

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

NOV 27 2013

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

32-13-1013  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 11.27.13  
Time 5:09 PM  
Received by. [Signature]

2013 NOV 29 AM 8:29 [Signature]

Dear Madame Speaker:

Attached is Bill No. 116-32 (COR), entitled, ***“AN ACT TO AMEND SECTION § 65102; AND TO ADD A NEW SUBSECITON (e) TO § 65103, AND A NEW § 65103.1, ALL OF CHAPTER 65, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF OPERATIONAL CONTINUITY PLANS FOR EACH AGENCY OF THE GOERNOTMENT OF GUAM”*** which I have vetoed.

Public health and safety is a priority for this Administration and the Government of Guam. However, by requiring each agency of the Government of Guam to independently establish its own separate operational continuity plan in the event of an emergency, the bill violates the requirement of separation of powers because it infringing upon the executive powers of *i Maga'lahren* to supervise and control the executive branch. The bill additionally represents an unfunded mandate in that no resources are provided to assist the agencies in the development of the proposed operational continuity plan.

*Senseramente,*

EDDIE BAZA CALVO  
Governor of Guam

1013

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

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

This is to certify that **Bill No. 116-32 (COR), "AN ACT TO AMEND § 65102; AND TO ADD A NEW SUBSECTION (e) TO § 65103, AND A NEW § 65103.1, ALL OF CHAPTER 65, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF OPERATIONAL CONTINUITY PLANS FOR EACH AGENCY OF THE GOVERNMENT OF GUAM"**, was on the 12<sup>th</sup> day of November 2013, duly and regularly passed.



**Judith T. Won Pat, Ed.D.**  
**Speaker**

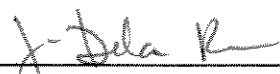
Attested:

  
**Tina Rose Muña Barnes**  
**Legislative Secretary**

.....

This Act was received by *I Maga'lahen Guåhan* this 15<sup>th</sup> day of Nov.,  
2013, at 11:28 o'clock A.M.

APPROVED:

  
**EDWARD J.B. CALVO**  
*I Maga'lahen Guåhan*  
**Assistant Staff Officer**  
*Maga'lahi's Office*

Date: NOV 27 2013

Public Law No. \_\_\_\_\_

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

**Bill No. 116-32 (COR)**

As amended by the Committee on Guam U.S. Military Relocation,  
Homeland Security, Veteran's Affairs and Judiciary;  
and further amended on the Floor.

Introduced by:

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

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

- 1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**  
2           **Section 1. Short Title.** This Act *shall* be cited as the “Responsible  
3 Operational Continuity Plans Act.”

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

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

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

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

20           “§ 65102.   **Definition and Scope of Activity.**

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

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

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

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

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

17 **“§ 65103.1. Agency Operational Continuity Plans.**

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

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

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

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

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

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

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

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

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