer *shall*, at least annually,
21 perform security audits of all executive branch agencies regarding the
22 protection of government databases and data communications.

23 (2) Security audits may include, but are *not* limited to, on-site
24 audits, as well as reviews of all written security procedures and
25 documented practices.

26 (c) The Chief Technology Officer may contract with a private firm, or
27 firms, that specialize in conducting these audits.

1 (d) All public bodies subject to the audits required by this Section *shall*
2 fully cooperate with the entity designated to perform the audit.

3 (e) The Chief Technology Officer may direct specific remediation
4 actions to mitigate findings of insufficient administrative, technical and physical
5 controls necessary to protect government information or data communication
6 infrastructures.

7 (f) The Chief Technology Officer *shall* promulgate rules to minimize
8 vulnerability to threats and to regularly assess security risks, determine
9 appropriate security measures, and perform security audits of government
10 information systems and data communications infrastructures.

11 (g) The Chief Technology Officer *shall* ensure compliance with
12 confidentiality restrictions and other security guidelines applicable to law-
13 enforcement agencies, emergency response personnel, and emergency
14 management operations.

15 (h) The provisions of this Section *shall not* infringe upon the
16 responsibilities assigned to the Public Auditor, or other statutory requirements.

17 (i) In consultation with the Adjutant General, the Chief of Police, the
18 Fire Chief and the Director of the Division of Homeland Security, the Chief
19 Technology Officer is responsible for the development and maintenance of an
20 information systems disaster recovery system for the government of Guam with
21 redundant sites in two or more locations isolated from reasonably perceived
22 threats to the primary operations of the government of Guam. The Chief
23 Technology Officer *shall* develop specifications, funding mechanisms and
24 participation requirements for all executive branch agencies to protect the
25 government of Guam's essential data, information systems and critical
26 government services in times of emergency, inoperativeness, or disaster. Each
27 executive branch agency *shall* assist the Chief Technology Officer in planning

1 for its specific needs, and provide to the Chief Technology Officer any
2 information or access to information systems or equipment that may be required
3 in carrying out this purpose. No government-wide or executive branch agency
4 procurement of disaster recovery services may be initiated, let or extended
5 without the expressed consent of the Chief Technology Officer.

6 **§ 20204.2. Project Management Duties of the Chief Technology**
7 **Officer**

8 The Chief Technology Officer *shall* be the Project Manager for all
9 technology projects of agencies under the jurisdiction of this Article. The Chief
10 Technology Officer may delegate Project Management duties to an employee or a
11 contract manager in the event that the project's funding sources, such as a grant
12 or specific appropriation, allows funds to be expended for project management.

13 **§ 20204.3. Major Information Technology Projects Proposals and the**
14 **Establishment of Steering Committees.**

15 (a) Prior to proceeding with a major information technology project, an
16 agency *shall* submit a project proposal outlining the business need for the
17 project, the proposed technology solution, if known, and an explanation of how
18 the project will support the agency's business objective and the government of
19 Guam's strategic plan for information technology. The project manager may
20 require the submission of additional information as needed to adequately review
21 any proposal.

22 (b) The proposal will further include:

- 23 (1) a detailed business case plan, including a cost-benefit
24 analysis;
- 25 (2) a business process analysis, if applicable;
- 26 (3) system requirements, if known;

1 (4) a proposed development plan and project management
2 structure;

3 (5) business goals and measurement criteria, as appropriate; and

4 (6) a proposed resource or funding plan.

5 (c) The project manager assigned to review the project development
6 proposal *shall* recommend its approval or rejection to the Chief Technology
7 Officer. If the Chief Technology Officer approves the proposal, then he or she
8 *shall* notify the agency of its approval.

9 (d) Whenever an agency has received approval from the Chief
10 Technology Officer to proceed with the development and acquisition of a major
11 information technology project, the Chief Technology Officer *shall* establish a
12 steering committee.

13 (e) The steering committee *shall* provide ongoing oversight for the
14 major information technology project, and have the authority to approve or reject
15 any changes to the project's scope, schedule or budget.

16 (f) The Chief Technology Officer *shall* ensure that the major
17 information technology project has in place adequate project management and
18 oversight structures for addressing the project's scope, schedule or budget, and
19 *shall* address issues that cannot be resolved by the steering committee.

20 **§ 20205. Notice of Request for Proposals by Agencies/Programs**
21 **Required to Make Purchases Through the Guam General Services Agency.**

22 Any agency/program that pursues an information technology purchase that
23 *does not* meet the definition of a "major technology project," and that is required
24 to submit a request for proposal to the Guam General Services Agency prior to
25 purchasing goods or services, *shall* obtain the approval of the Chief Technology
26 Officer, in writing, of any proposed purchase of goods or services related to its
27 information technology and telecommunication systems. The notice *shall*

1 contain a brief description of the goods and services to be purchased. The
2 agency/program *shall* provide the notice to the Chief Technology Officer prior to
3 the time it submits its request for proposal to the Guam General Services Agency.

4 **§ 20206. Notice of Request for Proposals by an Agency/Program**
5 **Exempted From Submitting Purchases to the Guam General Services**
6 **Agency.**

7 (a) Any agency/program that is *not* required to submit a request for
8 proposal to the Guam General Services Agency prior to purchasing goods or
9 services *shall* notify the Chief Technology Officer, in writing, of any proposed
10 purchase of goods or services related to its information technology or
11 telecommunication systems. The notice *shall* contain a detailed description of the
12 goods and services to be purchased. The agency/program *shall* provide the notice
13 to the Chief Technology Officer a minimum of ten days prior to the time it
14 requests bids on the provision of the goods or services.

15 (b) If the Chief Technology Officer evaluates the suitability of the
16 information technology and telecommunication equipment and related services
17 under the provisions of §20204(a)(3) of this Article, and determines that the
18 goods or services to be purchased are *not* suitable, he or she *shall*, within ten
19 days of receiving the notice from the agency/program, notify the
20 agency/program, in writing, of any recommendations he or she has regarding the
21 proposed purchase of the goods or services. If the agency/program receives a
22 written notice from the Chief Technology Officer within the time period required
23 by this Section, the agency/program *shall not* put the goods or services out for
24 bid *less than* fifteen days following receipt of the notice from the Chief
25 Technology Officer.

26 **§ 20207. Exemptions.**

1 (a) The provisions of this Article *do not* apply to autonomous agencies
2 as defined by 12GCA, *I Liheslaturan Guåhan*, the Judiciary/Public Defender
3 Service Corporation, the Office of Public Accountability, and the Office of the
4 Attorney General.

5 (b) Notwithstanding any other provision of this Article to the contrary,
6 *except* for participation in the compilation and maintenance of an inventory of
7 information technology and technical infrastructure of the government of Guam
8 authorized by §20204 of this Article, the provisions of this Article *do not* apply
9 to the Guam Department of Education. The Guam Department of Education may
10 cooperate and collaborate with the Chief Technology Officer to the extent
11 feasible.

12 (c) *I Maga'lahaen Guåhan* may, by executive order, exempt from the
13 provisions of this Article any entity created and organized to facilitate the public
14 and private use of health care information and the use of electronic medical
15 records throughout the government of Guam.

16 **§ 20208. Voluntary Assistance.**

17 Any branch or agency exempt from the provisions of this Article by
18 §20209(a) *may*, by memorandum of understanding, avail itself of any of the
19 services offered by the Office of Technology if such branch or agency determines
20 that acquiring such services is feasible. Such memorandum of understanding
21 *may* include fees and costs paid by the branch or agency, *except* that no fees for
22 such services shall be paid by the Office of Attorney General or the Office of
23 Public Accountability. The Chief Technology Officer *shall* create a schedule of
24 fees, rates and other consideration for services rendered to other government of
25 Guam agencies, departments, public corporations and instrumentalities. Such
26 schedule and any changes to such schedule must be approved by *I Maga'lahaen*
27 *Guåhan* and transmitted to *I Liheslaturan Guåhan* in Bill form. The fee schedule

1 and any future changes to the fee schedule *shall* be subject to approval by *I*
2 *Lihe slaturan Guåhan* after the following conditions are met: (a) at least one (1)
3 public hearing for the affected agencies on the fee schedules by the Office of
4 Technology pursuant to Chapter 10 of 5GCA; and (b) submission of the fee
5 schedule to *I Lihe slaturan Guåhan*, inclusive of the minutes of such hearing(s)
6 on the fee schedules. Prior to initiating services requested by an agency where
7 fees, rates or other consideration are required, the work order for such services
8 must be certified for availability of funds and approved by the agency's
9 approving officer.

10 **§ 20209. Applicability of Succession of Article.**

11 (a) All references to Automatic Data Processing Act as contained in
12 Article 2 of Chapter 20 of 5GCA prior to the enactment of Section 1 of this Act
13 *shall* henceforth refer to the Office Of Technology as enacted by Section 1 of this
14 Act. The Compiler of Laws *shall* make appropriate changes in the codification
15 of public law consistent with this Section.

16 (b) The Office Of Technology *shall* assume all obligations, required by
17 contract, memoranda of understanding, rule, regulation and executive order, of
18 the Department of Administration as related to the operation of Article 2 of
19 Chapter 20 of 5GCA prior to the enactment of Section 1 of this Act.

20 **§ 20210. Semi-Annual Reporting.**

21 The Chief Technology Officer *shall* submit a report to *I Lihe slaturan*
22 *Guåhan* every six (6) months on the activities of the Office of Technology.”

23 **Section 2. Disposition of Department Of Administration Data Processing**
24 **Division.**

25 All funds appropriated for Fiscal Year 2013 for the operations of the
26 Department Of Administration's Data Processing Division *shall* be administered
27 by the Office Of Technology. Control over appropriation *shall* remain with the

1 Director of Administration until such time that an individual is appointed to fill
2 the Chief Technology Officer position.

3 **Section 3. Severability.** If any provision of this Act or its application to any
4 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
5 not affect other provisions or application of this Act which can be given effect without
6 the invalid provisions or application, and to this end the provisions of this Act are
7 severable.



FILE COPY

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

April 1, 2013

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

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY *[Signature]*
TIME 12:10 DATE 4/2/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Nos. 1-32(LS), 4-32(LS), 5-32(LS), 6-32(LS), 7-32(COR), 23-32(COR), 29-32(COR), 31-32(COR), 32-32(COR), 41-32(LS), 43-32(COR), 44-32(COR), 46-32(LS) and 54-32(COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on April 1, 2013.

Sincerely,

Tina Rose Muña Barnes
Senator and Legislative Secretary

Enclosures (14)

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

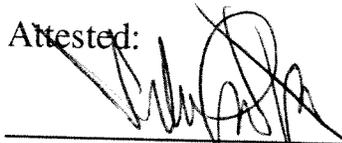
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 4-32 (LS), "AN ACT TO REPEAL AND RE-ENACT ARTICLE 2 OF CHAPTER 20 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF TECHNOLOGY"**, was on the 1st day of April, 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'lahaen Guåhan* this 2 day of ~~February~~ ^{April} 2013, at
12:10 o'clock P.M.



**Assistant Staff Officer
Maga'lahaen's Office**

APPROVED:

**EDWARD J.B. CALVO
*I Maga'lahaen Guåhan***

Date: _____

Public Law No. _____

1 **§ 20200. Findings and Purposes.**

2 *I Liheslaturan Guåhan* finds and declares that information technology is
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9 facilities and equipment performing those functions that are owned, leased or
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13 agencies/programs in planning and coordinating information systems that serve
14 the effectiveness and efficiency of the government and individual
15 agencies/programs, and further the overall management goals and purposes of
16 government;

17 (g) *Technical infrastructure* means all information systems, information
18 technology, information equipment, telecommunications, and related services, as
19 defined in this Section;

20 (h) *Information technology project* means the process by which
21 telecommunications, automated data processing, databases, the internet,
22 management information systems and related information, equipment, goods and
23 services are planned, procured and implemented;

24 (i) *Major information technology project* means any information
25 technology project estimated to cost *more than* One Hundred Thousand Dollars,
26 or require *more than* three hundred man hours to complete; and

1 (j) *Steering committee* means an internal agency oversight committee
2 established jointly by the Chief Technology Officer and the agency requesting
3 the project, which shall include representatives from the Office of Technology
4 and *at least* one representative from the agency requesting the project.

5 **§ 20203. Office of Technology; Chief Technology Officer;**
6 **Appointment and Qualifications.**

7 The Office of Technology is created within the Department of
8 Administration. A Chief Technology Officer *shall* be appointed by *I Maga'låhen*
9 *Guåhan* (the Governor) with the advice and consent of *I Liheslaturan Guåhan*
10 (the Legislature). *I Maga'låhen Guåhan* may create and empanel an advisory
11 council within the Office of Technology to provide guidance and expertise to the
12 Chief Technology Officer and the Office of Technology staff. The Chief
13 Technology Officer *shall* have knowledge in the field of information technology,
14 experience in the design and management of information systems and an
15 understanding of the special demands upon government with respect to
16 budgetary constraints, the protection of privacy interests and federal and local
17 standards of accountability.

18 The candidate for this position *shall* have *at least* five (5) years of
19 managerial experience in the field of Information Technology, Management
20 Information Systems, Financial Information Systems, or closely related field, in a
21 company or governmental agency with revenues in excess of Ten Million Dollars
22 (\$10,000,000).

23 **§ 20204. Powers and Duties of the Chief Technology Officer;**
24 **Generally.**

25 (a) With respect to all agencies/programs the Chief Technology Officer
26 may:

1 (1) develop an organized approach to information resource
2 management for the government of Guam;

3 (2) provide, with the assistance of the
4 information/technology/communications services of the Department of
5 Administration, technical assistance to the administrators of the various
6 agencies/programs in the design and management of information systems;

7 (3) evaluate, in conjunction with the Information Services and
8 Communications Division, the economic justification, system design and
9 suitability of information equipment and related services, and review and
10 make recommendations on the purchase, lease or acquisition of
11 information equipment and contracts for related services by the
12 agencies/programs;

13 (4) develop a mechanism for identifying those instances where
14 systems of paper forms should be replaced by direct use of information
15 equipment and those instances where applicable government of Guam or
16 federal standards of accountability demand retention of some paper
17 processes;

18 (5) develop a mechanism for identifying those instances where
19 information systems should be linked and information shared, while
20 providing for appropriate limitations on access and the security of
21 information;

22 (6) create new technologies to be used in government, convene
23 conferences, and develop incentive packages to encourage the utilization
24 of technology;

25 (7) engage in any other activities as directed by *I Maga'låhi* (the
26 Governor);

1 (8) charge a fee to the agencies/programs for evaluations
2 performed and technical assistance provided under the provisions of this
3 Section. All fees collected by the Chief Technology Officer *shall* be
4 deposited in a special account in the Government of Guam Treasury to be
5 known as the Technology Office Administration Fund. Expenditures from
6 the Fund *shall* be made by the Chief Technology Officer for the purposes
7 set forth in this Article in accordance with an appropriation by *I*
8 *Liheslaturan Guåhan*.

9 (9) monitor trends and advances in information technology and
10 technical infrastructure;

11 (10) direct the formulation and promulgation of policies,
12 guidelines, standards and specifications for the development and
13 maintenance of information technology and technical infrastructure,
14 including, but *not* limited to:

15 (A) standards to support the government of Guam and the
16 exchange, acquisition, storage, use, sharing and distribution of
17 electronic information;

18 (B) standards concerning the development of electronic
19 transactions, including the use of electronic signatures;

20 (C) standards necessary to support a unified approach to
21 information technology across the totality of the government of
22 Guam, thereby assuring that the residents and businesses of Guam
23 receive the greatest possible security, value and convenience from
24 investments made in technology;

25 (D) guidelines directing the establishment of government-
26 wide standards for the efficient exchange of electronic information

1 and technology, including technical infrastructure, between the
2 public and private sectors;

3 (E) technical and data standards for information technology
4 and related systems to promote efficiency and uniformity;

5 (F) technical and data standards for the connectivity,
6 priorities and interoperability of technical infrastructure used for
7 homeland security, public safety and health, and systems reliability
8 necessary to provide continuity of government operations in times of
9 disaster or emergency; and

10 (G) technical and data standards for the coordinated
11 development of infrastructure related to deployment of electronic
12 government services;

13 (11) periodically evaluate the feasibility of subcontracting
14 information technology resources and services, and to subcontract *only*
15 those resources that are feasible and beneficial to the government of
16 Guam;

17 (12) direct the compilation and maintenance of an inventory of
18 information technology and technical infrastructure, which may include
19 personnel, facilities, equipment, goods and contracts for services, wireless
20 tower facilities, geographic information systems, and any technical
21 infrastructure or technology that is used for law enforcement, homeland
22 security, or emergency services;

23 (13) develop job descriptions and qualifications necessary to
24 perform duties related to information technology as outlined in this
25 Article;

26 (14) periodically evaluate government wide public
27 safety/homeland security communications system/network requirements,

1 inclusive of the "911" system, and report findings and recommendations to
2 *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan*, and provide support for
3 the procurement, installation and operation of such systems/networks; and

4 (15) promulgate rules as may be necessary to standardize and make
5 effective the administration of the provisions of Article 6 of this Chapter.

