

MINA'BENTE NUEBI NA LIHESLATURAN GUAHAN
2007 (FIRST) Regular Session

Bill No. 36(EC)

Introduced by:

J. Guthertz

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AN ACT TO ADD A NEW CHAPTER 12 TO TITLE 5 GUAM CODE ANNOTATED TO ESTABLISH A COMMISSION ON MODERNIZATION OF THE GOVERNMENT OF GUAM FOR THE 21ST CENTURY AND BEYOND (COM-21), AND TO DEVELOP AN INTEGRATED MODERNIZATION PLAN FOR THE "NEW" GOVERNMENT OF GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds that the implementation of modernization and streamlining initiatives can provide the executive branch of the Government of Guam with effective tools that are sorely needed to give impetus to, and help accelerate the economic and social development of Guam, and help modernize the Government of Guam.

It is the intent of *I Liheslaturan Guahan* that the introduction of a "New" Government of Guam plan will consist of:

- 1) Reviewing, evaluating and categorizing all mandates imposed upon the Government of Guam by existing law, including all unfunded and under-funded mandates (1950 to present);
- 2) Developing modernization and streamlining plans to guide the departments, agencies, offices, and

1 instrumentalities of the executive branch of the Government of
2 Guam, including autonomous entities;

3 3) Designing a strategic organizational structure for
4 the "New" Government of Guam;

5 4) Developing a personnel staffing plan and a career
6 executive service plan to support the proposed structure for the
7 "New" Government of Guam;

8 5) Developing an administrative management
9 improvement plan and training plan for personnel in the
10 "New" Government of Guam;

11 6) Developing a transition plan to facilitate movement
12 from the current Government of Guam to the "New"
13 Government of Guam.

14 **Section 2. A new Chapter 12 is added to Title 5 Guam Code**
15 **Annotated to read:**

16 **"CHAPTER 12**

17 **Commission on Modernization of the Government of Guam (COM-21)**

18 **§12101. Declaration Of Policy**

19 **§12102. Commission On Modernization Of The Government**
20 **Of Guam For The 21st Century and Beyond (COM-21)**

21 **§12103. Duties of the Commission**

22 **§12104. Evaluating Criteria**

23 **§12105. Timelines**

24 **§12106. Provisions Regarding Personnel**

25 **§12107. Guiding Principles.**

1 **§12108. Modernization and Streamlining Panels and**
2 **Committees.**

3 **§12109. Appropriations for the Modernization and**
4 **Streamlining Plan.**

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6
7 **§12101. Declaration Of Policy.** It is hereby declared to be the policy
8 of *I Liheslatura* to promote simplicity, economy, efficiency, modernization,
9 and streamlining of the delivery of services within the executive branch of
10 the Government of Guam. This policy will enable the executive branch to
11 pursue programs consistent with goals of accelerated economic growth and
12 comparable social development, to improve public services in the executive
13 departments, agencies, offices, commissions, boards, and instrumentalities,
14 including public institutions and corporations controlled and/or funded in
15 full or in major part by the Government of Guam, within the limits of their
16 respective charters, excluding the Office of the Public Auditor, the Guam
17 Election Commission and municipal governments by:

18 (a). Categorizing mandates imposed on the executive
19 branch by determining which are funded, which are unfunded
20 and which are under-funded, and eliminating those mandates
21 which are unnecessary or unneeded;

22 (b). Prioritizing executive branch services, activities, and
23 functions;

24 (c). Promoting the modernization and streamlining of
25 government consistent with the public service needs of the
26 citizenry;

1 (d). Eliminating duplicative and overlapping services,
2 activities, and functions through consolidating and integrating
3 those of a similar nature;

4 (e). Eliminating services, activities, and functions not
5 necessary to the efficient conduct of government;

6 (f). Building the capacity of public service personnel
7 through a continuous program of training and education
8 enhancements so that they can effectively and efficiently
9 deliver government programs to the people.

