

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

Bill No. 445-31 (COR)

Introduced by:

Judith P. Guthertz, DPA

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

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

**Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that two (2) consecutive administrations did not implement the Modernization and Rightsizing Commission of the Government of Guam for the 21<sup>st</sup> Century (COMRIGHT-21) which was first enacted in the Spring of 2007 and later amended into its present form in the Fall of 2007. In the elapsed time, the current administration has implemented a reorganization plan, citing its Organic Act authority. *I Liheslaturan Guåhan* thus finds it necessary to revisit the COMRIGHT-21 and amend its structure and focus. It is the intent of *I Liheslaturan Guåhan* to provide all departments, bureaus, agencies, commissions, or other instrumentalities, whether autonomous, semi-autonomous, or non-autonomous in the Executive Branch of the government of Guam, including all line agencies and the A.B. Won Pat International Airport Authority, the Port Authority of Guam, the Guam Power Authority, the Guam Waterworks Authority, the Guam Visitors Bureau, the Guam Housing and Urban Renewal Authority, and the Guam Economic Development Authority a regular opportunity to revisit all laws and administrative rules and regulations that affect the operation and purpose of its being through an internal audit in order to

1 recommend amendments to or the repealing of statutes or functions as contained in the Guam  
2 Code Annotated, mandated by law or integrated via the Guam Administrative Rules and  
3 Regulations that hamper the entities’ core mission or that are antiquated, unfunded, underfunded  
4 or contrary to the individual entity’s function. This opportunity will be required on a triennial  
5 basis. COMRIGHT-21 *shall* serve as the clearinghouse for all recommendations submitted by  
6 individual entities.

7 **Section 2.** Chapter 12 of Title 5, Guam Code Annotated, is hereby *reenacted* to read:  
8 **“MODERNIZATION AND RIGHTSIZING COMMISSION OF THE GOVERNMENT**  
9 **OF GUAM FOR THE 21ST CENTURY (COMRIGHT-21).”**

- 10 § 12101. Title.
- 11 § 12102. Definitions
- 12 § 12103. Establishment of Modernization and Rightsizing Commission.
- 13 § 12104. Purpose and Policy.
- 14 § 12104.1 Agency Audit
- 15 § 12104.2 COMRIGHT-21 *shall* serve as the clearinghouse
- 16 § 12105. Membership of COMRIGHT-21.
- 17 § 12106. Organization of COMRIGHT-21.
- 18 § 12107. Duties of COMRIGHT-21.
- 19 § 12108. Obtaining Information from Executive Branch Agencies.
- 20 § 12109. Severability.

21 **§ 12101. Title.** This Chapter *shall* be known and cited as “The Government  
22 Reorganization and Program Performance Improvement Act of 2012.”

23 **§ 12102. Definitions.** For the purposes of this Chapter:

- 24 (a) *COMRIGHT-21 or the Commission* shall mean The Modernization and  
25 Rightsizing Commission of the government of Guam for the Twenty-first (21st) Century  
26 and beyond.
- 27 (b) *Entity* shall mean any combination of all departments, bureaus, agencies,  
28 commissions, or other instrumentalities, whether autonomous, semi-autonomous, or non-  
29 autonomous in the Executive Branch of the government of Guam, including all line  
30 agencies and the A.B. Won Pat International Airport Authority, the Port Authority of

1 Guam, the Guam Power Authority, the Guam Waterworks Authority, the Guam Visitors  
2 Bureau, the Guam Housing and Urban Renewal Authority, and the Guam Economic  
3 Development Authority.

4 **§ 12103. Establishment of Modernization and Rightsizing Commission.** There  
5 is hereby established The Modernization and Rightsizing Commission of the government of  
6 Guam for the Twenty-first (21st) Century and Beyond (COMRIGHT-21).

7 **§ 12104. Purpose and Policy.** The purpose of this Chapter is to promote  
8 simplicity, economy, efficiency, modernization, and streamlining of the delivery of services by  
9 all departments, bureaus, agencies, commissions, or other instrumentalities, whether  
10 autonomous, semi-autonomous, or non-autonomous in the Executive Branch of the government  
11 of Guam, including all line agencies and the A.B. Won Pat International Airport Authority, the  
12 Port Authority of Guam, the Guam Power Authority, the Guam Waterworks Authority, the  
13 Guam Visitors Bureau, the Guam Housing and Urban Renewal Authority, and the Guam  
14 Economic Development Authority. This goal can be accomplished by:

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

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

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

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

26 **§ 12104.1 Agency Audit of mandates, administrative rules, internal functions and**  
27 **personnel.** All administrators, directors or equivalent executives of all executive branch entities  
28 shall, within ninety (90) days of enactment of this Act, review its organization's purpose,  
29 structure and areas of responsibilities and all mandates relative to their respective entity for the  
30 purpose of recommending amendments to, or the repealing of statutes or functions as mandated

1 by law that hamper or are contrary to the core mission of individual entities or are antiquated,  
2 unfunded, or underfunded.

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

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

7 **§ 12104.2 COMRIGHT-21 shall serve as the clearinghouse.** The Commission  
8 shall serve as the clearinghouse for all recommendations submitted by individual entities and  
9 provide the processes for the eventual disposition of such recommendations.

10 **§ 12105. Membership of COMRIGHT-21.** The COMRIGHT-21 Commission  
11 *shall* be comprised of seven (7) members as follows:

- 12 (a) *I Maga'lahaen Guåhan* or his designated representative who must be member of  
13 his senior policy team or Cabinet;
- 14 (b) The Compiler of Laws, who *shall* serve as the Chairperson in the absence of *I*  
15 *Maga'Lahaen Guåhan*;
- 16 (c) A Member of the Mayor's Council of Guam (MCOG) who shall be appointed by  
17 its President;
- 18 (d) The Attorney General of Guam or his designee;
- 19 (e) A Member of the General Public, appointed by the Speaker of *I Liheslaturan*  
20 *Guahan*;
- 21 (f) The Director of the Civil Service Commission; and
- 22 (g) The Director of the Department of Administration; he shall serve as the Secretary  
23 of the COMRIGHT-21.

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

26 **§ 12106. Organization of COMRIGHT-21.**

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

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

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

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

12 **§ 12107. Duties of COMRIGHT-21.**

13 (a) COMRIGHT-21 *shall* review the recommendations of the heads of all  
14 departments, entities to amend, repeal or enact statutes relative to their respective entity  
15 as contained in § 12102.1(a)(b)(c).

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

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

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

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

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

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

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

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

19 **§ 12108. Obtaining Information from Executive Branch Agencies.**

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

25 **§ 12109. Severability.** *If* any provision of this Act or its application to any person  
26 *or* circumstances is held invalid, the invalidity shall *not* affect other provisions *or* applications of  
27 this Act which can be given effect without the invalid provision *or* application, and to this end  
28 the provisions of this Act are severable.