6 (b) With respect to executive agencies, the Chief Technology Officer may:

7 (1) develop a unified and integrated structure for information
8 systems for all executive agencies;

9 (2) establish, based on need and opportunity, priorities and time
10 lines for addressing the information technology requirements of the
11 various executive agencies of the government of Guam;

12 (3) exercise authority delegated by *I Maga'låhi* (the Governor) by
13 Executive Order to overrule and supersede decisions made by the
14 administrators of the various executive agencies of government with
15 respect to the design and management of information systems and the
16 purchase, lease or acquisition of information equipment and contracts for
17 related services;

18 (4) draw upon staff of other executive agencies for advice and
19 assistance in the formulation and implementation of administrative and
20 operational plans and policies; and

21 (5) recommend to *I Maga'låhi* (the Governor) transfers of
22 equipment and human resources from any executive agency and the most
23 effective and efficient uses of the fiscal resources of executive agencies, to
24 consolidate or centralize information-processing operations.

25 (c) The Chief Technology Officer may employ the personnel necessary
26 to carry out the work of the Office of Technology and may approve
27 reimbursement of costs incurred by employees to obtain education and training.

1 (d) The Chief Technology Officer *shall* oversee telecommunications
2 services used by agencies/programs for the purpose of maximizing efficiency to
3 the fullest possible extent. The Chief Technology Officer may establish
4 microwave or other networks and hops; audit telecommunications services and
5 usage; recommend and develop strategies for the discontinuance of obsolete or
6 excessive utilization; participate in the renegotiation of telecommunications
7 contracts; and encourage the use of technology and take other actions necessary
8 to provide the greatest value to the government of Guam.

9 **§ 20204.1. Duties of the Chief Technology Officer Relating to**
10 **Security of Government Information.**

11 (a) The Chief Technology Officer *shall* ensure the security of
12 government information and the data communications infrastructure from
13 unauthorized uses, intrusions or other security threats. At a minimum, these
14 policies, procedures and standards *shall* identify and require the adoption of
15 practices to safeguard information systems, data and communications
16 infrastructures, as well as define the scope and regularity of security audits, and
17 which bodies are authorized to conduct security audits. The audits may include
18 reviews of physical security practices.

19 (b) Annual audits:

20 (1) The Chief Technology Officer *shall*, at least annually,
21 perform security audits of all executive branch agencies regarding the
22 protection of government databases and data communications.

23 (2) Security audits may include, but are *not* limited to, on-site
24 audits, as well as reviews of all written security procedures and
25 documented practices.

26 (c) The Chief Technology Officer may contract with a private firm, or
27 firms, that specialize in conducting these audits.

1 (d) All public bodies subject to the audits required by this Section *shall*
2 fully cooperate with the entity designated to perform the audit.

3 (e) The Chief Technology Officer may direct specific remediation
4 actions to mitigate findings of insufficient administrative, technical and physical
5 controls necessary to protect government information or data communication
6 infrastructures.

7 (f) The Chief Technology Officer *shall* promulgate rules to minimize
8 vulnerability to threats and to regularly assess security risks, determine
9 appropriate security measures, and perform security audits of government
10 information systems and data communications infrastructures.

11 (g) The Chief Technology Officer *shall* ensure compliance with
12 confidentiality restrictions and other security guidelines applicable to law-
13 enforcement agencies, emergency response personnel, and emergency
14 management operations.

15 (h) The provisions of this Section *shall not* infringe upon the
16 responsibilities assigned to the Public Auditor, or other statutory requirements.

17 (i) In consultation with the Adjutant General, the Chief of Police, the
18 Fire Chief and the Director of the Division of Homeland Security, the Chief
19 Technology Officer is responsible for the development and maintenance of an
20 information systems disaster recovery system for the government of Guam with
21 redundant sites in two or more locations isolated from reasonably perceived
22 threats to the primary operations of the government of Guam. The Chief
23 Technology Officer *shall* develop specifications, funding mechanisms and
24 participation requirements for all executive branch agencies to protect the
25 government of Guam's essential data, information systems and critical
26 government services in times of emergency, inoperativeness, or disaster. Each
27 executive branch agency *shall* assist the Chief Technology Officer in planning

1 for its specific needs, and provide to the Chief Technology Officer any
2 information or access to information systems or equipment that may be required
3 in carrying out this purpose. No government-wide or executive branch agency
4 procurement of disaster recovery services may be initiated, let or extended
5 without the expressed consent of the Chief Technology Officer.

6 **§ 20204.2. Project Management Duties of the Chief Technology**
7 **Officer**

8 The Chief Technology Officer *shall* be the Project Manager for all
9 technology projects of agencies under the jurisdiction of this Article. The Chief
10 Technology Officer may delegate Project Management duties to an employee or a
11 contract manager in the event that the project's funding sources, such as a grant
12 or specific appropriation, allows funds to be expended for project management.

13 **§ 20204.3. Major Information Technology Projects Proposals and the**
14 **Establishment of Steering Committees.**

15 (a) Prior to proceeding with a major information technology project, an
16 agency *shall* submit a project proposal outlining the business need for the
17 project, the proposed technology solution, if known, and an explanation of how
18 the project will support the agency's business objective and the government of
19 Guam's strategic plan for information technology. The project manager may
20 require the submission of additional information as needed to adequately review
21 any proposal.

22 (b) The proposal will further include:

- 23 (1) a detailed business case plan, including a cost-benefit
24 analysis;
- 25 (2) a business process analysis, if applicable;
- 26 (3) system requirements, if known;

1 (4) a proposed development plan and project management
2 structure;

3 (5) business goals and measurement criteria, as appropriate; and

4 (6) a proposed resource or funding plan.

5 (c) The project manager assigned to review the project development
6 proposal *shall* recommend its approval or rejection to the Chief Technology
7 Officer. If the Chief Technology Officer approves the proposal, then he or she
8 *shall* notify the agency of its approval.

9 (d) Whenever an agency has received approval from the Chief
10 Technology Officer to proceed with the development and acquisition of a major
11 information technology project, the Chief Technology Officer *shall* establish a
12 steering committee.

13 (e) The steering committee *shall* provide ongoing oversight for the
14 major information technology project, and have the authority to approve or reject
15 any changes to the project's scope, schedule or budget.

16 (f) The Chief Technology Officer *shall* ensure that the major
17 information technology project has in place adequate project management and
18 oversight structures for addressing the project's scope, schedule or budget, and
19 *shall* address issues that cannot be resolved by the steering committee.

20 **§ 20205. Notice of Request for Proposals by Agencies/Programs**
21 **Required to Make Purchases Through the Guam General Services Agency.**

22 Any agency/program that pursues an information technology purchase that
23 *does not* meet the definition of a "major technology project," and that is required
24 to submit a request for proposal to the Guam General Services Agency prior to
25 purchasing goods or services, *shall* obtain the approval of the Chief Technology
26 Officer, in writing, of any proposed purchase of goods or services related to its
27 information technology and telecommunication systems. The notice *shall*

1 contain a brief description of the goods and services to be purchased. The
2 agency/program *shall* provide the notice to the Chief Technology Officer prior to
3 the time it submits its request for proposal to the Guam General Services Agency.

4 **§ 20206. Notice of Request for Proposals by an Agency/Program**
5 **Exempted From Submitting Purchases to the Guam General Services**
6 **Agency.**

7 (a) Any agency/program that is *not* required to submit a request for
8 proposal to the Guam General Services Agency prior to purchasing goods or
9 services *shall* notify the Chief Technology Officer, in writing, of any proposed
10 purchase of goods or services related to its information technology or
11 telecommunication systems. The notice *shall* contain a detailed description of the
12 goods and services to be purchased. The agency/program *shall* provide the notice
13 to the Chief Technology Officer a minimum of ten days prior to the time it
14 requests bids on the provision of the goods or services.

15 (b) If the Chief Technology Officer evaluates the suitability of the
16 information technology and telecommunication equipment and related services
17 under the provisions of §20204(a)(3) of this Article, and determines that the
18 goods or services to be purchased are *not* suitable, he or she *shall*, within ten
19 days of receiving the notice from the agency/program, notify the
20 agency/program, in writing, of any recommendations he or she has regarding the
21 proposed purchase of the goods or services. If the agency/program receives a
22 written notice from the Chief Technology Officer within the time period required
23 by this Section, the agency/program *shall not* put the goods or services out for
24 bid *less than* fifteen days following receipt of the notice from the Chief
25 Technology Officer.

26 **§ 20207. Exemptions.**

1 (a) The provisions of this Article *do not* apply to autonomous agencies
2 as defined by 12GCA, *I Liheslaturan Guåhan*, the Judiciary/Public Defender
3 Service Corporation, the Office of Public Accountability, and the Office of the
4 Attorney General.

5 (b) Notwithstanding any other provision of this Article to the contrary,
6 *except* for participation in the compilation and maintenance of an inventory of
7 information technology and technical infrastructure of the government of Guam
8 authorized by §20204 of this Article, the provisions of this Article *do not* apply
9 to the Guam Department of Education. The Guam Department of Education may
10 cooperate and collaborate with the Chief Technology Officer to the extent
11 feasible.

12 (c) *I Maga'lahen Guåhan* may, by executive order, exempt from the
13 provisions of this Article any entity created and organized to facilitate the public
14 and private use of health care information and the use of electronic medical
15 records throughout the government of Guam.

16 **§ 20208. Voluntary Assistance.**

17 Any branch or agency exempt from the provisions of this Article by
18 §20209(a) *may*, by memorandum of understanding, avail itself of any of the
19 services offered by the Office of Technology if such branch or agency determines
20 that acquiring such services is feasible. Such memorandum of understanding
21 *may* include fees and costs paid by the branch or agency, *except* that no fees for
22 such services shall be paid by the Office of Attorney General or the Office of
23 Public Accountability. The Chief Technology Officer *shall* create a schedule of
24 fees, rates and other consideration for services rendered to other government of
25 Guam agencies, departments, public corporations and instrumentalities. Such
26 schedule and any changes to such schedule must be approved by *I Maga'lahen*
27 *Guåhan* and transmitted to *I Liheslaturan Guåhan* in Bill form. The fee schedule

1 and any future changes to the fee schedule *shall* be subject to approval by *I*
2 *Liheslaturan Guåhan* after the following conditions are met: (a) at least one (1)
3 public hearing for the affected agencies on the fee schedules by the Office of
4 Technology pursuant to Chapter 10 of 5GCA; and (b) submission of the fee
5 schedule to *I Liheslaturan Guåhan*, inclusive of the minutes of such hearing(s)
6 on the fee schedules. Prior to initiating services requested by an agency where
7 fees, rates or other consideration are required, the work order for such services
8 must be certified for availability of funds and approved by the agency's
9 approving officer.

10 **§ 20209. Applicability of Succession of Article.**

11 (a) All references to Automatic Data Processing Act as contained in
12 Article 2 of Chapter 20 of 5GCA prior to the enactment of Section 1 of this Act
13 *shall* henceforth refer to the Office Of Technology as enacted by Section 1 of this
14 Act. The Compiler of Laws *shall* make appropriate changes in the codification
15 of public law consistent with this Section.

16 (b) The Office Of Technology *shall* assume all obligations, required by
17 contract, memoranda of understanding, rule, regulation and executive order, of
18 the Department of Administration as related to the operation of Article 2 of
19 Chapter 20 of 5GCA prior to the enactment of Section 1 of this Act.

20 **§ 20210. Semi-Annual Reporting.**

21 The Chief Technology Officer *shall* submit a report to *I Liheslaturan*
22 *Guåhan* every six (6) months on the activities of the Office of Technology.”

23 **Section 2. Disposition of Department Of Administration Data Processing**
24 **Division.**

25 All funds appropriated for Fiscal Year 2013 for the operations of the
26 Department Of Administration's Data Processing Division *shall* be administered
27 by the Office Of Technology. Control over appropriation *shall* remain with the

1 Director of Administration until such time that an individual is appointed to fill
2 the Chief Technology Officer position.

3 **Section 3. Severability.** If any provision of this Act or its application to any
4 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
5 not affect other provisions or application of this Act which can be given effect without
6 the invalid provisions or application, and to this end the provisions of this Act are
7 severable.

LEGISLATIVE SESSION ATTENDANCE

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

SBill No: 4-32 (LS)

Speaker Antonio R. Unipingco Legislative Session Hall

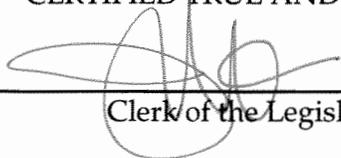
AN ACT TO REPEAL AND RE-ENACT ARTICLE 2 OF CHAPTER 20 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF TECHNOLOGY.

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓	1			
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓	1			
Senator Vicente (ben) Cabrera PANGELINAN	✓	1			
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓	11			
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

4/1/13



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

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Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 13, 2013

VIA FACSIMILE

(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 01-32 through 6-32 (LS) and Bill Nos. 7-32 through 17-32 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,


Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2013 FEB 14 AM 9:09 

Bill No. 1-32(LS) – J. T. Won Pat, Ed. D. / T.R. Muna Barnes

An act relative to authorizing the Guam Economic Development Authority to procure the installation and maintenance of electronic security systems throughout Guam public schools also known as the Secure Our Schools Act of 2013, and for other purposes.

Bill No. 2-32 (LS) – A. A. Yamashita

An act to repeal and reenact Section 1105 of Chapter1, Title2, Guam Code Annotated, relative to term limits for senators of the Guam Legislature.

Bill No. 3-32 (LS) – B.J.F. Cruz./ T.R. Muna-Barnes / V.A. Ada

AN ACT TO ADD A NEW CHAPTER 82 TO TITLE 12 OF THE GUAM CODE ANNOTATED; RELATIVE TO AUTHORIZING CERTAIN CONTRACTUAL ARRANGEMENTS FOR PUBLIC PRIVATE PARTNERSHIPS IN ORDER TO MOBILIZE PRIVATE RESOURCES FOR THE PURPOSE OF FINANCING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF INFRASTRUCTURE AND DEVELOPMENT PROJECTS NORMALLY FINANCED AND UNDERTAKEN BY THE GOVERNMENT.

Bill No. 4-32 (LS) – T.A. Morrison / B.J.F. Cruz / V.A. Ada

AN ACT TO REPEAL AND RE-ENACT ARTICLE 2 OF CHAPTER 20 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING THE OFFICE OF TECHNOLOGY.

Bill No. 5-32 (LS) – T.A. Morrison

AN ACT TO ADD A NEW §40128 CHAPTER 40 OF 5GCA RELATIVE TO PLACING THE FORMER FQ SANCHEZ ELEMENTARY SCHOOL FACILITY UNDER THE JURISDICTION OF THE UMATAC MAYOR'S OFFICE.

Bill No. 6-32 (LS) – B.T. McCreddie, D.G. Rodriguez, Jr

AN ACT TO AMEND §25.15 AND §25.20 OF CHAPTER 25, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING PENALTIES FOR CRIMES INVOLVING CRIMINAL SEXUAL CONDUCT, WHICH MAY BE CITED AS THE "PREDATOR PREVENTION ACT"

Bill No. 7-32 (COR) – J.T. Won Pat, Ed.D.

AN ACT TO ADD A NEW §80105 (i) TO CHAPTER 80 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF PROPERTY UNDER THE JURISDICTION OF PROPERTY UNDER THE JURISDICTION OF THE PORT AUTHORITY OF GUAM TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION.

Bill No. 8-32 (COR) – R.J. Respicio

AN ACT TO APPROPRIATE TO THE DEPARTMENT OF EDUCATION ALL ADDITIONAL REVENUE DERIVED FROM THE EXPIRATION OF ANY PART OF THE BUSH TAX CUTS.

Bill No. 9-32 (COR) – V.C. Pangelinan

AN ACT TO ADD NEW §§ 58148, 58148.1, 58148.2, 58148.3, AND 58149 TO CHAPTER 58 OF TITLE 12, GUAM CODE ANNOTATED, AND AMEND SECTIONS OF CHAPTER 58 OF TITLE 12 GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE QUALIFYING CERTIFICATE REVIEW BOARD, THE QUALIFYING CERTIFICATE ACCOUNTABILITY AND TRANSPARENCY WEBSITE, AND FOR OTHER PURPOSES.

Bill No. 10-32 (COR) – B.J.F. Cruz

AN ACT TO ADD A NEW CHAPTER 39A TO TITLE 7 OF THE GUAM CODE ANNOTATED RELATIVE TO CREATING THE UNIFORM CHILD ABDUCTION PREVENTION ACT.

Bill No. 11-32 (COR) - B.J.F. Cruz

AN ACT TO ADD A NEW ARTICLE 9, TO CHAPTER 63, AND TO AMEND §5215 OF CHAPTER 5; AND TO AMEND § 63101, TO ADD A NEW (c) AND (d) TO § 63116, AND TO AMEND § 63129 OF CHAPTER 63 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO CREATING THE GUAM CORAL AND MARINE LIFE PROTECTION ACT.

Bill No. 12-32 (COR) - B.J.F. Cruz

AN ACT TO AMEND §90A101 AND §90A102 OF CHAPTER 90A OF TITLE 10 OF THE GUAM CODE ANNOTATED RELATIVE TO THE PROHIBITION AND SALE OF CANDY CIGARETTES.

Bill No. 13-32 (COR) - B.J.F. Cruz

AN ACT TO ADD A NEW § 3123 TO ARTICLE 1 AND TO ADD A NEW § 3436 AND § 3437 TO ARTICLE 4 OF CHAPTER 3 OF TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INTOXICATION OF PERSONS UNDER AGE TWENTY-ONE.