10 **§12102. Commission On Modernization Of The Government Of**
11 **Guam For The 21st Century and Beyond (COM-21).**

12 (a) For the purpose of carrying out the policy set forth in
13 this Chapter there is hereby created "The Commission on
14 Modernization of the Government of Guam for the 21st Century
15 and Beyond" (COM-21).

16 (b). The commission shall be composed of eleven (11)
17 members as follows:

18 (1) Three (3) members to be appointed by the
19 Governor of Guam from the general public, one (1) of
20 whom must be from the classified service of the
21 Government of Guam and one (1) of whom must not be a
22 government employee;

23 (2) One (1) member to be appointed by the
24 Speaker of *I Liheslaturan Guahån*, who may appoint
25 himself;

1 (3) One (1) member to be appointed by the
2 Minority Leader of *I Liheslaturan Guahån*, who may
3 appoint himself;

4 (4) Three (3) members from the judiciary to be
5 appointed by the Chief of Justice, one (1) of whom must
6 be from the classified service of the courts and one (1) of
7 whom must not be a government employee;

8 (5) One (1) member to be appointed by the
9 President of the Mayors' Council, who may appoint
10 himself;

11 (6) The Public Auditor of Guam who shall be a
12 member ex officio;

13 (7) The Director of the Civil Service Commission
14 of the Government of Guam who shall be a member ex
15 officio.

16 (c) The term of any appointee shall expire with the
17 term of the appointing authority.

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

25 **§12103. Duties of the Commission.**

1 (a) The Commission shall elect from among the
2 membership a chairperson, vice chairperson, secretary, and
3 spokesperson of the commission during their first
4 organizational meeting;

5 (b) The Chairperson with the approval of the
6 commission shall have the power to detail in accordance with
7 the provisions of applicable civil service law and Personnel
8 Regulations of the Government of Guam and in consultation
9 with the officials of various instrumentalities of the
10 Government of Guam, such personnel, as it may deem
11 necessary for the proper performance of its duties;

12 (c) The Commission shall formulate policy guidelines
13 not inconsistent with existing law that shall be followed in
14 effectuating the provisions of this Act.

15 (d) The Commission shall suggest changes to existing
16 law in the form of draft legislation to be submitted to *I*
17 *Liheslatura* for review.

18 (e) The Commission shall conduct public hearings for
19 the purpose of consulting with public offices and their
20 employees and reconciling conflicting interests which may arise
21 as a result of this modernization and streamlining initiative;

22 (f) The Commission shall consult with and make use of
23 such studies and recommendations as may be presented by the
24 Bureau of Budget and Management Research, the Department
25 of Administration, the Bureau of Planning, The Department of

1 Revenue and Taxation, the Office of the Public Auditor, the
2 Civil Service Commission, the Office of the Attorney General of
3 Guam, the University of Guam (UOG) School of Business and
4 Public Administration, the Compiler of Laws, and such other
5 governmental units or agencies as it may designate or set up, or
6 such reputable private entities and individuals as it may deem
7 necessary;

8 (g) The Office of the Commission shall be housed at the
9 Jesus and Eugenia Leon Guerrero - UOG School of Business
10 and Public Administration (SBPA) Building.

11 (h) In order to accomplish its objectives the
12 Commission authorized to

13 (1). Review all legal mandates imposed on the
14 Government of Guam by existing law, including all
15 unfunded and under-funded mandates (1950 to Present);

16 (2). Recommend to *I Liheslatura* the grouping,
17 coordination, consolidation, or integration of departments
18 agencies, offices, instrumentalities, and functions of the
19 government;

20 (3). Recommend to *I Liheslatura* the dissolution of
21 departments agencies, offices, instrumentalities, or
22 functions which may not be necessary for the efficient
23 conduct of government functions services and activities;

1 (4). Recommend to *I Liheslatura* the elimination of
2 overlapping and duplicative services, functions and
3 activities of the government;

