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<th>BILL NO.</th>
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<th>DATE COMMITTEE REPORT FILED</th>
<th>FISCAL NOTES</th>
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<tr>
<td>4-32 (LS), P.L. 32-010</td>
<td>T.A. Morrison, B.J.F. Cruz, V. Anthony Ada</td>
<td>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.</td>
<td>01/07/2013, 10:48am</td>
<td>1/7/13</td>
<td>Committee on General Government Operations and Cultural Affairs</td>
<td>01/31/2013, 5:30pm</td>
<td>02/18/13 9:44 A.M.</td>
<td>Fiscal Note Requested 2/13/13</td>
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**DATE PASSED** | **TITLE** | **TRANSMITTED** | **DUE DATE** | **DATE SIGNED BY I MAGA LAHEN GUAHAN** | **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. |
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
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’lahen Guåhan this 2 day of February, 2013, at 12:10 o’clock P.M.

Rosenthal
Assistant Staff Officer
Maga’lahi’s Office

APPROVED:

EDWARD J.B. CALVO
I Maga’lahen Guåhan

Date: APR 11 2013

Public Law No. 32-010
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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Article 2 of Chapter 20 of Title 5, Guam Code Annotated, is repealed and re-enacted to read:

"ARTICLE 2

OFFICE OF TECHNOLOGY"
§ 20200. Findings and Purposes.

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

§ 20201. Scope of Authority.

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

§ 20202. Definitions.

As used in this Article:

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

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

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

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

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

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

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

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

(i) Major information technology project means any information technology project estimated to cost more than One Hundred Thousand Dollars, or require more than three hundred man hours to complete; and
(j) *Steering committee* means an internal agency oversight committee established jointly by the Chief Technology Officer and the agency requesting the project, which shall include representatives from the Office of Technology and *at least* one representative from the agency requesting the project.

§ 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 *I Maga’lâhen Guåhan* (the Governor) with the advice and consent of *I Liheslaturan Guåhan* (the Legislature). *I Maga’lâhen Guåhan* may create and empanel an advisory council within the Office of Technology to provide guidance and expertise to the Chief Technology Officer and the Office of Technology staff. 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.

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

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

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

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

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

(7) engage in any other activities as directed by I Maga’lāhi (the Governor);
charge a fee to the agencies/programs for evaluations performed and technical assistance provided under the provisions of this Section. All fees collected by the Chief Technology Officer shall be deposited in a special account in the Government of Guam Treasury to be known as the Technology Office Administration Fund. Expenditures from the Fund shall be made by the Chief Technology Officer for the purposes set forth in this Article in accordance with an appropriation by I Lihešlaturan Guåhan.

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

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

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

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

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

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

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

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

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

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

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

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

(14) periodically evaluate government wide public safety/homeland security communications system/network requirements,
inclusive of the "911" system, and report findings and recommendations to
*I Maga’lahlen Guåhan* and *I Liheslaturan Guåhan*, and provide support for
the procurement, installation and operation of such systems/networks; and

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

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

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

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

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

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

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

(c) The Chief Technology Officer may employ the personnel necessary
to carry out the work of the Office of Technology and may approve
reimbursement of costs incurred by employees to obtain education and training.
(d) The Chief Technology Officer *shall* oversee telecommunications services used by agencies/programs for the purpose of maximizing efficiency to the fullest possible extent. The Chief Technology Officer may establish microwave or other networks and hops; audit telecommunications services and usage; recommend and develop strategies for the discontinuance of obsolete or excessive utilization; participate in the renegotiation of telecommunications contracts; and encourage the use of technology and take other actions necessary to provide the greatest value to the government of Guam.

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

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

(b) Annual audits:

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

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

(c) The Chief Technology Officer may contract with a private firm, or firms, that specialize in conducting these audits.
(d) All public bodies subject to the audits required by this Section shall fully cooperate with the entity designated to perform the audit.

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

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

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

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

(i) In consultation with the Adjutant General, the Chief of Police, the Fire Chief and the Director of the Division of Homeland Security, the Chief Technology Officer is responsible for the development and maintenance of an information systems disaster recovery system for the government of Guam with redundant sites in two or more locations isolated from reasonably perceived threats to the primary operations of the government of Guam. The Chief Technology Officer shall develop specifications, funding mechanisms and participation requirements for all executive branch agencies to protect the government of Guam's essential data, information systems and critical government services in times of emergency, inoperativeness, or disaster. Each executive branch agency shall assist the Chief Technology Officer in planning
for its specific needs, and provide to the Chief Technology Officer any
information or access to information systems or equipment that may be required
in carrying out this purpose. No government-wide or executive branch agency
procurement of disaster recovery services may be initiated, let or extended
without the expressed consent of the Chief Technology Officer.

§ 20204.2. Project Management Duties of the Chief Technology
Officer

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

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

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

(b) The proposal will further include:

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

(2) a business process analysis, if applicable;

(3) system requirements, if known;
(4) a proposed development plan and project management structure;
(5) business goals and measurement criteria, as appropriate; and
(6) a proposed resource or funding plan.

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

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

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

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

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

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

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

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

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

§ 20207. Exemptions.
(a) The provisions of this Article do not apply to autonomous agencies as defined by 12GCA, I Lihesluran Guåhan, the Judiciary/Public Defender Service Corporation, the Office of Public Accountability, and the Office of the Attorney General.

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

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

§ 20208. Voluntary Assistance.