Bill NO. 14-32 (COR) – C.M. Duenas / V.A. Ada

AN ACT TO ADD A NEW §(e) TO §5123 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE PURCHASE OR LEASE OF VEHICLES BY THE GOVERNMENT OF GUAM SHALL MEET OR EXCEED A MINIMUM AVERAGE COMBINED CITY AND HIGHWAY MILES PER GALLON (MPG) OF TWENTY-FIVE MILES PER GALLON (25 MPG); TO ADD A NEW §(f) TO §5123 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, TO ALLOW CERTAIN SPECIALTY VEHICLES TO BE EXCLUDED FROM THE PROVISION OF THIS ACT.

Bill NO. 15-32 (COR) – T.R. Muna Barnes

AN ACT TO REZONE LOT NO. 3, TRACT 1942, IN THE MUNICIPALITY OF BARRIGADA FROM SINGLE-FAMILY DWELLING (R-1) TO MULTIPLE FAMILY DWELLING (R-2)

Bill No. 16-32 (COR) – R.J. Respicio / C.M. Duenas

AN ACT TO REZONE LOT 2181-4NEW1NEW-R2, LOT 2181-4NEW-R1NEW-2, LOT 2181-4NEW-1-1, LOT 2181-4NEW-1-2, LOT 2181-4NEW-1-3, LOT 2181-4NEW-1-4, LOT PARCEL 4) IN THE MUNICIPALITY OF 2181-4NEW-1-R4 AND LOT NAVAL AIR STATION AGANA-21-R1 (AIRPORT PARCEL 4) IN THE MUNICIPALITY OF TIYAN, BARRIGADA FROM AGRICULTURAL ZONE (A) TO LIGHT INDUSTRIAL ZONE (M-1); AND TO CHANGE THE REFERENCE OF LIMITED INDUSTRIAL TO LIGHT INDUSTRIAL.

Bill No. 17-32 (COR) – R.J. Respicio / T.C. Ada

AN ACT TO ALLOW FOR CONDITIONAL USE OF PROPERTY SITUATED IN THE MUNICIPALITY OF DEDEDO FOR MEETINGS AND CULTURAL PURPOSES, SPECIFICALLY LOTS 15-3 AND 15-R3, BOTH OF TRACT 1413, WHICH ARE CURRENTLY ZONED "A" (AGRICULTURAL), CONTAINING AN AREA OF 4,208.7± SQUARE METERS, AND TIYAN, BARRIGADA FROM BORDERED BY ALAGETA ROAD.

MESSAGE CONFIRMATION

FEB-13-2013 05:22 PM WED

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 3
START TIME : FEB-13-2013 05:21PM WED
ELAPSED TIME : 01'00"
MODE : STD ECM
RESULTS : [O.K]



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryfor Guam@gmail.com • tel: (671)-472-7679 • Fax: (671)-472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pal, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Jina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 13, 2013

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 01-32 through 6-32 (LS) and Bill Nos. 7-32 through 17-32 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'ase' for your attention to this matter.

Very Truly Yours,

Senator **Rory J. Respicio**
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

*Recvd by: Anahyn Estagnio
2/14/13
Confirmed via phone w/ JCS 9:03am 2/14/13*

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
Chairman, Committee on General Government Operations
and Cultural Affairs
Web Address: www.senatorbjcruz.com



IMINA TRENTAI DOS NA LIHESLATURAN GUAHAN
The 32nd Guam Legislature • senator@senatorbjcruz.com
155 Hesler Place, Hagatna, Guam 96910
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February 13, 2013

The Honorable Judith T. Won Pat
Speaker
I Mina' Trentai Unu Na Liheslatuaran Guahan
32nd Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

2013 FEB 18 AM 9:44
WPC

VIA: The Honorable Rory J Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 4-32 (LS)

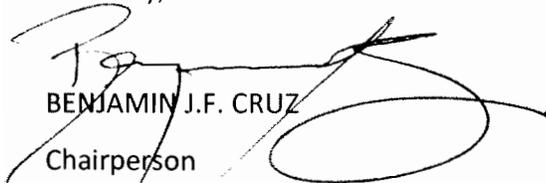
Dear Speaker Won Pat:

Transmitted herewith is the Report of Committee on General Government Operations and Cultural Affairs on Bill No. 4-32 (LS) - T.A. Morrison / B.J.F. Cruz / V.A. Ada - An act to repeal and re-enact Article 2 of Chapter 20 of Title 5, Guam Code Annotated relative to establishing the Office of Technology.

Committee votes are as follows:

5 TO DO PASS
____ TO NOT PASS
5 TO REPORT OUT ONLY
____ TO ABSTAIN
____ TO PLACE IN INACTIVE FILE

Sincerely,


BENJAMIN J.F. CRUZ
Chairperson

COMMITTEE ON RULES	
Name	<i>[Signature]</i>
Date/Time	2/18/13 9:06a

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
Chairman, Committee on General Government Operations
and Cultural Affairs
Web Address: www.senatorbjcruz.com



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COMMITTEE REPORT

ON

Bill No. 4-32 (LS)

Bill No. 4-32 (LS) - T.A. Morrison / B.J.F. Cruz / V.A. Ada - An act to repeal and re-enact Article 2 of Chapter 20 of Title 5, Guam Code Annotated relative to establishing the Office of Technology.



February 13, 2013

MEMORANDUM

TO: All Members

FROM: Vice Speaker Benjamin J.F. Cruz

SUBJECT: Committee Report on Bill No. 4-32 (LS)

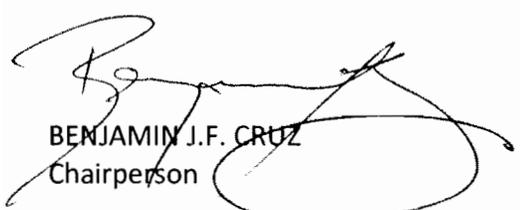
Transmitted herewith for your consideration is the Committee Report on Bill No. 4-32 (LS) - T.A. Morrison / B.J.F. Cruz / V.A. Ada - An act to repeal and re-enact Article 2 of Chapter 20 of Title 5, Guam Code Annotated relative to establishing the Office of Technology.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 4-32 (LS)
- Public Hearing Sign-in Sheet
- COR Referral of Bill No. 4-32 (LS)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,


BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE VOTING SHEET

Bill No. 4-32 (LS) - T.A. Morrison / B.J.F. Cruz / V.A. Ada - An act to repeal and re-enact Article 2 of Chapter 20 of Title 5, Guam Code Annotated relative to establishing the Office of Technology.

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		✓ 2/14/13				
MUÑA BARNES, TINA ROSE Vice-Chairperson		✓				
WON PAT, JUDITH T. Speaker and Ex-Officio Member						
ADA, THOMAS C. Member						
PANGELINAN, C. VICENTE Member				✓		
RESPICIO, RORY J. Member		2/11/13 				
RODRIGUEZ, DENNIS G. JR. Member						
SAN NICOLAS, MICHAEL, F.Q. Member				✓ 2/12/13		
AGUON, Jr., FRANK B. Member		2/12/13				
ADA, V. ANTHONY Member				2/12/13		
Morrison, Thomas Member		2/12/13				
McCreadie, Brant Member				2/12/13		
YAMASHITA, ALINE Member				2/12/13		



Committee Report Digest

I. OVERVIEW

The Committee on General Government Operations and Cultural Affairs convened a public hearing on Thursday, January 24th, 2013 at 1:00 p.m. in the Public Hearing Room of *I Liheslatura*. Among the items on the agenda was the consideration was Bill No. 4-32 (LS) - T.A. Morrison / B.J.F. Cruz / V.A. Ada - An act to repeal and re-enact Article 2 of Chapter 20 of Title 5, Guam Code Annotated relative to establishing the Office of Technology.

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on January 16, 2013, and January 22, 2013 via email. Copies of the hearing notices are appended to the report.

Senators Present

Vice Speaker Benjamin J.F. Cruz
Senator Thomas Morrison
Senator Aline A. Yamashita, Ph.D.
Senator Chris Duenas
Senator Frank Blas Aguon, Jr.
Senator Dennis G. Rodriguez, Jr.
Senator Thomas Ada
Senator Michael Limtiaco
Senator Brant McCreddie
Senator Tina Muña Barnes

The public hearing was called to order at 1:05 p.m.

II. SUMMARY OF TESTIMONY AND DISCUSSION



Vice Speaker Benjamin J.F Cruz called the public hearing to order at 1:05 p.m. and announced the agenda and public hearing notices.

Senator Thomas Morrison introduced Bill No. 4-32 (LS) and stated that the legislation proposes to create a mechanism for a structured coordinated approach to meeting Guam technological needs through the creation of a permanent office of technology and a Chief Technology Officer. Senator Morrison stated that currently the Bureau of Technology (BIT) operates under the Governor's directive, but the bureau as it exists is temporary. Senator Morrison asserted that even if BIT were discontinued, the need for technology remains permanent and is necessary for efficient government and services.

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, submitted and read written testimony in support of Bill No. 4-32 (LS). Mr. Cruz stated that information technology is a critical part of how citizens interact, communicate and conduct business with our government. Mr. Cruz stated that requirements for information technology have increased even as our infrastructure, staffing and planning have stayed the same.

Senator Cruz asked if it was safe to assume that because the testimony is on the stationery of Governor Calvo it is the Governor's testimony as well.

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, stated "Yes Sir."

Senator Thomas Morrison asked how long it would take to prepare a plan to encompass the major provisions of Bill No. 4-32 (LS).

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, stated it would take a few more weeks to coordinate with the various agencies associated with Information Technology and bring for a series of refined ideas for presentation to the legislature.

Senator Thomas Morrison asked if it possible that the cost efficiencies in the various departments will be offset by any Information Technology department or management fees.

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, stated that as evident in recent consolidated procurement cost has been reduced. Mr. Cruz said for example a telephone may cost \$40.00 to \$50.00 a line, but that cost will now be anywhere from \$18.00 to \$23.00 and if an



additional 5% or 10% were paid savings will still be realized. Mr. Cruz said this means the government will be saving and it will be contributing to Information Technology.

Senator Thomas Ada asked what the relationship is between Information Technology and the Department of Administration.

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, stated that Bill No. 4-32 (LS) would repeal and reenact a current statute that affects data processing under DOA and strengthen it to include Information Technology. Mr. Cruz said it is his hope that the Information Technology office would be led by a director and a deputy director.

Senator Thomas Ada stated that Bill No. 4 (LS) proposes that the Governor will appoint a director with the advice and consent of the legislature, but it is not clear why that individual will go through that type of scrutiny only to come under DOA as opposed to being a standalone entity.

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, agreed with the statements made by Senator Thomas Ada.

Senator Thomas Ada asserted that Bill No. 4-32 (LS) does not create any type of organizational framework other than drawing manpower from various agencies. Senator Ada asked whether this could be considered as a shortcoming because a director of an agency basically has to loan you personnel on a temporary basis.

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, agreed with Senator Ada, but asserted that through centralization and consolidation of Information Technology they would reduce costs and maximize shared services and resources. Mr. Cruz stated that shared manpower would essentially be rightsizing a department.

Senator Thomas Ada asked how the centralization of data centers would work.

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, that a centralized model will allow Information Technology to cut costs in relation to the procurement and maintenance of equipment and investment while increasing overall services. Mr. Cruz stated that centralization is method for everyone to share resources – instead of \$100,000 for a system to a single agency that cost will be spread across all agencies and the system will be shared.



Senator Aline A. Yamashita asked if Governor Calvo supports appointing a Director and Deputy Director as proposed in Bill No. 4-32 (LS).

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, stated that Governor Calvo is aware that Bill No. 4-32 (LS) would mandate the appointment of a Director and Deputy Director to Information technology if signed into law.

Senator Aline A. Yamashita stated her concern because Governor Calvo has asserted in various transmittals that no new positions will be created. Senator Yamashita stated that if Governor Calvo has changed his position it is hopeful because as the government evolves to provide needed services it must hire people into positions. Senator Yamashita asked if the creation of the Office of Information Technology would help the government get better with procurement.

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, stated procurement of technological equipment would pass over his desk to ensure that items purchased are not outdated and that they will have a lengthy shelf life.

Senator Yamashita asked how employees currently employed in other agencies would assist Information Technology.

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, stated that many people work in different departments with computer skills that are underutilized or unused. Mr. Cruz asserted that their abilities would benefit Information Technology. He also emphasized that rightsizing the government agencies would allow employees to fill jobs in areas they are skilled thereby significantly contributing to government services in a down economy.

Senator Yamashita asked if Information Technology would umbrella the 911 system.

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, stated that preliminary discussions have occurred, but an unclear mandate makes collaboration difficult.

Senator Brant McCreadie asked if the 5% to 10% for management oversight would increase as the demand for Information Technology increased.

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, stated it is difficult to



provide exact details for what is need, but that the management oversight figures are a model and a starting point.

Senator Brant McCreadie asked if it would be an option for an agency to collaborate with Information Technology.

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, stated that it should be mandated that the agencies opt in because some of them lack the personnel with technological skills needed to assess and determine the best methods for streamlining their existing technology.

Senator Chris Duenas asked if it is possible to provide an update of where Information Technology is regarding the 5% to 10% for management, oversight and administrative costs.

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, stated in 2009 or 2010 they received a grant to purchase GIS software and a license. Mr. Cruz said in 2012 the license expired and the grant went away leaving them with no means to sustain the GIS software, therefore, they were compelled to request monies from the agencies utilizing the technology. MR. Cruz said that everyone should be using GIS and that the management costs will allow for that probability.

Senator Chris Duenas asked if Information Technology would be able to work with all governmental agencies toward transparency.

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, stated that each agency has large amounts of data that is of value to the public. Mr. Cruz asserted that management fees would allow for that type of transparency and governmental efficiency.

Senator Cruz asked about the current status of the government wide communications contract that remains unresolved.

Ed Camacho Cruz, Chief Information Officer, Bureau of Information Technology, stated he believes some sections remain under appeal and that other sections have been protested or under appeal, therefore, the whole contract is on hold. Mr. Cruz said that despite the protest the competition has compelled them to reduce cost.

Senator Cruz thanked Mr. Cruz for his testimony then closed the hearing for Bill No. 4-32 (LS).



III. FINDINGS AND RECOMMENDATIONS

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting, to which was referred Bill No. 4-32 (LS), finds that the proposed legislation seeks to establish a permanent technology office within the Department of Administration. GovGuam's current efforts to bring it in line with advances in technology are being led by the Bureau of Information Technology (BIT) created by directive of the governor of Guam. While BIT has made significant progress in assisting departments and agencies to realize efficiencies associated with information technology, the Committee agrees that a permanent technology office with statutory authority is needed to ensure continuity in GovGuam's efforts to improve its operations and services through the use of technology.

The Committee notes that issues regarding the placement of the proposed technology office within the Department of Administration have been raised. The Committee finds that, given the nature of the work to be undertaken by the office and the selection a Chief Technology Officer through gubernatorial appointment subject to legislative confirmation, having the office as a separate entity may be preferable. It appears, however, that the bill takes into account GovGuam's financial condition and the costs associated with the creation and operation of a new agency. The Committee agrees with the position that the technology office and its chief officer can accomplish the mandates set forth in the bill under the Department of Administration at a cost lower than if it were a separate entity. The Committee further finds that such an arrangement is not without precedent within GovGuam. There exists within the Department of Revenue and Taxation the Office of Commissioner of Banking and Insurance. Similar to the provisions of the bill regarding selection of the technology officer, the Commissioner is appointed by the governor subject to legislative consent. Further, within the banking and insurance office, there is a Banking and Insurance Board whose members are similarly empanelled.

The Committee reviewed the recommendations contained in testimony submitted by Mr. Ed Cruz of BIT. Regarding the centralization of data centers and agency staff, the Committee finds that such issues are within the purview of the governor who is can re-organize the executive branch agencies. The Committee is in agreement with the recommendation to include the areas of public safety communications and health information technology under the responsibilities of the office. The substitute bill prepared by the committee reflects such. Other recommendations made by Mr. Cruz are provided for either within the bill or by existing law.



Subsequent to the hearing on the bill, testimony was received from Mr. Jose Servino, a recognized expert in the field of IT. Mr. Servino submitted excellent recommendations for the operation of the proposed technology office that should be incorporated into office's technology master plan for GovGuam. Recommendations not contained in Mr. Servino's written presentation but expressed to Committee staff are the creation of a commission of IT experts to provide technical expertise to the office and the establishment of minimum qualifications for the CTO. Regarding the former, the substitute version of the bill includes a provision for an optional IT council. Regarding the issue of qualifications, the Committee believes that the confirmation process for the appointee to the position will ensure a qualified CTO.

The Committee, therefore, having received testimony on Bill No. 4-32 (LS) and considered the same, has substituted the bill to incorporate needed changes, and reports to the body Bill No. 4-32 (LS) As Substituted by the Committee on General Governmental Operations and Cultural Affairs with the recommendation TO PASS.

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

Bill No. 4-32(LS)

Introduced by:

T.A. Morrison
B.J.F. Cruz
V. Anthony Ada

2013 JAN - 7 AM 10:18

AN ACT TO REPEAL AND RE-ENACT ARTICLE 2 OF
CHAPTER 20 OF TITLE 5, GUAM CODE ANNOTATED
RELATIVE TO ESTABLISHING THE OFFICE OF
TECHNOLOGY.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2

3 **Section 1.** Article 2 of Chapter 20 of 5GCA is *repealed and re-enacted* to read:

4

5

ARTICLE 2.