4 (5). Recommend to *I Liheslatura* the transfer of
5 functions, appropriations, equipment, property, records,
6 and personnel from one department, agency, office or
7 instrumentality to another;

8 (6). Recommend to *I Liheslatura* the creation,
9 classifying and dissolution of positions;

10 (7) Recommend to *I Liheslatura* the standardization
11 of salaries, materials and equipment throughout the
12 government;

13 (8). To do whatever is necessary and desirable to
14 effect economy, promote efficiency, modernization and
15 streamlining the government of Guam.

16 (i). The commission shall study and investigate the
17 present status of Government departments agencies, offices,
18 and instrumentalities of the executive branch of government
19 including government owned or controlled corporations:
20 Provided however, that in the modernization and streamlining
21 to be effected by this Act, no office or agency or function of
22 government shall not be made to continue beyond period
23 authorized by law or beyond the period authorized by law or
24 beyond time when it would have terminated if the
25 modernization and streamlining had not been made.

1 **§12104. Evaluating Criteria.** In the review of the current status of the
2 Government of Guam and in proposing reforms and changes in the
3 development of the modernization and streamlining plans for the
4 Government of Guam mandated in this Chapter, the following basic
5 strategic thinking process to make decisions shall guide the Commission:

6 (a). What are the options?

7 (b). What are the consequences of the various options?

8 (c). What are the savings, expenses, benefits and
9 detriments of the consequences?

10 (d). Which option has the most favorable configuration
11 of cost and benefits for the people of Guam?

12 **§12105. Timelines.** The commission shall submit an integrated,
13 modernization, streamlining plan, which shall include all plans identified
14 and enumerated in the title of this act. To the Governor of Guam no later
15 than July 1st, 2007 and the governor shall return the same with his
16 comments and revisions within thirty (30) days after the opening to the
17 commission. The commission then submits the plan in final form within
18 thirty (30) days to the legislature with or without modification, together
19 with a declaration that such modernization and streamlining is necessary
20 to accomplish the purposes of section one hereof no modernization or
21 streamlining plan shall become effective unless expressly approved by the
22 legislature which must either accept it or reject it in total.

23 Upon approval of the modernization and streamlining plan or plans by
24 the legislature, the Governor shall forth within implement the same by
25 issuing the necessary executive order or orders subject to the limits of the

1 Appropriation Act for the fiscal year during which the implementation is
2 effected.

3 **§12106. Provisions Regarding Personnel.** Whenever it becomes
4 necessary to reduce the personnel of any office affected by the
5 modernization and streamlining plan(s) or modifications, thereof, the
6 provisions on reduction in force in Guam's civil service code shall be
7 applied, provided, however, that no current employee shall face the loss of
8 employment because of this act. Personnel so affected shall be entitled to
9 and shall be given the ability to transfer to other offices of the government
10 with no loss in pay.

11 Officers and employees whose positions are dissolved as a consequence
12 of the modernization and streamlining initiative authorized under this act.
13 shall not lose their civil service eligibility and shall be transferred and
14 absorbed in other units of government. Furthermore, there shall be no
15 interruption of pay or benefits due to personnel during the transition and
16 implementing phase discussed in this Act.

17 **§12107. Guiding Principles.** The Commission On The Modernization Of
18 The Government Of Guam (COM-21) Shall observe the following guiding
19 principles in all of its deliberations, actions and decisions:

20 a) The Commission shall establish an administrative system
21 that is transparent, development-oriented, and respectful of the
22 current and future needs of the public service and populace;

23 b) The Commission shall make use of past and present
24 studies conducted by different institutions or entities in the
25 government, the University of Guam, the Federal Government, and

1 the private and non-profit sector for the improvement of government
2 and the public service on Guam;

3 c) The Commission shall concentrate on factual analyses of
4 conditions and problems on Guam with a view to developing
5 workable and feasible recommendations for administrative
6 improvement;

7 d) The Commission shall modernize and streamline
8 administrative machinery to increase the capacity to implement more
9 effectively the programs approved by the Governor and the
10 Legislature;

11 e) Modernization and streamlining shall be geared towards
12 achieving the greatest output from the human resources, financial,
13 and other resources available.