6

OFFICE OF TECHNOLOGY.

7 **§20200. Findings and purposes.**

8 *I Liheslaturan Guåhan* finds and declares that information technology is essential to

9 finding practical solutions to the everyday problems of government and that the

10 management goals and purposes of government are furthered by the development of

11 compatible, linked information systems across government. Therefore, it is the purpose

12 of this article to create, as an integral part of the Department of Administration, the

13 Office of Technology with the authority to advise and make recommendations to all

1 local governmental units on their information systems and to have the authority to
2 oversee coordination of the government's technical infrastructure.

3 **§20201. Scope of Authority.**

4 This Chapter shall apply to all agencies of the Executive Branch of the Government of
5 Guam not including the autonomous agencies as defined by 12GCA. This Chapter
6 shall not apply to the Legislative and Judicial branches of the Government of Guam.

7 **§20202. Definitions.**

8 As used in this article:

9 (a) "Information systems" means computer-based information equipment and
10 related services designed for the automated transmission, storage, manipulation
11 and retrieval of data by electronic or mechanical means;

12 (b) "Information technology" means data processing and telecommunications
13 hardware, software, services, supplies, personnel, maintenance, training and
14 includes the programs and routines used to employ and control the capabilities of
15 data processing hardware;

16 (c) "Information equipment" includes central processing units, front-end
17 processing units, microprocessors and related peripheral equipment, including
18 data storage devices, networking equipment, services, routers, document
19 scanners, data entry equipment, terminal controllers, data terminal equipment,
20 computer-based word processing systems other than memory typewriters;

21 (d) "Related services" includes feasibility studies, systems design, software
22 development and time-sharing services whether provided by Government of
23 Guam employees or others;

1 (e) "Telecommunications" means any transmission, emission or reception of
2 signs, signals, writings, images or sounds of intelligence of any nature by wire,
3 radio or other electromagnetic or optical systems. The term includes all facilities
4 and equipment performing those functions that are owned, leased or used by the
5 executive agencies of the government;

6 (f) "Chief Technology Officer" means the person holding the position created in
7 §20203 of this Article and vested with authority to oversee agencies/programs in
8 planning and coordinating information systems that serve the effectiveness and
9 efficiency of the government and individual agencies/programs and further the
10 overall management goals and purposes of government;

11 (g) "Technical infrastructure" means all information systems, information
12 technology, information equipment, telecommunications and related services as
13 defined in this section;

14 (h) "Information technology project" means the process by which
15 telecommunications, automated data processing, databases, the internet,
16 management information systems and related information, equipment, goods and
17 services are planned, procured and implemented;

18 (i) "Major information technology project" means any information technology
19 project estimated to cost more than one hundred thousand dollars or require more
20 than three hundred man hours to complete; and

21 (j) "Steering committee" means an internal agency oversight committee
22 established jointly by the Chief Technology Officer and the agency requesting
23 the project, which shall include representatives from the Office of Technology
24 and at least one representative from the agency requesting the project.

1

2 **§20203. Office of Technology; Chief Technology Officer; appointment and**
3 **qualifications.**

4 The Office of Technology is created within the Department of Administration. A Chief
5 Technology Officer shall be appointed by the Governor with the advice and consent of *I*
6 *Liheslaturan Guåhan* . The Chief Technology Officer shall have knowledge in the
7 field of information technology, experience in the design and management of
8 information systems and an understanding of the special demands upon government
9 with respect to budgetary constraints, the protection of privacy interests and federal and
10 local standards of accountability.

11

12 **§20204. Powers and duties of the Chief Technology Officer; generally.**

- 13 (a) With respect to all agencies/programs the Chief Technology Officer may:
 - 14 (1) Develop an organized approach to information resource management
 - 15 for the Government of Guam;
 - 16 (2) Provide, with the assistance of the
 - 17 information/technology/communications services of the Department of
 - 18 Administration, technical assistance to the administrators of the various
 - 19 agencies/programs in the design and management of information systems;
 - 20 (3) Evaluate, in conjunction with the Information Services and
 - 21 Communications Division, the economic justification, system design and
 - 22 suitability of information equipment and related services, and review and
 - 23 make recommendations on the purchase, lease or acquisition of

1 information equipment and contracts for related services by the
2 agencies/programs;

3 (4) Develop a mechanism for identifying those instances where systems of
4 paper forms should be replaced by direct use of information equipment and
5 those instances where applicable Government of Guam or federal
6 standards of accountability demand retention of some paper processes;

7 (5) Develop a mechanism for identifying those instances where
8 information systems should be linked and information shared, while
9 providing for appropriate limitations on access and the security of
10 information;

11 (6) Create new technologies to be used in government, convene
12 conferences and develop incentive packages to encourage the utilization of
13 technology;

14 (7) Engage in any other activities as directed by the Governor;

15 (8) Charge a fee to the agencies/programs for evaluations performed and
16 technical assistance provided under the provisions of this section. All fees
17 collected by the Chief Technology Officer shall be deposited in a special
18 account in the Government of Guam Treasury to be known as the Chief
19 Technology Officer Administration Fund. Expenditures from the fund
20 shall be made by the Chief Technology Officer for the purposes set forth in
21 this article accordance with appropriation by *I Liheslaturan Guåhan*.

22 (9) Monitor trends and advances in information technology and technical
23 infrastructure;

1 (10) Direct the formulation and promulgation of policies, guidelines,
2 standards and specifications for the development and maintenance of
3 information technology and technical infrastructure, including, but not
4 limited to:

5 (A) Standards to support Government of Guam and the exchange,
6 acquisition, storage, use, sharing and distribution of electronic
7 information;

8 (B) Standards concerning the development of electronic
9 transactions, including the use of electronic signatures;

10 (C) Standards necessary to support a unified approach to
11 information technology across the totality of the Government of
12 Guam, thereby assuring that the citizens and businesses of Guam
13 receive the greatest possible security, value and convenience from
14 investments made in technology;

15 (D) Guidelines directing the establishment of government-wide
16 standards for the efficient exchange of electronic information and
17 technology, including technical infrastructure, between the public
18 and private sectors;

19 (E) Technical and data standards for information technology and
20 related systems to promote efficiency and uniformity;

21 (F) Technical and data standards for the connectivity, priorities and
22 interoperability of technical infrastructure used for homeland
23 security, public safety and health and systems reliability necessary to

1 provide continuity of government operations in times of disaster or
2 emergency; and

3 (G) Technical and data standards for the coordinated development of
4 infrastructure related to deployment of electronic government
5 services;

6 (11) Periodically evaluate the feasibility of subcontracting information
7 technology resources and services, and to subcontract only those resources
8 that are feasible and beneficial to the Government of Guam;

9 (12) Direct the compilation and maintenance of an inventory of
10 information technology and technical infrastructure which may include
11 personnel, facilities, equipment, goods and contracts for service, wireless
12 tower facilities, geographic information systems and any technical
13 infrastructure or technology that is used for law enforcement, homeland
14 security or emergency services;

15 (13) Develop job descriptions and qualifications necessary to perform
16 duties related to information technology as outlined in this article; and

17 (14) Promulgate rules as may be necessary to standardize and make
18 effective the administration of the provisions of article six of this chapter.

19 (b) With respect to executive agencies, the Chief Technology Officer may:

20 (1) Develop a unified and integrated structure for information systems for
21 all executive agencies;

1 (2) Establish, based on need and opportunity, priorities and time lines for
2 addressing the information technology requirements of the various
3 executive agencies of the Government of Guam;

4 (3) Exercise authority delegated by the Governor by executive order to
5 overrule and supersede decisions made by the administrators of the various
6 executive agencies of government with respect to the design and
7 management of information systems and the purchase, lease or acquisition
8 of information equipment and contracts for related services;

9 (4) Draw upon staff of other executive agencies for advice and assistance
10 in the formulation and implementation of administrative and operational
11 plans and policies; and

12 (5) Recommend to the Governor transfers of equipment and human
13 resources from any executive agency and the most effective and efficient
14 uses of the fiscal resources of executive agencies, to consolidate or
15 centralize information-processing operations.

16 (c) The Chief Technology Officer may employ the personnel necessary to carry
17 out the work of the Office of Technology and may approve reimbursement of
18 costs incurred by employees to obtain education and training.

19 (d) The Chief Technology Officer shall oversee telecommunications services
20 used by agencies/programs for the purpose of maximizing efficiency to the fullest
21 possible extent. The Chief Technology Officer may establish microwave or other
22 networks and hops; audit telecommunications services and usage; recommend
23 and develop strategies for the discontinuance of obsolete or excessive utilization;
24 participate in the renegotiation of telecommunications contracts; and encourage

1 the use of technology and take other actions necessary to provide the greatest
2 value to the Government of Guam.

3
4 **§20204a. Duties of the Chief Technology Officer relating to security of government**
5 **information.**

6 (a) To ensure the security of government information and the data
7 communications infrastructure from unauthorized uses, intrusions or other
8 security threats. At a minimum, these policies, procedures and standards shall
9 identify and require the adoption of practices to safeguard information systems,
10 data and communications infrastructures, as well as define the scope and
11 regularity of security audits and which bodies are authorized to conduct security
12 audits. The audits may include reviews of physical security practices.

13 (b) Annual audits:

14 (1) The Chief Technology Officer shall at least annually perform security
15 audits of all executive branch agencies regarding the protection of
16 government databases and data communications.

17 (2) Security audits may include, but are not limited to, on-site audits as
18 well as reviews of all written security procedures and documented
19 practices.

20 (c) The Chief Technology Officer may contract with a private firm or firms that
21 specialize in conducting these audits.

22 (d) All public bodies subject to the audits required by this section shall fully
23 cooperate with the entity designated to perform the audit.

1 (e) The Chief Technology Officer may direct specific remediation actions to
2 mitigate findings of insufficient administrative, technical and physical controls
3 necessary to protect government information or data communication
4 infrastructures.

5 (f) The Chief Technology Officer shall promulgate rules to minimize
6 vulnerability to threats and to regularly assess security risks, determine
7 appropriate security measures and perform security audits of government
8 information systems and data communications infrastructures.

9 (g) To ensure compliance with confidentiality restrictions and other security
10 guidelines applicable to law-enforcement agencies, emergency response
11 personnel and emergency management operations.

12 (h) The provisions of this section shall not infringe upon the responsibilities
13 assigned to the Public Auditor or other statutory requirements.

14 (i) In consultation with the Adjutant General, Chief of Police, Fire Chief and the
15 Director of the Division of Homeland Security, the Chief Technology Officer is
16 responsible for the development and maintenance of an information systems
17 disaster recovery system for the Government of Guam with redundant sites in
18 two or more locations isolated from reasonably perceived threats to the primary
19 operation of the Government of Guam. The Chief Technology Officer shall
20 develop specifications, funding mechanisms and participation requirements for
21 all executive branch agencies to protect the Government of Guam's essential
22 data, information systems and critical government services in times of
23 emergency, inoperativeness or disaster. Each executive branch agency shall assist
24 the Chief Technology Officer in planning for its specific needs and provide to the
25 Chief Technology Officer any information or access to information systems or

1 equipment that may be required in carrying out this purpose. No government-
2 wide or executive branch agency procurement of disaster recovery services may
3 be initiated, let or extended without the expressed consent of the Chief
4 Technology Officer.

5
6 **§20204b. Project management duties of the Chief Technology Officer;**
7 **establishment of the Project Management Office and duties of the director of the**
8 **Project Management Office.**

9
10 (a) Concerning the management of information technology projects, the Chief
11 Technology Officer shall:

12 (1) Develop an approval process for proposed major information
13 technology projects by Government of Guam agencies to ensure that all
14 projects conform to the government-wide strategic plan and the
15 information management plans of agencies;

16 (2) Establish a methodology for conceiving, planning, scheduling and
17 providing appropriate oversight for information technology projects,
18 including oversight for the projects and a process for approving the
19 planning, development and procurement of information technology
20 projects;

21 (3) Establish minimum qualifications and training standards for project
22 managers;

1 (4) Direct the development of any government-wide and multiagency
2 enterprise project; and

3 (5) Develop and update a project management methodology to be used by
4 agencies in the development of information technology.

5 (b) The Chief Technology Officer shall create a Project Management Office
6 within the Office of Technology.

7 (c) The Director of the Project Management Office shall:

8 (1) Implement the approval process for information technology projects;

9 (2) Assist the Chief Technology Officer in the development and
10 implementation of a project management methodology to be used in the
11 development and implementation of information technology projects in
12 accordance with this article;

13 (3) Provide ongoing assistance and support to Government of Guam
14 agencies and public institutions of higher education in the development of
15 information technology projects;

16 (4) Establish a program providing training to agency project managers;

17 (5) Review information management and information technology plans
18 submitted by agencies and recommend to the Chief Technology Officer the
19 approval of the plans and any amendments thereto;

20 (6) Monitor the implementation of information management and
21 information technology plans and periodically report its findings to the
22 Chief Technology Officer;

1 (7) Assign project managers to review and recommend information
2 technology project proposals.

3 (8) The director shall create criteria upon which information technology
4 project proposal plans may be based including:

5 (A) The degree to which the project is consistent with the
6 Government of Guam's overall strategic plan;

7 (B) The technical feasibility of the project;

8 (C) The benefits of the project to the Government of Guam,
9 including customer service improvements;

10 (D) The risks associated with the project;

11 (E) Any continued funding requirements; and

12 (F) The past performance on other projects by the agency.

13 (9) Provide oversight for Government of Guam agency information
14 technology projects.

15
16 **§20204c. Major information technology projects proposals and the establishment**
17 **of steering committees.**

18 (a) Prior to proceeding with a major information technology project, an agency
19 shall submit a project proposal, outlining the business need for the project, the
20 proposed technology solution, if known, and an explanation of how the project
21 will support the agency's business objective and the Government of Guam's
22 strategic plan for information technology. The project manager may require the

1 submission of additional information as needed to adequately review any
2 proposal.

3 (b) The proposal will further include:

4 (1) A detailed business case plan, including a cost-benefit analysis;

5 (2) A business process analysis, if applicable;

6 (3) System requirements, if known;

7 (4) A proposed development plan and project management structure;

8 (5) Business goals and measurement criteria, as appropriate; and

9 (6) A proposed resource or funding plan.

10 (c) The project manager assigned to review the project development proposal
11 shall recommend its approval or rejection to the Chief Technology Officer. If the
12 Chief Technology Officer approves the proposal, then he or she shall notify the
13 agency of its approval.

14 (d) Whenever an agency has received approval from the Chief Technology
15 Officer to proceed with the development and acquisition of a major information
16 technology project, the Chief Technology Officer shall establish a steering
17 committee.

18 (e) The steering committee shall provide ongoing oversight for the major
19 information technology project and have the authority to approve or reject any
20 changes to the project's scope, schedule or budget.

21 (f) The Chief Technology Officer shall ensure that the major information
22 technology project has in place adequate project management and oversight

1 structures for addressing the project's scope, schedule or budget and shall address
2 issues that cannot be resolved by the steering committee.

3
4 **§20205. Notice of request for proposals by agencies/programs required to make**
5 **purchases through the Guam General Services Agency.**

6 Any agency/program that pursues an information technology purchase that does not
7 meet the definition of a "major technology project" and that is required to submit a
8 request for proposal to the Guam General Services Agency prior to purchasing goods or
9 services shall obtain the approval of the Chief Technology Officer, in writing, of any
10 proposed purchase of goods or services related to its information technology and
11 telecommunication systems. The notice shall contain a brief description of the goods
12 and services to be purchased. The agency/program shall provide the notice to the Chief
13 Technology Officer prior to the time it submits its request for proposal to the Guam
14 General Services Agency.

15
16 **§20206. Notice of request for proposals by an agency/program exempted from**
17 **submitting purchases to the Guam General Services Agency.**

18 (a) Any agency/program that is not required to submit a request for proposal to
19 the Guam General Services Agency prior to purchasing goods or services shall
20 notify the Chief Technology Officer, in writing, of any proposed purchase of
21 goods or services related to its information technology or telecommunication
22 systems. The notice shall contain a detailed description of the goods and services
23 to be purchased. The agency/program shall provide the notice to the Chief

1 Technology Officer a minimum of ten days prior to the time it requests bids on
2 the provision of the goods or services.

3 (b) If the Chief Technology Officer evaluates the suitability of the information
4 technology and telecommunication equipment and related services under the
5 provisions of subdivision (3), subsection (a) of §20204 of this Article and
6 determines that the goods or services to be purchased are not suitable, he or she
7 shall, within ten days of receiving the notice from the agency/program, notify the
8 agency/program, in writing, of any recommendations he or she has regarding the
9 proposed purchase of the goods or services. If the agency/program receives a
10 written notice from the Chief Technology Officer within the time period required
11 by this section, the agency/program shall not put the goods or services out for bid
12 less than fifteen days following receipt of the notice from the Chief Technology
13 Officer.

14
15 **§20207. Annual report.**

16 The Chief Technology Officer shall report annually to the Speaker *I Liheslatura* on the
17 activities of his or her office.

18
19 **§20208. Exemptions.**

20 (a) The provisions of this article do not apply to autonomous agencies as defined
21 by 12GCA, *I Liheslatura*, the judiciary, the Office of Public Accountability and
22 the Office of the Attorney General.

1 (b) Notwithstanding any other provision of this article to the contrary, except for
2 participation in the compilation and maintenance of an inventory of information
3 technology and technical infrastructure of the Government of Guam authorized
4 by §20204 of this Article, the provisions of this article do not apply to the Guam
5 Department of Education. The Guam Department of Education may cooperate
6 and collaborate with the Chief Technology Officer to the extent feasible.

7 (c) *I Maga Lahi Guåhan* may, by executive order, exempt from the provisions of
8 this article any entity created and organized to facilitate the public and private
9 use of health care information and the use of electronic medical records
10 throughout the Government of Guam.

11 **§20209. Voluntary Assistance.**

12 Any branch or agency exempt from the provision of this Article by §20208(a) *may*, by
13 memorandum of understanding, avail itself of any of the services offered by the Office
14 of Technology if such branch or agency determines that acquiring such services is
15 feasible. Such memorandum of understanding *may* include fees and costs paid by the
16 branch or agency except that no fees for such services shall be paid by the Office of
17 Attorney General or the Office of Public Accountability. All fees collected shall be
18 deposited in the General Fund and are continually appropriated to the Office of
19 Technology.

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

Bill No. 4-32(LS)
As Substituted by the Committee on
General Governmental Operations
and Cultural affairs

Introduced by:

T. J. Morrison
B.J.F. Cruz
V. Anthony Ada

**AN ACT TO REPEAL AND RE-ENACT ARTICLE 2 OF
CHAPTER 20 OF TITLE 5, GUAM CODE ANNOTATED
RELATIVE TO ESTABLISHING THE OFFICE OF
TECHNOLOGY.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** Article 2 of Chapter 20 of 5GCA is *repealed and re-enacted* to read:

3 **ARTICLE 2.**

4 **OFFICE OF TECHNOLOGY.**

5 **§20200. Findings and purposes.**

6 *I Liheslaturan Guåhan* finds and declares that information technology is essential to
7 finding practical solutions to the everyday problems of government and that the
8 management goals and purposes of government are furthered by the development of
9 compatible, linked information systems across government. Therefore, it is the purpose
10 of this article to create, as an integral part of the Department of Administration, the
11 Office of Technology with the authority to advise and make recommendations to all

1 local governmental units on their information systems and to have the authority to
2 oversee coordination of the government's technical infrastructure.

3 **§20201. Scope of Authority.**

4 This Chapter shall apply to all agencies of the Executive Branch of the Government of
5 Guam not including the autonomous agencies as defined by 12GCA. This Chapter
6 shall not apply to the Legislative and Judicial branches of the Government of Guam.

7 **§20202. Definitions.**

8 As used in this article:

9 (a) "Information systems" means computer-based information equipment and
10 related services designed for the automated transmission, storage, manipulation
11 and retrieval of data by electronic or mechanical means;

12 (b) "Information technology" means data processing and telecommunications
13 hardware, software, services, supplies, personnel, maintenance, training and
14 includes the programs and routines used to employ and control the capabilities of
15 data processing hardware;

16 (c) "Information equipment" includes central processing units, front-end
17 processing units, microprocessors and related peripheral equipment, including
18 data storage devices, networking equipment, services, routers, document
19 scanners, data entry equipment, terminal controllers, data terminal equipment,
20 computer-based word processing systems other than memory typewriters;

21 (d) "Related services" includes feasibility studies, systems design, software
22 development and time-sharing services whether provided by Government of
23 Guam employees or others;

1 (e) "Telecommunications" means any transmission, emission or reception of
2 signs, signals, writings, images or sounds of intelligence of any nature by wire,
3 radio or other electromagnetic or optical systems. The term includes all facilities
4 and equipment performing those functions that are owned, leased or used by the
5 executive agencies of the government;

6 (f) "Chief Technology Officer" means the person holding the position created in
7 §20203 of this Article and vested with authority to oversee agencies/programs in
8 planning and coordinating information systems that serve the effectiveness and
9 efficiency of the government and individual agencies/programs and further the
10 overall management goals and purposes of government;

11 (g) "Technical infrastructure" means all information systems, information
12 technology, information equipment, telecommunications and related services as
13 defined in this section;

14 (h) "Information technology project" means the process by which
15 telecommunications, automated data processing, databases, the internet,
16 management information systems and related information, equipment, goods and
17 services are planned, procured and implemented;

18 (i) "Major information technology project" means any information technology
19 project estimated to cost more than one hundred thousand dollars or require more
20 than three hundred man hours to complete; and

21 (j) "Steering committee" means an internal agency oversight committee
22 established jointly by the Chief Technology Officer and the agency requesting
23 the project, which shall include representatives from the Office of Technology
24 and at least one representative from the agency requesting the project.

1

2 **§20203. Office of Technology; Chief Technology Officer; appointment and**
3 **qualifications.**

4 The Office of Technology is created within the Department of Administration. A Chief
5 Technology Officer shall be appointed by the Governor with the advice and consent of *I*
6 *Liheslaturan Guåhan* . *I Magalahen Guahan* may create and empanel an advisory
7 council within the Office of Technology to provide guidance, expertise and direction to
8 the Chief Technology Officer and the Office of Technology staff. The Chief
9 Technology Officer shall have knowledge in the field of information technology,
10 experience in the design and management of information systems and an understanding
11 of the special demands upon government with respect to budgetary constraints, the
12 protection of privacy interests and federal and local standards of accountability.

13 **§20204. Powers and duties of the Chief Technology Officer; generally.**

14 (a) With respect to all agencies/programs the Chief Technology Officer may:

15 (1) Develop an organized approach to information resource management
16 for the Government of Guam;

17 (2) Provide, with the assistance of the
18 information/technology/communications services of the Department of
19 Administration, technical assistance to the administrators of the various
20 agencies/programs in the design and management of information systems;

21 (3) Evaluate, in conjunction with the Information Services and
22 Communications Division, the economic justification, system design and
23 suitability of information equipment and related services, and review and
24 make recommendations on the purchase, lease or acquisition of

1 information equipment and contracts for related services by the
2 agencies/programs;

3 (4) Develop a mechanism for identifying those instances where systems of
4 paper forms should be replaced by direct use of information equipment and
5 those instances where applicable Government of Guam or federal
6 standards of accountability demand retention of some paper processes;

7 (5) Develop a mechanism for identifying those instances where
8 information systems should be linked and information shared, while
9 providing for appropriate limitations on access and the security of
10 information;

11 (6) Create new technologies to be used in government, convene
12 conferences and develop incentive packages to encourage the utilization of
13 technology;

14 (7) Engage in any other activities as directed by the Governor;

15 (8) Charge a fee to the agencies/programs for evaluations performed and
16 technical assistance provided under the provisions of this section. All fees
17 collected by the Chief Technology Officer shall be deposited in a special
18 account in the Government of Guam Treasury to be known as the Chief
19 Technology Officer Administration Fund. Expenditures from the fund
20 shall be made by the Chief Technology Officer for the purposes set forth in
21 this article accordance with appropriation by *I Liheslaturan Guåhan*.

22 (9) Monitor trends and advances in information technology and technical
23 infrastructure;

1 (10) Direct the formulation and promulgation of policies, guidelines,
2 standards and specifications for the development and maintenance of
3 information technology and technical infrastructure, including, but not
4 limited to:

5 (A) Standards to support Government of Guam and the exchange,
6 acquisition, storage, use, sharing and distribution of electronic
7 information;

8 (B) Standards concerning the development of electronic
9 transactions, including the use of electronic signatures;

10 (C) Standards necessary to support a unified approach to
11 information technology across the totality of the Government of
12 Guam, thereby assuring that the citizens and businesses of Guam
13 receive the greatest possible security, value and convenience from
14 investments made in technology;

15 (D) Guidelines directing the establishment of government-wide
16 standards for the efficient exchange of electronic information and
17 technology, including technical infrastructure, between the public
18 and private sectors;

19 (E) Technical and data standards for information technology and
20 related systems to promote efficiency and uniformity;

21 (F) Technical and data standards for the connectivity, priorities and
22 interoperability of technical infrastructure used for homeland
23 security, public safety and health and systems reliability necessary to

1 provide continuity of government operations in times of disaster or
2 emergency; and

3 (G) Technical and data standards for the coordinated development of
4 infrastructure related to deployment of electronic government
5 services;

6 (11) Periodically evaluate the feasibility of subcontracting information
7 technology resources and services, and to subcontract only those resources
8 that are feasible and beneficial to the Government of Guam;

9 (12) Direct the compilation and maintenance of an inventory of
10 information technology and technical infrastructure which may include
11 personnel, facilities, equipment, goods and contracts for service, wireless
12 tower facilities, geographic information systems and any technical
13 infrastructure or technology that is used for law enforcement, homeland
14 security or emergency services;

15 (13) Develop job descriptions and qualifications necessary to perform
16 duties related to information technology as outlined in this article; ~~and~~

17 (14) Periodically evaluate Governmentwide public safety/homeland
18 security communications system/network requirements, inclusive of the
19 "911" systems, and report findings and recommendations to *I Maga Lahi*
20 *Guahan* and *I liheslatura*. and provide support for the procurement,
21 installation and operation of such systems/networks; and

22 (14) (15) Promulgate rules as may be necessary to standardize and make
23 effective the administration of the provisions of article six of this chapter.

24 (b) With respect to executive agencies, the Chief Technology Officer may:

1 (1) Develop a unified and integrated structure for information systems for
2 all executive agencies;

3 (2) Establish, based on need and opportunity, priorities and time lines for
4 addressing the information technology requirements of the various
5 executive agencies of the Government of Guam;

6 (3) Exercise authority delegated by the Governor by executive order to
7 overrule and supersede decisions made by the administrators of the various
8 executive agencies of government with respect to the design and
9 management of information systems and the purchase, lease or acquisition
10 of information equipment and contracts for related services;

11 (4) Draw upon staff of other executive agencies for advice and assistance
12 in the formulation and implementation of administrative and operational
13 plans and policies; and

14 (5) Recommend to the Governor transfers of equipment and human
15 resources from any executive agency and the most effective and efficient
16 uses of the fiscal resources of executive agencies, to consolidate or
17 centralize information-processing operations.

18 (c) The Chief Technology Officer may employ the personnel necessary to carry
19 out the work of the Office of Technology and may approve reimbursement of
20 costs incurred by employees to obtain education and training.

21 (d) The Chief Technology Officer shall oversee telecommunications services
22 used by agencies/programs for the purpose of maximizing efficiency to the fullest
23 possible extent. The Chief Technology Officer may establish microwave or other
24 networks and hops; audit telecommunications services and usage; recommend

1 and develop strategies for the discontinuance of obsolete or excessive utilization;
2 participate in the renegotiation of telecommunications contracts; and encourage
3 the use of technology and take other actions necessary to provide the greatest
4 value to the Government of Guam.

5 **§20204a. Duties of the Chief Technology Officer relating to security of government**
6 **information.**

7 (a) To ensure the security of government information and the data
8 communications infrastructure from unauthorized uses, intrusions or other
9 security threats. At a minimum, these policies, procedures and standards shall
10 identify and require the adoption of practices to safeguard information systems,
11 data and communications infrastructures, as well as define the scope and
12 regularity of security audits and which bodies are authorized to conduct security
13 audits. The audits may include reviews of physical security practices.

14 (b) Annual audits:

15 (1) The Chief Technology Officer shall at least annually perform security
16 audits of all executive branch agencies regarding the protection of
17 government databases and data communications.

18 (2) Security audits may include, but are not limited to, on-site audits as
19 well as reviews of all written security procedures and documented
20 practices.

21 (c) The Chief Technology Officer may contract with a private firm or firms that
22 specialize in conducting these audits.

23 (d) All public bodies subject to the audits required by this section shall fully
24 cooperate with the entity designated to perform the audit.

1 (e) The Chief Technology Officer may direct specific remediation actions to
2 mitigate findings of insufficient administrative, technical and physical controls
3 necessary to protect government information or data communication
4 infrastructures.

5 (f) The Chief Technology Officer shall promulgate rules to minimize
6 vulnerability to threats and to regularly assess security risks, determine
7 appropriate security measures and perform security audits of government
8 information systems and data communications infrastructures.

9 (g) To ensure compliance with confidentiality restrictions and other security
10 guidelines applicable to law-enforcement agencies, emergency response
11 personnel and emergency management operations.

12 (h) The provisions of this section shall not infringe upon the responsibilities
13 assigned to the Public Auditor or other statutory requirements.

14 (i) In consultation with the Adjutant General, Chief of Police, Fire Chief and the
15 Director of the Division of Homeland Security, the Chief Technology Officer is
16 responsible for the development and maintenance of an information systems
17 disaster recovery system for the Government of Guam with redundant sites in
18 two or more locations isolated from reasonably perceived threats to the primary
19 operation of the Government of Guam. The Chief Technology Officer shall
20 develop specifications, funding mechanisms and participation requirements for
21 all executive branch agencies to protect the Government of Guam's essential
22 data, information systems and critical government services in times of
23 emergency, inoperativeness or disaster. Each executive branch agency shall assist
24 the Chief Technology Officer in planning for its specific needs and provide to the
25 Chief Technology Officer any information or access to information systems or

1 equipment that may be required in carrying out this purpose. No government-
2 wide or executive branch agency procurement of disaster recovery services may
3 be initiated, let or extended without the expressed consent of the Chief
4 Technology Officer.

5 **§20204b. Project management duties of the Chief Technology Officer;**
6 **establishment of the Project Management Office and duties of the director of the**
7 **Project Management Office.**

8 (a) Concerning the management of information technology projects, the Chief
9 Technology Officer shall:

10 (1) Develop an approval process for proposed major information
11 technology projects by Government of Guam agencies to ensure that all
12 projects conform to the government-wide strategic plan and the
13 information management plans of agencies;

14 (2) Establish a methodology for conceiving, planning, scheduling and
15 providing appropriate oversight for information technology projects,
16 including oversight for the projects and a process for approving the
17 planning, development and procurement of information technology
18 projects;

19 (3) Establish minimum qualifications and training standards for project
20 managers;

21 (4) Direct the development of any government-wide and multiagency
22 enterprise project; and

23 (5) Develop and update a project management methodology to be used by
24 agencies in the development of information technology.

1 (b) The Chief Technology Officer shall create a Project Management Office
2 within the Office of Technology.

3 (c) The Director of the Project Management Office shall:

4 (1) Implement the approval process for information technology projects;

5 (2) Assist the Chief Technology Officer in the development and
6 implementation of a project management methodology to be used in the
7 development and implementation of information technology projects in
8 accordance with this article;

9 (3) Provide ongoing assistance and support to Government of Guam
10 agencies and public institutions of higher education in the development of
11 information technology projects;

12 (4) Establish a program providing training to agency project managers;

13 (5) Review information management and information technology plans
14 submitted by agencies and recommend to the Chief Technology Officer the
15 approval of the plans and any amendments thereto;

16 (6) Monitor the implementation of information management and
17 information technology plans and periodically report its findings to the
18 Chief Technology Officer;

19 (7) Assign project managers to review and recommend information
20 technology project proposals.

21 (8) The director shall create criteria upon which information technology
22 project proposal plans may be based including:

1 (A) The degree to which the project is consistent with the
2 Government of Guam's overall strategic plan;

3 (B) The technical feasibility of the project;

4 (C) The benefits of the project to the Government of Guam,
5 including customer service improvements;

6 (D) The risks associated with the project;

7 (E) Any continued funding requirements; and

8 (F) The past performance on other projects by the agency.

9 (9) Provide oversight for Government of Guam agency information
10 technology projects.

11 **§20204c. Major information technology projects proposals and the establishment**
12 **of steering committees.**

13 (a) Prior to proceeding with a major information technology project, an agency
14 shall submit a project proposal, outlining the business need for the project, the
15 proposed technology solution, if known, and an explanation of how the project
16 will support the agency's business objective and the Government of Guam's
17 strategic plan for information technology. The project manager may require the
18 submission of additional information as needed to adequately review any
19 proposal.

20 (b) The proposal will further include:

21 (1) A detailed business case plan, including a cost-benefit analysis;

22 (2) A business process analysis, if applicable;

1 (3) System requirements, if known;

2 (4) A proposed development plan and project management structure;

3 (5) Business goals and measurement criteria, as appropriate; and

4 (6) A proposed resource or funding plan.

5 (c) The project manager assigned to review the project development proposal
6 shall recommend its approval or rejection to the Chief Technology Officer. If the
7 Chief Technology Officer approves the proposal, then he or she shall notify the
8 agency of its approval.

9 (d) Whenever an agency has received approval from the Chief Technology
10 Officer to proceed with the development and acquisition of a major information
11 technology project, the Chief Technology Officer shall establish a steering
12 committee.

13 (e) The steering committee shall provide ongoing oversight for the major
14 information technology project and have the authority to approve or reject any
15 changes to the project's scope, schedule or budget.

16 (f) The Chief Technology Officer shall ensure that the major information
17 technology project has in place adequate project management and oversight
18 structures for addressing the project's scope, schedule or budget and shall address
19 issues that cannot be resolved by the steering committee.

20 **§20205. Notice of request for proposals by agencies/programs required to make**
21 **purchases through the Guam General Services Agency.**

22 Any agency/program that pursues an information technology purchase that does not
23 meet the definition of a "major technology project" and that is required to submit a

1 request for proposal to the Guam General Services Agency prior to purchasing goods or
2 services shall obtain the approval of the Chief Technology Officer, in writing, of any
3 proposed purchase of goods or services related to its information technology and
4 telecommunication systems. The notice shall contain a brief description of the goods
5 and services to be purchased. The agency/program shall provide the notice to the Chief
6 Technology Officer prior to the time it submits its request for proposal to the Guam
7 General Services Agency.