14 f) The departments, agencies, offices, and other
15 organization units shall be grouped on the basis of major functions to
16 minimize conflicts, overlapping and duplication of activities and thus
17 achieve simplicity, economy, and efficiency in government
18 operations;

19 g) The Commission shall foster administrative
20 decentralization or delegation of authority that will result in greater
21 participation and more effective working relationships at various
22 levels of management;

23 h) The Commission shall consider measures to clarify lines
24 of authority, improve channels of communication and strengthen the

- 1 b. Commercial Development
- 2 c. Public Enterprises and Financial Institutions
- 3 d. Economic Planning and Program Implementation
- 4 **Administration of Education and Social Development**
- 5 e. Education Science and Technology
- 6 f. Labor, Manpower and Youth Development
- 7 g. Social Welfare
- 8 h. Health
- 9 **General Government Affairs**
- 10 i. Disaster Administration and Territorial Security
- 11 j. Law Enforcement
- 12 k. Administration of Justice
- 13 l. Regulatory Administration
- 14 **Administrative Development**
- 15 m. Revenue System and Administration
- 16 n. Budgeting and Financial Control
- 17 o. Field organization and village municipal government
- 18 relations
- 19 p. Civil Service Improvement
- 20 q. Office of the Governor and Central Administrative
- 21 Services
- 22 **Administration of Indigenous Programs and Political**
- 23 **Status Quest**
- 24 r. Chamorro Land Trust
- 25 s. Land for the Landless

1 spirit of responsibility and accountability at various levels of
2 management;

3 i) The Commission shall adopt measures or safeguards
4 within the administrative system which will curtail or prevent
5 practices and change attitudes which are inimical to sound, honest,
6 ethical and effective public administration;

7 j) Modernization and streamlining efforts shall take into
8 account cultural and environmental factors in determining realistic
9 solutions to the problem of achieving efficient, economical, and
10 responsive management of public resources and public affairs;

11 k) The Commission shall organize modernization and
12 streamlining panels, each of which shall be headed by a member of
13 the Commission, with six to eight members, who are acknowledged
14 experts and practitioners of the projected members of the panels,
15 about one-fourth shall come from the private sector, one-fourth from
16 the University of Guam and Guam Community College, and one-
17 fourth from the classified service of the government of Guam, and
18 the remainder from the primary labor organization serving
19 government employees.

20 l) The Commission shall divide the modernization and
21 streamlining work in the following 21 functional areas, with one
22 panel concentrating on a particular area or field. The areas shall
23 include:

24 **Administration of Economic Development**

25 a. Agricultural and Natural Resources Development

- t. Chamorro Language and Cultural Programs
- u. Political Status Quest and Self Determination

§12108. Modernization and Streamlining Panels and Committees. The Modernization Streamlining Panels shall serve as “idea” groups. Their basic functions and responsibilities will be to generate ideas and to formulate recommendations on their assigned areas of modernization and streamlining for the consultation of the Commission.

In addition to the panels, there shall be created a Coordinating and Development Committee composed of the respective vice-chairpersons, Chairpersons for the 21 modernization and streamlining panels, and headed by the Commission Chairperson. The Committee shall serve to integrate and harmonize the work of the various panels preparatory to the consideration of specific proposals of plans by the full commission proper.