8 **§20206. Notice of request for proposals by an agency/program exempted from**
9 **submitting purchases to the Guam General Services Agency.**

10 (a) Any agency/program that is not required to submit a request for proposal to
11 the Guam General Services Agency prior to purchasing goods or services shall
12 notify the Chief Technology Officer, in writing, of any proposed purchase of
13 goods or services related to its information technology or telecommunication
14 systems. The notice shall contain a detailed description of the goods and services
15 to be purchased. The agency/program shall provide the notice to the Chief
16 Technology Officer a minimum of ten days prior to the time it requests bids on
17 the provision of the goods or services.

18 (b) If the Chief Technology Officer evaluates the suitability of the information
19 technology and telecommunication equipment and related services under the
20 provisions of subdivision (3), subsection (a) of §20204 of this Article and
21 determines that the goods or services to be purchased are not suitable, he or she
22 shall, within ten days of receiving the notice from the agency/program, notify the
23 agency/program, in writing, of any recommendations he or she has regarding the
24 proposed purchase of the goods or services. If the agency/program receives a
25 written notice from the Chief Technology Officer within the time period required

1 by this section, the agency/program shall not put the goods or services out for bid
2 less than fifteen days following receipt of the notice from the Chief Technology
3 Officer.

4 **§20207. Annual report.**

5 The Chief Technology Officer shall report annually to the Speaker *I Liheslatura* on the
6 activities of his or her office.

7 **§20208. Exemptions.**

8 (a) The provisions of this article do not apply to automonous agencies as defined
9 by 12GCA, *I Liheslatura*, the judiciary, the Office of Public Accountability and
10 the Office of the Attorney General.

11 (b) Notwithstanding any other provision of this article to the contrary, except for
12 participation in the compilation and maintenance of an inventory of information
13 technology and technical infrastructure of the Government of Guam authorized
14 by §20204 of this Article, the provisions of this article do not apply to the Guam
15 Department of Education. The Guam Department of Education may cooperate
16 and collaborate with the Chief Technology Officer to the extent feasible.

17 (c) *I Maga Lahi Guåhan* may, by executive order, exempt from the provisions of
18 this article any entity created and organized to facilitate the public and private
19 use of health care information and the use of electronic medical records
20 throughout the Government of Guam.

21 **§20209. Voluntary Assistance.**

22 Any branch or agency exempt from the provision of this Article by §20208(a) *may*, by
23 memorandum of understanding, avail itself of any of the services offered by the Office

1 of Technology if such branch or agency determines that acquiring such services is
2 feasible. Such memorandum of understanding *may* include fees and costs paid by the
3 branch or agency except that no fees for such services shall be paid by the Office of
4 Attorney General or the Office of Public Accountability. All fees collected shall be
5 deposited in the General Fund and are continually appropriated to the Office of
6 Technology.

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
 Chairman, Committee on General Government Operations
 and Cultural Affairs
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 155 Hesler Place, Hagatna, Guam 96910
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PUBLIC HEARING SIGN-IN SHEET

Thursday, January 24, 2013

I Liheslatura • Public Hearing Room • Hagåtña, Guam

Public Hearing on Bill No. 4-32 (LS)

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
ED CRUZ	BIT		✓	✓	727-9330	ed.cruz@aguar.gov
NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

January 22, 2013

Honorable Benjamin J.F. Cruz
32st Guam Legislature
324 West Soledad Avenue, Suite 100
Hagatna, Guam 96910

RE: BILL 4-32 COMMENTS

Thank you Honorable Vice-Speaker Benjamin J.F. Cruz, Committee Chair on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting and Honorable Senators for the opportunity to comment on Bill 4-32 (LS), "An act to repeal and re-enact Article 2 of Chapter 20 of Title 5, Guam Code Annotated relative to establishing the Office of Technology."

Information technology (IT) is a critical part of how citizens interact, communicate and conduct business with our Government. Additionally, numerous agencies have been mandated to implement, manage and maintain federal IT systems, most recently, in our healthcare and public safety agencies. Requirements for information technology have increased, while our infrastructure, staffing and planning have stayed the same. An increase in broadband adoption and availability on Guam¹ has transformed the way we do business in our everyday lives. This transformation must also include our government by providing effective, efficient and convenient solutions for the many services we offer.

I agree with the intent of this Bill of creating an entity responsible for all facets of information technology within the government of Guam executive branch. I would also like to recommend additional language or mandates that will strengthen this office's responsibilities and duties.

¹Guam Broadband Mapping Project, funded through the NTIA, conducted by One Economy

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

Continued Government of Guam Centralization and Consolidation Efforts. The Government of Guam has undertaken centralization and consolidation efforts to reduce costs, duplicative efforts and to maximize shared services and resources.

- **Data Centers:** Since 2007, we have successfully reduced the number of “data centers” throughout the government of Guam to almost 50%. At its peak, the Government operated 15 “data centers” – each needing uninterruptable power supply systems (UPS), supporting hardware (routers, firewalls, etc.), ample cooling 24 hours a day, support staff, secure facilities, and the infrastructure (electricity, leased fiber, etc.) to go along with it. It is our ultimate goal to reduce the number of government of Guam data centers to 3.
- **Information Technology Staff:** A small number of staff has been centralized to the Department of Administration, to maximize IT support efforts government-wide. Complete centralization will allow for a means to balance the IT support throughout our agencies. This will allow for support to be right-sized and for qualified, specialized staff to focus on the efforts that benefit the government of Guam as whole.
- **Consolidation of all IT departments into one office,** to include the Bureau of Information Technology (established through EO 2005-25).

Inclusion of additional mandates to include **Public Safety Communications** and **Health Information Technology** will greatly assist the agencies that are mandated to carry them out.

Leadership to include a **Director (Chief Information Officer)** and **Deputy Director (Chief Technology Officer)** with commensurate experience in information technology management.

Adopting mandates as detailed in Executive Order 2005-05, relative to establishing a Bureau of Information Technology under the Governor’s Office to continue the work in improving communications, data processing and information technology within the Executive Branch including: procurement, infrastructure authority, recruitment and training.

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

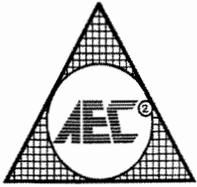
Implementation of a Government of Guam Information Technology Charge-back System. Allow all aspects of Information Technology and Telecommunications to be managed by and purchased through the office of technology. All agencies will be accountable for the actual service costs to include a percentage of anywhere between 5-10% that will go towards the management, oversight and administrative costs needed. This will allow for technology efforts and projects to be sustainable today and in the future. This trend is how state Governments have had to implement to maintain and manage their costs in this tough economy.

I thank you again for this opportunity to comment on this Bill and if you should have any question please feel free to contact me at 475-1229/1203.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Camacho Cruz". The signature is fluid and cursive, with a large loop at the end.

Ed Camacho Cruz
Chief Information Officer
Bureau of Information Technology
Office of the Governor of Guam



Servino & Associates, Inc. dba
ADVANCED ENGINEERING CONSULTING COMPANY
ELECTRICAL, TELECOMMUNICATIONS and CONSTRUCTION MANAGEMENT ENGINEERING CONSULTANT



DMCM

February 12, 2013

Testimony of Jose S. Servino, PE

Subject: Department of Information Technology Legislation

There is lack of centralized governance of IT and IRM which have resulted in minimal integration of business processes between departments, duplication of efforts and redundant processes, and aging legacy systems.

There is a need to legislate initiative to modernize information technology and information resource management (IRM) systems. The goal of the technology transformation initiative is to make government more efficient and improve services for the people of Guam while reducing costs.

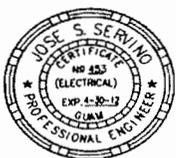
This will be a massive undertaking to bring the technology of the government into the 21st century and is critical to transform government to full transparency and efficiency.

The legislation has to be written properly and its contents have to be properly thought out and not made too general as it will cause the legislation to be very flawed and create major problems in the process.

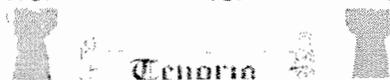
There are a number of non-technology concerns by industry experts, technology leaders and IT leaders. These concerns and risks must be solved or mitigated before IT consolidation could be successful. See attachments for more details. My previous input also pertains.

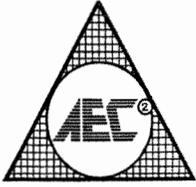
Senseramente,

Jose (Joe) S. Servino, PE'77, CEM'11, QCP, New cell #482-9919
President, Advanced Engineering Consulting Co.
Familiar Tenorio (Supiano) yan Santos (Bibic)
Member NSPE, IEEE, AEE, RI, JCI Senator, GCC,CCC,SAME,AFCEA
E'59,ET'60,FDMS'62VAL,BSEE'65,NE'67,MBA'75, DCMS '86, DMCM'95



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February 12, 2013

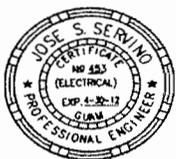
Information Technology bill challenges and considerations:

LEADERSHIP AND GOVERNANCE: IT consolidation projects fail without proper executive leadership. The Governor’s leadership role is foundational for IT consolidation success. In addition, the role of the Executive branch Chief Information Technology Officer (CITO) should be expanded. All current responsibilities of the CITO would remain, but the role would expand to include approval authority on all Information Technology purchases by executive branch agencies, and to provide direction and coordination of the statewide shared services outlined in this Study. Experience has shown that a properly empowered CITO shifts the discussion of IT towards business driven initiatives and project coordination. IT consolidation success requires the executive branch CITO as a cabinet position. This allows the office to focus on project prioritization, financial shifts and to better serve our citizens and businesses. A cabinet level CITO is recommended but not required for success if the CITO is given appropriate authority and has the support of the Governor.

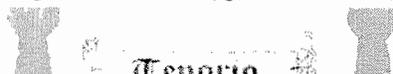
SECURITY: IT leaders are concerned that the unique requirements each agency has to secure their data and computer equipment will be marginalized in a consolidated IT environment. While security requirements are complex and vary by agency, IT consolidation projects have found these complexities can be managed with a combination of organizational, policy, and governance changes.

ORGANIZATIONAL CHANGES: These activities deal with enhancing the tools and processes agencies will leverage to provision, manage, and administrate consolidated IT services. The IT office should be the central coordinator for the deployment of these tools, processes, and skills. Also, it should develop consistent training programs to support the evolution in each consolidation effort. The agencies must participate and engage in conversations for each consolidation effort and identify the combination of best practices that should be used by the Governor. The IT organization will change dramatically in size and scope of activities. It is believed that in order to absorb this dramatic change in size and complexity that significant reorganization will need to occur to make it effective and efficient. The reorganization will be a multiyear multi-step process, but will be critical for IT consolidation success.

BUY-IN: IT consolidation is not a universally popular notion across government agencies. The status quo gives them the flexibility to solve their own problems in the way that makes sense for their individual agencies, but allows for redundant, siloed, and incompatible solutions. In a consolidated IT environment many of our IT employee’s roles will change. The possibility of change leads to uncertainty. Experiences in other states have shown us this uncertainty can slow down, and even destroy, consolidation activities. The human factors associated with IT consolidation must be accounted for and mitigated if there is any hope for successful consolidation. These strategies revolve around an empowered executive branch CITO, an effective and responsive central IT organization, a focus on customer service and



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 E-mail: advancedengg@yahoo.com / servinoj@yahoo.com; Cell: (671)898-4385



communication, and preparing state IT employees for their new roles and giving them adequate training.

If the IT consolidation strategies and recommendations are implemented successfully, the benefits for Guam will include:

IMPROVED GOVERNMENT EFFICIENCY AND EMPLOYEE PRODUCTIVITY: Efforts to consolidate and streamline IT will enable them to be more productive. Instead of having redundant agency IT teams all performing the same duties, there could be one single team maintaining consolidated solutions. Guam employees need basic capabilities in order to achieve maximum efficiency. Successful IT consolidation projects involving email, identity, data sharing, and unified communications and collaboration have the ability to revolutionize the way Guam employees perform their jobs. In a consolidated environment employees will have modernized tools and capabilities allowing them to perform their jobs better, more accurately, and more effectively.

IMPROVED GOVERNMENT INTERACTION WITH BUSINESS AND CITIZENS: The government is underutilizing its ability to support businesses and individuals in Guam. Agencies develop their own unique ways to communicate, regulate, license, and support their customers. IT consolidation projects can help with this transition. Currently there is no easy way to share data across agencies. With a common identity solution and a modern enterprise data bus, it will be easier to share data and communicate between state agencies. Having these foundational components in place will allow for the next generation of business applications to be developed that utilize this enhanced functionality.

IMPROVED INFORMATION ACCESS AND DECISION MAKING: Guam has outstanding information available to its workforce. However, in almost all cases, the access to this information access is limited to a small set of agency workers. If information access was improved between agencies Guam workforce could make better decisions and more effectively support Guam citizens and businesses.

MODERNIZED TECHNOLOGY AND SUPPORT INFRASTRUCTURE: The investments in IT solutions that have occurred over the last several decades are mostly still in use today. These “legacy” infrastructures require specialized knowledge, tools, and vendor support. Guam constantly adds on and expands these legacy systems without removing or modifying the old portions of the system. With the Guam Information Technology Architecture and agency IT architects, Guam has the opportunity to design and implement solutions statewide. The commitment to an enterprise set of architecture options can be achieved if agencies are not allowed to “opt out” of statewide solutions. IT can deliver a solid set of targets and solutions that agencies can use that would lead to a dramatic decrease in the cost and complexity associated with the current technical architecture, while still giving agency choices. This modernized infrastructure will bring several benefits in the area of reduced energy costs, decreased carbon footprint for IT data centers, ability to support agency continuity of operation plans, and ability to recover from disaster.

REDUCED COST OF IT OPERATIONS WITH MORE FUNCTIONALITY: The cost of information technology in Guam has grown for the last ten years. If the current trend of growth remains stable, Guam will spend a large amount of funds that does not need to be wasted. The rapid growth of consultant expenses and the growth of host systems are the major contributors to this growth trend. The IT consolidation has the potential to help stabilize this growth curve. With the proper leadership, authority, and facilities there can be a substantial cost savings by mandating IT consolidation.

Now is the right time for Guam to pursue IT consolidation.

Guam should begin its major IT consolidation project by moving towards a common electronic mail and identity solution. This is relatively simple to execute and sets the stage for future consolidation projects. A common government island wide email solution achieves significant cost savings, reduces needless technology complexity, and makes communication and collaboration within government easier.

Office of the Chief Information Technology Architect

Two new state-of-the-art data centers should be invested in. A complete engineering study on data center needs must be completed to get accurate cost estimates. When the data center facilities are running, Guam should aggressively move all computer equipment to these locations using virtualized servers and shared storage whenever possible. With this centralized infrastructure in place, more aggressive IT consolidation strategies like middleware application consolidation can be obtained.

The recommendations for IT Consolidations are broken down into the following ten functional areas:

1. Data Center
2. Servers
3. Storage
4. Electronic Mail
5. Unified Communications and Collaboration
6. Identity Management
7. Desktop Support
8. Network Support
9. Other Middleware Applications
10. Agency Development Staff

The ten functional areas should not be considered ten different, unique, and distinct projects. Scope documents for these projects will be available in the appendix section of this document. Many of the project and initiatives outlined in this study are dependent on each other and for one functional area to have success one or more other functional areas must be completed.

IT CONSOLIDATION STRATEGIES AND RECOMMENDATIONS

DATA CENTERS

Consolidation Options:

Continue Status Quo

Agencies would be responsible for their own identity management. This option gives agencies the full flexibility to solve their own identity issues. It also allows all the existing problems of the status quo to continue. Innovation will occur at the agency level. Cost over time will be greater in this option.

Cloud Based Identity Solution

Use a third-party identity solution hosted in the “cloud”. This option would hand off the administration and management of the identity management to a vendor. It would leverage their expertise, and Guam would only have to subscribe to the service. At this time these hosted or cloud-based identity solutions are not perceived to be stable enough for Guam adoption. This option should be revisited when it becomes more stable.

One Government wide Identity Management Solution for Employees

Guam could move to one island wide identity management solution. This could be done in a number of ways using different technologies. Establishing an oversight group to assist with this transformation and to define the enterprise role model structure for information sharing would be essential to this option.

One Statewide Identity Management Solution for Businesses

Leverage the knowledge that exists on Guam and develop a roadmap to accomplish the vision of a collaborative business portal. This option will support an enterprise view of documentation and reduce the complexity and silos that exist in the current support of Guam businesses. The IT Dept. should continue to develop their risk matrix and determine a limited set of identity solutions that all agencies should use for government to business interactions.

Expand all island wide Identity Management Solutions

This option would require Guam to implement a common identity management solution. It could then be extended to the government agencies. If this option is preferable, government agencies should be included in the requirements and design phases of the island wide identity management solution.

One Island wide Identity Management Solution for Individuals and Citizens

This is not a new concept. The Federal government’s REAL-ID program is an example of a nationwide identity management solution. Like the other identity management solutions, there

should be an island wide direction, and the IT Dept. should oversee the development of this solution.

Recommendations:

Guam should consolidate into one centralized Active Directory (AD) system for all executive branch agencies. This solution should be architected to allow for agencies the ability to add, modify, and change their own employees. This centralized AD architecture is a Gartner recommendation and industry best practice. Regent Universities, Legislative, and Judicial branches of government should consider using the centralized AD solution once the executive branch is fully migrated to the new solution. This project should occur regardless of any other IT consolidation strategy.

Guam should also establish a strategy and roadmap for single-sign on and other application authorization topics. Guam should charge the Business Center and the IT Identity Management Workgroup to create a roadmap outlining a common approach to government-to-business exchanges including how to share a common identity between systems. This roadmap should guide all system investments, upgrades, and enhancements. This will make Guam DIT more attractive to businesses because there will be less cost and effort involved to start up and conduct business.

Guam should develop an identity management strategy for citizens and other individuals. An identity management roadmap outlining a common approach for identifying individuals should be developed. This roadmap should guide all system investments, upgrades, and enhancements. This will make Guam government easier to work with, reduce complexity of government, and provide a simple, yet secure approach to work with local government.

Guam must first develop its own internal identity management system. However it should engage local government's business and technical professionals in the requirements gathering and design of the island wide identity management system so it could be leveraged by them at a later time.

Problems associated with Status Quo:

Today each major agency provides and supports its work force in isolation. Inside those agencies, best practices are being developed and innovation is occurring. However, since this innovation is occurring in isolation the benefits are also isolated to each agency. This federation leads to significant differences across agencies. Different products are being used, different support methodologies are being used.

The benefits to Guam can occur in multiple areas:

1. Core network support efficiencies by a better managed workforce
2. Centralization of core technology to one platform
3. Consolidated purchasing of network solutions
4. Reallocation and/or retraining of workforce to reduce consultant dependency
5. Reduced complexity in the core network
6. Reduction in internal barriers of information sharing in the enterprise
7. Redesign the network to support mobile workforce in more efficient approaches.

Guam should also focus an effort to reduce or eliminate agency virtual networks. These virtual networks are causing design and traffic issues and are slowing down our ability to use modern technology and are reducing our ability to share resources between agencies. They are no longer needed for security.

Network connections with local government entities should be re-architected to use circuits more effectively. There are significant opportunities for larger counties to share, host, or support other smaller agencies if the network allows it. The benefits to Guam can occur in multiple areas:

1. Reduction in number of circuits used to support unique line of business demands.
2. Sharing of network infrastructure procurement contracts
3. Reduction of long distance costs to local government
4. Guide the evolution of NG911 with a common backbone
5. Ability for counties to work together in a dramatically different model than exists today
6. Ability to share information with other agencies
7. Share solutions with other agencies and reduce support costs
8. Bringing a higher level of solutions and skills to smaller agencies

While monolithic, mainframe computing worked well because all of the applications on the mainframe shared a common set of services. As agencies moved to distributed solutions there was a need for the same type of common services. significant risk. In addition, expecting DISC to take responsibility for the increased tasks inherent in a consolidated model without a significant staffing increase will only result in the worst agency outcomes being realized.

SECURITY

One of the major issue is security. IT leaders worry that in a consolidated environment, unique agency security requirements will be ignored. Ignoring these requirements would not only put agency data at risk, it could also have ripple effects with federal grant dollars. These requirements are driven by the Federal Government and must be adhered to. Other agencies such as the Department of Revenue, and Department of Health and Environment have federal mandates on how their data and computer equipment is secured.

Larger government agencies have the most challenging requirements, but those requirements can be met. The security challenges posed by IT consolidation can be solved by a combination of trust, process changes, leadership, and governance.

ORGANIZATIONAL CHANGES

Guam will need several preparatory activities in order to understand and manage the proposed consolidation efforts outlined in this study. These activities deal with enhancing the tools, processes, and services that agencies will leverage to provision, manage, and administrate consolidated IT services. This effort may be a rather sizable project, but they will be necessary to get Guam to a level of maturity it needs to succeed in IT consolidation. To help support the business cases for these projects there will be a need to implement some additional tools and capabilities. These tools and capabilities include:

- Asset Management
- Service Catalog
- Enterprise Asset and Portfolio Management
- Virtual Storage Menu and Streamlined Billing
- Business Intelligence and Performance Dashboards
- End User Support Tools



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

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Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
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Member

Senator
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Senator
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Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 15, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 42-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. **42-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
42-32 (COR)	D.G. Rodriguez, Jr.	AN ACT TO AUTHORIZE THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES DIRECTOR TO CHARGE THIRD PARTY PAYERS, FIRST, FOR SERVICES PROVIDED TO INDIVIDUALS WHO QUALIFY UNDER ANY WELFARE PROGRAM (MEDICAID, MEDICALLY INDIGENT PROGRAM, ETC.) BY ADDING A NEW ARTICLE 12 TO CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED.	2/14/2013 3:17 P.M.	2/15/13	Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens			



Mike Lidia <mike.lidia@senatorbjcruz.com>

First Notice of Public Hearing – Five Day Notice – January 24, 2013

42 messages

Mike Lidia <mike.lidia@senatorbjcruz.com>

Wed, Jan 16, 2013 at 2:29 PM

To: bmkelman@guampdn.com, clynt@spbguam.com, Janela <janela@mvguam.com>, Jason Salas <jason@kuam.com>, Kevin Kerrigan <kevin@spbguam.com>, Krystal Paco <krystal@kuam.com>, KUAM <hottips@kuam.com>, Mindy Aguon <mindy@kuam.com>, news@guampdn.com, news@k57.com, Pacific News Center <news@spbguam.com>, parroyo@k57.com, Ray Gibson <rgibson@k57.com>, sabrina@kuam.com, thebigshow@k57.com, therese.hart.writer@gmail.com, Travis Coffman <travis.coffman@gmail.com>, Adonis Mendiola <adonis.mendiola@gmail.com>, AJ Balajada <albert.balajadia@gpd.guam.gov>, Aline Yamashita <aline4families@gmail.com>, Amanda Lawson <alawson@visitguam.org>, Andy Arceo <andy.arceo@gmail.com>, Angel Sablan <anghet@hotmail.com>, Anisia Terlaje <anisiaterlaje@hotmail.com>, Annette Donner <annette.donner@fe.navy.mil>, Anthony Tamayo <anthony.tamayo@guam.gov>, Antone Aguon <afaguon@gmail.com>, Art Perez <aperez@gpagwa.com>, Arthur Clark <arthur.clark@guam.gov>, Arthur San Agustin <arthur.sanagustin@dphss.guam.gov>, Barry Mead <bigb@guam.net>, Ben Servino <benito.servino@disid.guam.gov>, Benita Manglona <bmanglonacpa@gmail.com>, Bernadette Artero <bernieartero@yahoo.com>, Bernadette Stern-Meno <bmeno@portguam.com>, Bertha Tajeron <bertha.tajeron@dphss.guam.gov>, Bryan Cruz <bcruz@guamattorneygeneral.com>, Carl Dominguez <carl.dominguez@dpw.guam.gov>, Carlene Okiyama <carlene.okiyama@guam.gov>, Carmelita Santos <carmelita.santos@clb.guam.gov>, Catherine Cruz Norton <catherine.norton@fe.navy.mil>, Cathy Gogue <cathy.gogue@gmail.com>, Charlyne Guerrero <charlyne.guerrero@epa.guam.gov>, Chief Fred Bordallo <fred.bordallo@gpd.guam.gov>, Christine Camacho <christine.camacho@gmail.com>, Chuck Ada <chuck.ada@ghs.guam.gov>, "Col. 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Cc: Chris Carillo <chris.carillo@senatorbjcruz.com>, Carlos Pangelinan <carlos.pangelinan@senatorbjcruz.com>, Carlo Branch <carlo.branch@gmail.com>

January 16, 2013

MEMORANDUM

To: All Members/All Senators

From: Chairman, Committee on General Government Operations and Cultural Affairs

Re: First Notice of Public Hearing – Five Day Notice – January 24, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Thursday, January 24, 2013, beginning at 1:00PM in I Liheslatura's Public Hearing Room** with the following agenda:

Bill No. 4-32 (LS) - T.A. Morrison / B.J.F. Cruz / V.A. Ada - An act to repeal and re-enact Article 2 of Chapter 20 of Title 5, Guam Code Annotated relative to establishing the Office of Technology.

Bill No. 14-32 (COR) - C.M. Dueñas / V.A. Ada - An act to add a new §(e) to §5123 of Chapter 5, Title 5, Guam Code Annotated, relative to mandating the purchase or lease of vehicles by the government of Guam shall meet or exceed a minimum average combined city and highway miles per gallon (MPG) of twenty-five miles per gallon (25 MPG); to add a new §(f) to §5123 of Chapter 5, Title 5, Guam Code Annotated, to allow certain specialty vehicles to be excluded from the provisions of this act.

Resolution No. 10-32 (COR) As Introduced - B.J.F. Cruz - Relative to the World Health Organization Framework Convention on Tobacco Control and the global epidemic derived from tobacco; to request that the Obama Administration support the Framework Convention on Tobacco Control; and to request that the United States Senate ratify the World Health Organization Framework Convention on Tobacco Control.

The committee will reconvene at 3:00PM with the following agenda:

Informational Roundtable Hearing to Assess the State of the Guam Police Department

Please provide written testimonies at least one day prior to the hearing to the Office of Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagåtña Guam 96910. They may be sent via facsimile to 477-2522, or via email to mike.lidia@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Mike Lidia at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at mike.lidia@senatorbjcruz.com.

Senseramente,

Mike Lidia

Research Analyst

Office of Vice Speaker Cruz
477-2520

2 attachments

 **01162013 B.J. Cruz First Notice of Public Hearing for 01242013.doc**
128K

 **01162013 B.J. Cruz Letter to Chief Bordallo regarding Informational Roundtable Hearing.docx**
147K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: mike.lidia@senatorbjcruz.com

Wed, Jan 16, 2013 at 2:29 PM

Delivery to the following recipient failed permanently:

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Google tried to deliver your message, but it was rejected by the recipient domain. We recommend contacting the other email provider for further information about the cause of this error. The error that the other server returned was: 550 550-5.1.1 The email account that you tried to reach does not exist. Please try
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X-Google-DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=google.com; s=20120113;
h=mime-version:x-originating-ip:date:message-id:subject:from:to:cc
:content-type:x-gm-message-state;



January 16, 2013

MEMORANDUM

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From: Chairman, Committee on General Government Operations and Cultural Affairs
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Senseramente,

Mike Lidia
Research Analyst
Office of Vice Speaker Cruz
477-2520



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Second Notice of Public Hearing – Two Day Notice – January 24, 2013

32 messages

Mike Lidia <mike.lidia@senatorbjcruz.com> Tue, Jan 22, 2013 at 8:25 AM
 To: Cynthia.ige@gpd.guam.gov, frank aguon <frankaguon23@gmail.com>, aguon4guam@gmail.com, Senator Michael San Nicolas <senatorsannicolas@gmail.com>, Tommy Morrison <tomorrison671@gmail.com>, Brant McCreddie <brantforguam@gmail.com>, Responsible Guam <responsibleguam@gmail.com>, mike@mikelimtiaco.com, Tommy Morrison <tommy@senatormorrison.com>, Adonis Mendiola <adonis.mendiola@gmail.com>, AJ Balajada <albert.balajadia@gpd.guam.gov>, Aline Yamashita <aline4families@gmail.com>, Amanda Lawson <alawson@visitguam.org>, Andy Arceo <andy.arceo@gmail.com>, Angel Sablan <anghet@hotmail.com>, Anisia Terlaje <anisiaterlaje@hotmail.com>, Annette Donner <annette.donner@fe.navy.mil>, Anthony Tamayo <anthony.tamayo@guam.gov>, Antone Aguon <afaguon@gmail.com>, Art Perez <aperez@gpagwa.com>, Arthur Clark <arthur.clark@guam.gov>, Arthur San Agustin <arthur.sanagustin@dphss.guam.gov>, Barry Mead <bigb@guam.net>, Ben Servino <benito.servino@disid.guam.gov>, Benita Manglona <bmanglonacpa@gmail.com>, Bernadette Artero <bernieartero@yahoo.com>, Bernadette Stern-Meno <bmeno@portguam.com>, Bertha Tajieron <bertha.tajieron@dphss.guam.gov>, Bryan Cruz <bacruz@guamattorneygeneral.com>, Carl Dominguez <carl.dominguez@dpw.guam.gov>, Carlene Okiyama <carlene.okiyama@guam.gov>, Carmelita Santos <carmelita.santos@clb.guam.gov>, Catherine Cruz Norton <catherine.norton@fe.navy.mil>, Cathy Gogue <cathy.gogue@gmail.com>, Charlyne Guerrero <charlyne.guerrero@epa.guam.gov>, Chief Fred Bordallo <fred.bordallo@gpd.guam.gov>, Christine Camacho <christine.camacho@gmail.com>, Chuck Ada <chuck.ada@ghs.guam.gov>, "Col. 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January 22, 2013

MEMORANDUM

To: All Members/All Senators

From: Chairman, Committee on General Government Operations and Cultural Affairs

Re: Second Notice of Public Hearing – Two Day Notice – January 24, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Thursday, January 24, 2013, beginning at 1:00PM in I Liheslatura's Public Hearing Room** with the following agenda:

Bill No. 4-32 (LS) - T.A. Morrison / B.J.F. Cruz / V.A. Ada - An act to repeal and re-enact Article 2 of Chapter 20 of Title 5, Guam Code Annotated relative to establishing the Office of Technology.

Bill No. 14-32 (COR) - C.M. Dueñas / V.A. Ada - An act to add a new §(e) to §5123 of Chapter 5, Title 5, Guam Code Annotated, relative to mandating the purchase or lease of vehicles by the government of Guam shall meet or exceed a minimum average combined city and highway miles per gallon (MPG) of twenty-five miles per gallon (25 MPG); to add a new §(f) to §5123 of Chapter 5, Title 5, Guam Code Annotated, to allow certain specialty vehicles to be excluded from the provisions of this act.

Resolution No. 10-32 (COR) As Introduced - B.J.F. Cruz - Relative to the World Health Organization Framework Convention on Tobacco Control and the global epidemic derived from tobacco; to request that the Obama Administration support the Framework Convention on Tobacco Control; and to request that the United States Senate ratify the World Health Organization Framework Convention on Tobacco Control.

The committee will reconvene at 3:00PM with the following agenda:

Informational Roundtable Hearing to Assess the State of the Guam Police Department

Please provide written testimonies at least one day prior to the hearing to the Office of Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagåtña Guam 96910. They may be sent via facsimile to 477-2522, or via email to mike.lidia@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Mike Lidia at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at mike.lidia@senatorbjcruz.com.

Senseramente,

Mike Lidia
Research Analyst

Office of Vice Speaker Cruz
477-2520

2 attachments

 **01222013 B.J. Cruz Second Notice of Public Hearing for 01242013.doc**
128K

 **01162013 B.J. Cruz Letter to Chief Bordallo regarding Informational Roundtable Hearing.docx**
147K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: mike.lidia@senatorbjcruz.com

Tue, Jan 22, 2013 at 8:25 AM

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Senseramente,

Mike Lidia
Research Analyst
Office of Vice Speaker Cruz
477-2520

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER

Chairman, Committee on Youth, Cultural Affairs, Procurement,
General Government Operations, and Public Broadcasting.
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I MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN

The 31st Guam Legislature • senator@senatorbjcruz.com
155 Hesler Place, Hagatna, Guam 96910
Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

PUBLIC HEARING AGENDA

Thursday, January 24, 2013 – 1:00PM

I Liheslatura • Public Hearing Room • Hagåtña, Guam

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COMMITTEE ON RULES

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

January 7, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Referral of Bill Nos. 1-32 through 6-32 (LS)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 1-32 through 6-32(LS).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(1) Attachment

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

Bill No. 4-32(LS)

Introduced by:

T.A. Morrison
B.J.F. Cruz
V. Anthony Ada

2013 JAN - 7 AM 10:10

AN ACT TO REPEAL AND RE-ENACT ARTICLE 2 OF
CHAPTER 20 OF TITLE 5, GUAM CODE ANNOTATED
RELATIVE TO ESTABLISHING THE OFFICE OF
TECHNOLOGY.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2

3 **Section 1.** Article 2 of Chapter 20 of 5GCA is *repealed and re-enacted* to read:

4

5

ARTICLE 2.

6

OFFICE OF TECHNOLOGY.

7 **§20200. Findings and purposes.**

8 *I Liheslaturan Guåhan* finds and declares that information technology is essential to
9 finding practical solutions to the everyday problems of government and that the
10 management goals and purposes of government are furthered by the development of
11 compatible, linked information systems across government. Therefore, it is the purpose
12 of this article to create, as an integral part of the Department of Administration, the
13 Office of Technology with the authority to advise and make recommendations to all

1 local governmental units on their information systems and to have the authority to
2 oversee coordination of the government's technical infrastructure.

3 **§20201. Scope of Authority.**

4 This Chapter shall apply to all agencies of the Executive Branch of the Government of
5 Guam not including the autonomous agencies as defined by 12GCA. This Chapter
6 shall not apply to the Legislative and Judicial branches of the Government of Guam.