Providing the necessary technical and administrative support to the Commission shall be the Technical Staff and Secretariat, both shall function under the overall supervision of the Executive Director of the Commission. The Technical Staff shall be headed by a Technical Staff Director and will generally be assisting the Commission and the panels in three related modernization and streamlining areas:

1. Formulation of the Integrated Modernization and Streamlining Plan.
2. Intensive studies in government modernization and streamlining shall be undertaken from the date of the enactment to June 1st, 2007. The initial Commission activities shall be devoted to the formulation of policy guidelines and work schedules. Then,

1 active panel work shall get underway. Hearings shall be conducted
2 and the input of knowledgeable individuals and professional groups
3 shall be sought. Whatever proposals that are developed shall be
4 monitored by the Commission as a body through the panel
5 Chairpersons who themselves may be members of the Commission.
6 The technical teams shall conduct interviews and in-depth studies of
7 departments, agencies and offices which fall within their respective
8 areas; they shall provide technical assistance to both the Commission
9 and the panels.

10 Panel reports shall be completed by June 1st, 2007 and shall
11 subsequently be passed upon by the Commission. As the
12 modernization and streamlining proposals take form, reactions shall
13 be obtained from the departments, agencies and offices concerned
14 and the general public. As a result, the Modernization and
15 Streamlining Plan, shall reflect the ideas and practical insights of a
16 wide cross-section of the Guam community, including political
17 representatives, career civil servants, technocrats, professors,
18 business executives, labor and others.

19 3. Governor's Committee to the Integrated Review
20 Modernization and Streamlining Plan.

21 To maintain the integrity of the various modernization
22 and streamlining plans called for in this Act and to insure its smooth
23 passage by the Legislature, the Governor shall issue an Executive
24 Order creating the Governor's Committee to review and revise the
25 Integrated Modernization and Streamlining Plan. The membership

1 of the Review Committee shall help the Governor assess the reactions
2 of the Governor's cabinet and the community to the proposals.

3 Upon submission of the Plan to the Governor, the latter
4 shall immediately call a series of Cabinet meetings at which time
5 features of the Integrated Plan shall be discussed. Subsequently the
6 Governor may also invite members of the Legislature from both
7 parties to get their initial reactions to the Plan. The plan shall be
8 returned to the Commission by the Governor within 30 calendar days
9 following the receipt of the Integrated Plan from the Commission.
10 The Governor shall submit written reactions to the Plan and any
11 proposed revisions to the Commission within the thirty (30) day
12 period.

13 The Commission on Modernization and Streamlining shall then
14 consider the various reactions and proposed revisions of the
15 Governor, Cabinet members and the public at large.

16 Further, refinements and changes in the Plan may also be
17 proposed by the Commission's Technical Staff as a result of further
18 public hearings, and for which they have conducted. All final
19 changes shall be approved by the Commission then forwarded to the
20 Legislature for final action within thirty (30) days after receiving the
21 Governor's reaction and proposed revisions to the Plan, no
22 modernization or streamlining plan shall become effective unless
23 expressly approved by the Legislature which must either accept it or
24 reject it in whole.

1 **§12109. Appropriations for the Modernization and Streamlining**
2 **Plan.** To carry out the provisions of this act, the sum of One Hundred and
3 Fifty Thousand Dollars (\$150,000) hereby appropriated to the commission
4 on modernization of the Government of Guam for the 21st century
5 commission out of any funds in the general funds, including lapsed funds
6 and/or funds “held back” by the governor from departments, agencies’
7 offices and instrumentalities of the executive branch inclusive of
8 autonomous agencies and corporations of the government dependent on
9 funds in full or in part by the government. only education, public safety
10 and health related departments, agencies’ offices, instrumentalities
11 autonomous institutions or corporations shall be exempted from this
12 provision of the act. (1)the University of Guam’s School of Business and
13 Public Administration (SBPA) shall act as the secretariat of the commission
14 and provide professional and technical services to guide the commission in
15 the development of the working plans mandated in this chapter. The SBPA
16 shall be compensated for its services to the commission by funds
17 appropriated in section 3 of this act as designated and approved by the
18 commission.

19