7 **§20202. Definitions.**

8 As used in this article:

9 (a) "Information systems" means computer-based information equipment and
10 related services designed for the automated transmission, storage, manipulation
11 and retrieval of data by electronic or mechanical means;

12 (b) "Information technology" means data processing and telecommunications
13 hardware, software, services, supplies, personnel, maintenance, training and
14 includes the programs and routines used to employ and control the capabilities of
15 data processing hardware;

16 (c) "Information equipment" includes central processing units, front-end
17 processing units, microprocessors and related peripheral equipment, including
18 data storage devices, networking equipment, services, routers, document
19 scanners, data entry equipment, terminal controllers, data terminal equipment,
20 computer-based word processing systems other than memory typewriters;

21 (d) "Related services" includes feasibility studies, systems design, software
22 development and time-sharing services whether provided by Government of
23 Guam employees or others;

1 (e) "Telecommunications" means any transmission, emission or reception of
2 signs, signals, writings, images or sounds of intelligence of any nature by wire,
3 radio or other electromagnetic or optical systems. The term includes all facilities
4 and equipment performing those functions that are owned, leased or used by the
5 executive agencies of the government;

6 (f) "Chief Technology Officer" means the person holding the position created in
7 §20203 of this Article and vested with authority to oversee agencies/programs in
8 planning and coordinating information systems that serve the effectiveness and
9 efficiency of the government and individual agencies/programs and further the
10 overall management goals and purposes of government;

11 (g) "Technical infrastructure" means all information systems, information
12 technology, information equipment, telecommunications and related services as
13 defined in this section;

14 (h) "Information technology project" means the process by which
15 telecommunications, automated data processing, databases, the internet,
16 management information systems and related information, equipment, goods and
17 services are planned, procured and implemented;

18 (i) "Major information technology project" means any information technology
19 project estimated to cost more than one hundred thousand dollars or require more
20 than three hundred man hours to complete; and

21 (j) "Steering committee" means an internal agency oversight committee
22 established jointly by the Chief Technology Officer and the agency requesting
23 the project, which shall include representatives from the Office of Technology
24 and at least one representative from the agency requesting the project.

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§20203. Office of Technology; Chief Technology Officer; appointment and qualifications.

The Office of Technology is created within the Department of Administration. A Chief Technology Officer shall be appointed by the Governor with the advice and consent of *Liheslaturan Guåhan* . The Chief Technology Officer shall have knowledge in the field of information technology, experience in the design and management of information systems and an understanding of the special demands upon government with respect to budgetary constraints, the protection of privacy interests and federal and local standards of accountability.

§20204. Powers and duties of the Chief Technology Officer; generally.

- (a) With respect to all agencies/programs the Chief Technology Officer may:
 - (1) Develop an organized approach to information resource management for the Government of Guam;
 - (2) Provide, with the assistance of the information/technology/communications services of the Department of Administration, technical assistance to the administrators of the various agencies/programs in the design and management of information systems;
 - (3) Evaluate, in conjunction with the Information Services and Communications Division, the economic justification, system design and suitability of information equipment and related services, and review and make recommendations on the purchase, lease or acquisition of

1 information equipment and contracts for related services by the
2 agencies/programs;

3 (4) Develop a mechanism for identifying those instances where systems of
4 paper forms should be replaced by direct use of information equipment and
5 those instances where applicable Government of Guam or federal
6 standards of accountability demand retention of some paper processes;

7 (5) Develop a mechanism for identifying those instances where
8 information systems should be linked and information shared, while
9 providing for appropriate limitations on access and the security of
10 information;

11 (6) Create new technologies to be used in government, convene
12 conferences and develop incentive packages to encourage the utilization of
13 technology;

14 (7) Engage in any other activities as directed by the Governor;

15 (8) Charge a fee to the agencies/programs for evaluations performed and
16 technical assistance provided under the provisions of this section. All fees
17 collected by the Chief Technology Officer shall be deposited in a special
18 account in the Government of Guam Treasury to be known as the Chief
19 Technology Officer Administration Fund. Expenditures from the fund
20 shall be made by the Chief Technology Officer for the purposes set forth in
21 this article accordance with appropriation by *I Liheslaturan Guåhan*.

22 (9) Monitor trends and advances in information technology and technical
23 infrastructure;

1 (10) Direct the formulation and promulgation of policies, guidelines,
2 standards and specifications for the development and maintenance of
3 information technology and technical infrastructure, including, but not
4 limited to:

5 (A) Standards to support Government of Guam and the exchange,
6 acquisition, storage, use, sharing and distribution of electronic
7 information;

8 (B) Standards concerning the development of electronic
9 transactions, including the use of electronic signatures;

10 (C) Standards necessary to support a unified approach to
11 information technology across the totality of the Government of
12 Guam, thereby assuring that the citizens and businesses of Guam
13 receive the greatest possible security, value and convenience from
14 investments made in technology;

15 (D) Guidelines directing the establishment of government-wide
16 standards for the efficient exchange of electronic information and
17 technology, including technical infrastructure, between the public
18 and private sectors;

19 (E) Technical and data standards for information technology and
20 related systems to promote efficiency and uniformity;

21 (F) Technical and data standards for the connectivity, priorities and
22 interoperability of technical infrastructure used for homeland
23 security, public safety and health and systems reliability necessary to

1 provide continuity of government operations in times of disaster or
2 emergency; and

3 (G) Technical and data standards for the coordinated development of
4 infrastructure related to deployment of electronic government
5 services;

6 (11) Periodically evaluate the feasibility of subcontracting information
7 technology resources and services, and to subcontract only those resources
8 that are feasible and beneficial to the Government of Guam;

9 (12) Direct the compilation and maintenance of an inventory of
10 information technology and technical infrastructure which may include
11 personnel, facilities, equipment, goods and contracts for service, wireless
12 tower facilities, geographic information systems and any technical
13 infrastructure or technology that is used for law enforcement, homeland
14 security or emergency services;

15 (13) Develop job descriptions and qualifications necessary to perform
16 duties related to information technology as outlined in this article; and

17 (14) Promulgate rules as may be necessary to standardize and make
18 effective the administration of the provisions of article six of this chapter.

19 (b) With respect to executive agencies, the Chief Technology Officer may:

20 (1) Develop a unified and integrated structure for information systems for
21 all executive agencies;

1 (2) Establish, based on need and opportunity, priorities and time lines for
2 addressing the information technology requirements of the various
3 executive agencies of the Government of Guam;

4 (3) Exercise authority delegated by the Governor by executive order to
5 overrule and supersede decisions made by the administrators of the various
6 executive agencies of government with respect to the design and
7 management of information systems and the purchase, lease or acquisition
8 of information equipment and contracts for related services;

9 (4) Draw upon staff of other executive agencies for advice and assistance
10 in the formulation and implementation of administrative and operational
11 plans and policies; and

12 (5) Recommend to the Governor transfers of equipment and human
13 resources from any executive agency and the most effective and efficient
14 uses of the fiscal resources of executive agencies, to consolidate or
15 centralize information-processing operations.

16 (c) The Chief Technology Officer may employ the personnel necessary to carry
17 out the work of the Office of Technology and may approve reimbursement of
18 costs incurred by employees to obtain education and training.

19 (d) The Chief Technology Officer shall oversee telecommunications services
20 used by agencies/programs for the purpose of maximizing efficiency to the fullest
21 possible extent. The Chief Technology Officer may establish microwave or other
22 networks and hops; audit telecommunications services and usage; recommend
23 and develop strategies for the discontinuance of obsolete or excessive utilization;
24 participate in the renegotiation of telecommunications contracts; and encourage

1 the use of technology and take other actions necessary to provide the greatest
2 value to the Government of Guam.

3
4 **§20204a. Duties of the Chief Technology Officer relating to security of government**
5 **information.**

6 (a) To ensure the security of government information and the data
7 communications infrastructure from unauthorized uses, intrusions or other
8 security threats. At a minimum, these policies, procedures and standards shall
9 identify and require the adoption of practices to safeguard information systems,
10 data and communications infrastructures, as well as define the scope and
11 regularity of security audits and which bodies are authorized to conduct security
12 audits. The audits may include reviews of physical security practices.

13 (b) Annual audits:

14 (1) The Chief Technology Officer shall at least annually perform security
15 audits of all executive branch agencies regarding the protection of
16 government databases and data communications.

17 (2) Security audits may include, but are not limited to, on-site audits as
18 well as reviews of all written security procedures and documented
19 practices.

20 (c) The Chief Technology Officer may contract with a private firm or firms that
21 specialize in conducting these audits.

22 (d) All public bodies subject to the audits required by this section shall fully
23 cooperate with the entity designated to perform the audit.

1 (e) The Chief Technology Officer may direct specific remediation actions to
2 mitigate findings of insufficient administrative, technical and physical controls
3 necessary to protect government information or data communication
4 infrastructures.

5 (f) The Chief Technology Officer shall promulgate rules to minimize
6 vulnerability to threats and to regularly assess security risks, determine
7 appropriate security measures and perform security audits of government
8 information systems and data communications infrastructures.

9 (g) To ensure compliance with confidentiality restrictions and other security
10 guidelines applicable to law-enforcement agencies, emergency response
11 personnel and emergency management operations.

12 (h) The provisions of this section shall not infringe upon the responsibilities
13 assigned to the Public Auditor or other statutory requirements.

14 (i) In consultation with the Adjutant General, Chief of Police, Fire Chief and the
15 Director of the Division of Homeland Security, the Chief Technology Officer is
16 responsible for the development and maintenance of an information systems
17 disaster recovery system for the Government of Guam with redundant sites in
18 two or more locations isolated from reasonably perceived threats to the primary
19 operation of the Government of Guam. The Chief Technology Officer shall
20 develop specifications, funding mechanisms and participation requirements for
21 all executive branch agencies to protect the Government of Guam's essential
22 data, information systems and critical government services in times of
23 emergency, inoperativeness or disaster. Each executive branch agency shall assist
24 the Chief Technology Officer in planning for its specific needs and provide to the
25 Chief Technology Officer any information or access to information systems or

1 equipment that may be required in carrying out this purpose. No government-
2 wide or executive branch agency procurement of disaster recovery services may
3 be initiated, let or extended without the expressed consent of the Chief
4 Technology Officer.

5
6 **§20204b. Project management duties of the Chief Technology Officer;**
7 **establishment of the Project Management Office and duties of the director of the**
8 **Project Management Office.**

9
10 (a) Concerning the management of information technology projects, the Chief
11 Technology Officer shall:

12 (1) Develop an approval process for proposed major information
13 technology projects by Government of Guam agencies to ensure that all
14 projects conform to the government-wide strategic plan and the
15 information management plans of agencies;

16 (2) Establish a methodology for conceiving, planning, scheduling and
17 providing appropriate oversight for information technology projects,
18 including oversight for the projects and a process for approving the
19 planning, development and procurement of information technology
20 projects;

21 (3) Establish minimum qualifications and training standards for project
22 managers;

1 (4) Direct the development of any government-wide and multiagency
2 enterprise project; and

3 (5) Develop and update a project management methodology to be used by
4 agencies in the development of information technology.

5 (b) The Chief Technology Officer shall create a Project Management Office
6 within the Office of Technology.

7 (c) The Director of the Project Management Office shall:

8 (1) Implement the approval process for information technology projects;

9 (2) Assist the Chief Technology Officer in the development and
10 implementation of a project management methodology to be used in the
11 development and implementation of information technology projects in
12 accordance with this article;

13 (3) Provide ongoing assistance and support to Government of Guam
14 agencies and public institutions of higher education in the development of
15 information technology projects;

16 (4) Establish a program providing training to agency project managers;

17 (5) Review information management and information technology plans
18 submitted by agencies and recommend to the Chief Technology Officer the
19 approval of the plans and any amendments thereto;

20 (6) Monitor the implementation of information management and
21 information technology plans and periodically report its findings to the
22 Chief Technology Officer;

1 (7) Assign project managers to review and recommend information
2 technology project proposals.

3 (8) The director shall create criteria upon which information technology
4 project proposal plans may be based including:

5 (A) The degree to which the project is consistent with the
6 Government of Guam's overall strategic plan;

7 (B) The technical feasibility of the project;

8 (C) The benefits of the project to the Government of Guam,
9 including customer service improvements;

10 (D) The risks associated with the project;

11 (E) Any continued funding requirements; and

12 (F) The past performance on other projects by the agency.

13 (9) Provide oversight for Government of Guam agency information
14 technology projects.

15
16 **§20204c. Major information technology projects proposals and the establishment**
17 **of steering committees.**

18 (a) Prior to proceeding with a major information technology project, an agency
19 shall submit a project proposal, outlining the business need for the project, the
20 proposed technology solution, if known, and an explanation of how the project
21 will support the agency's business objective and the Government of Guam's
22 strategic plan for information technology. The project manager may require the

1 submission of additional information as needed to adequately review any
2 proposal.

3 (b) The proposal will further include:

4 (1) A detailed business case plan, including a cost-benefit analysis;

5 (2) A business process analysis, if applicable;

6 (3) System requirements, if known;

7 (4) A proposed development plan and project management structure;

8 (5) Business goals and measurement criteria, as appropriate; and

9 (6) A proposed resource or funding plan.

10 (c) The project manager assigned to review the project development proposal
11 shall recommend its approval or rejection to the Chief Technology Officer. If the
12 Chief Technology Officer approves the proposal, then he or she shall notify the
13 agency of its approval.

14 (d) Whenever an agency has received approval from the Chief Technology
15 Officer to proceed with the development and acquisition of a major information
16 technology project, the Chief Technology Officer shall establish a steering
17 committee.

18 (e) The steering committee shall provide ongoing oversight for the major
19 information technology project and have the authority to approve or reject any
20 changes to the project's scope, schedule or budget.

21 (f) The Chief Technology Officer shall ensure that the major information
22 technology project has in place adequate project management and oversight

1 structures for addressing the project's scope, schedule or budget and shall address
2 issues that cannot be resolved by the steering committee.

3
4 **§20205. Notice of request for proposals by agencies/programs required to make**
5 **purchases through the Guam General Services Agency.**

6 Any agency/program that pursues an information technology purchase that does not
7 meet the definition of a "major technology project" and that is required to submit a
8 request for proposal to the Guam General Services Agency prior to purchasing goods or
9 services shall obtain the approval of the Chief Technology Officer, in writing, of any
10 proposed purchase of goods or services related to its information technology and
11 telecommunication systems. The notice shall contain a brief description of the goods
12 and services to be purchased. The agency/program shall provide the notice to the Chief
13 Technology Officer prior to the time it submits its request for proposal to the Guam
14 General Services Agency.

15
16 **§20206. Notice of request for proposals by an agency/program exempted from**
17 **submitting purchases to the Guam General Services Agency.**

18 (a) Any agency/program that is not required to submit a request for proposal to
19 the Guam General Services Agency prior to purchasing goods or services shall
20 notify the Chief Technology Officer, in writing, of any proposed purchase of
21 goods or services related to its information technology or telecommunication
22 systems. The notice shall contain a detailed description of the goods and services
23 to be purchased. The agency/program shall provide the notice to the Chief

1 Technology Officer a minimum of ten days prior to the time it requests bids on
2 the provision of the goods or services.

3 (b) If the Chief Technology Officer evaluates the suitability of the information
4 technology and telecommunication equipment and related services under the
5 provisions of subdivision (3), subsection (a) of §20204 of this Article and
6 determines that the goods or services to be purchased are not suitable, he or she
7 shall, within ten days of receiving the notice from the agency/program, notify the
8 agency/program, in writing, of any recommendations he or she has regarding the
9 proposed purchase of the goods or services. If the agency/program receives a
10 written notice from the Chief Technology Officer within the time period required
11 by this section, the agency/program shall not put the goods or services out for bid
12 less than fifteen days following receipt of the notice from the Chief Technology
13 Officer.

14
15 **§20207. Annual report.**

16 The Chief Technology Officer shall report annually to the Speaker *I Liheslatura* on the
17 activities of his or her office.

18
19 **§20208. Exemptions.**

20 (a) The provisions of this article do not apply to autonomous agencies as defined
21 by 12GCA, *I Liheslatura*, the judiciary, the Office of Public Accountability and
22 the Office of the Attorney General.

1 (b) Notwithstanding any other provision of this article to the contrary, except for
2 participation in the compilation and maintenance of an inventory of information
3 technology and technical infrastructure of the Government of Guam authorized
4 by §20204 of this Article, the provisions of this article do not apply to the Guam
5 Department of Education. The Guam Department of Education may cooperate
6 and collaborate with the Chief Technology Officer to the extent feasible.

7 (c) *I Maga Lahi Guåhan* may, by executive order, exempt from the provisions of
8 this article any entity created and organized to facilitate the public and private
9 use of health care information and the use of electronic medical records
10 throughout the Government of Guam.

11 **§20209. Voluntary Assistance.**

12 Any branch or agency exempt from the provision of this Article by §20208(a) *may*, by
13 memorandum of understanding, avail itself of any of the services offered by the Office
14 of Technology if such branch or agency determines that acquiring such services is
15 feasible. Such memorandum of understanding *may* include fees and costs paid by the
16 branch or agency except that no fees for such services shall be paid by the Office of
17 Attorney General or the Office of Public Accountability. All fees collected shall be
18 deposited in the General Fund and are continually appropriated to the Office of
19 Technology.

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Subject: Ref. of Bill Nos. 1-32 (COR) through 7-32 (COR)
Date: Tuesday, January 08, 2013 4:15:00 PM
Attachments: [Bill No. 1-32 \(LS\) jtwp HISTORY.pdf](#)
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Colleen

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