Any branch or agency exempt from the provisions of this Article by §20209(a) may, by memorandum of understanding, avail itself of any of the services offered by the Office of Technology if such branch or agency determines that acquiring such services is feasible. Such memorandum of understanding may include fees and costs paid by the branch or agency, except that no fees for such services shall be paid by the Office of Attorney General or the Office of Public Accountability. The Chief Technology Officer shall create a schedule of fees, rates and other consideration for services rendered to other government of Guam agencies, departments, public corporations and instrumentalities. Such schedule and any changes to such schedule must be approved by I Maga’laken Guåhan and transmitted to I Lihesluran Guåhan in Bill form. The fee schedule
and any future changes to the fee schedule shall be subject to approval by I Liheslaturan Guåhan after the following conditions are met: (a) at least one (1) public hearing for the affected agencies on the fee schedules by the Office of Technology pursuant to Chapter 10 of 5GCA; and (b) submission of the fee schedule to I Liheslaturan Guåhan, inclusive of the minutes of such hearing(s) on the fee schedules. Prior to initiating services requested by an agency where fees, rates or other consideration are required, the work order for such services must be certified for availability of funds and approved by the agency's approving officer.

§ 20209. Applicability of Succession of Article.

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

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

§ 20210. Semi-Annual Reporting.

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

Section 2. Disposition of Department Of Administration Data Processing Division.

All funds appropriated for Fiscal Year 2013 for the operations of the Department Of Administration's Data Processing Division shall be administered by the Office Of Technology. Control over appropriation shall remain with the
Director of Administration until such time that an individual is appointed to fill
the Chief Technology Officer position.

Section 3. Severability. If any provision of this Act or its application to any
person or circumstance is found to be invalid or contrary to law, such invalidity shall
not affect other provisions or application of this Act which can be given effect without
the invalid provisions or application, and to this end the provisions of this Act are
severable.
April 1, 2013

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

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 Lihesluran 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’lahen Guåhan this 2 day of February, 2013, at
12:10 o'clock P.M.

______________________________
Assistant Staff Officer
Maga’lahi’s Office

APPROVED:

______________________________
EDWARD J.B. CALVO
I Maga’lahen Guåhan

Date: _________________________

Public Law No. ________________
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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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OFFICE OF TECHNOLOGY
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infrastructure or technology that is used for law enforcement, homeland
security, or emergency services;

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

(14) periodically evaluate government wide public
safety/homeland security communications system/network requirements,
inclusive of the "911" system, and report findings and recommendations to
*I Maga’lahen Guåhan* and *I Liheslaturan Guåhan*, and provide support for
the procurement, installation and operation of such systems/networks; and

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

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

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

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

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

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

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

(c) The Chief Technology Officer may employ the personnel necessary
to carry out the work of the Office of Technology and may approve
reimbursement of costs incurred by employees to obtain education and training.
(d) The Chief Technology Officer shall oversee telecommunications services used by agencies/programs for the purpose of maximizing efficiency to the fullest possible extent. The Chief Technology Officer may establish microwave or other networks and hops; audit telecommunications services and usage; recommend and develop strategies for the discontinuance of obsolete or excessive utilization; participate in the renegotiation of telecommunications contracts; and encourage the use of technology and take other actions necessary to provide the greatest value to the government of Guam.

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

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

(b) Annual audits:

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

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

(c) The Chief Technology Officer may contract with a private firm, or firms, that specialize in conducting these audits.
(d) All public bodies subject to the audits required by this Section shall fully cooperate with the entity designated to perform the audit.

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

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

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

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

(i) In consultation with the Adjutant General, the Chief of Police, the Fire Chief and the Director of the Division of Homeland Security, the Chief Technology Officer is responsible for the development and maintenance of an information systems disaster recovery system for the government of Guam with redundant sites in two or more locations isolated from reasonably perceived threats to the primary operations of the government of Guam. The Chief Technology Officer shall develop specifications, funding mechanisms and participation requirements for all executive branch agencies to protect the government of Guam's essential data, information systems and critical government services in times of emergency, inoperativeness, or disaster. Each executive branch agency shall assist the Chief Technology Officer in planning
for its specific needs, and provide to the Chief Technology Officer any
information or access to information systems or equipment that may be required
in carrying out this purpose. No government-wide or executive branch agency
procurement of disaster recovery services may be initiated, let or extended
without the expressed consent of the Chief Technology Officer.

§ 20204.2. Project Management Duties of the Chief Technology
Officer

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

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

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

(b) The proposal will further include:

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

(2) a business process analysis, if applicable;

(3) system requirements, if known;
(4) a proposed development plan and project management structure;

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

(6) a proposed resource or funding plan.

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

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

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

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

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

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

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

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

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

§ 20207. Exemptions.
(a) The provisions of this Article do not apply to autonomous agencies as defined by 12GCA, I Liheslaturan Guåhan, the Judiciary/Public Defender Service Corporation, the Office of Public Accountability, and the Office of the Attorney General.

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

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

§ 20208. Voluntary Assistance.

Any branch or agency exempt from the provisions of this Article by §20209(a) may, by memorandum of understanding, avail itself of any of the services offered by the Office of Technology if such branch or agency determines that acquiring such services is feasible. Such memorandum of understanding may include fees and costs paid by the branch or agency, except that no fees for such services shall be paid by the Office of Attorney General or the Office of Public Accountability. The Chief Technology Officer shall create a schedule of fees, rates and other consideration for services rendered to other government of Guam agencies, departments, public corporations and instrumentalities. Such schedule and any changes to such schedule must be approved by I Maga’lahen Guåhan and transmitted to I Liheslaturan Guåhan in Bill form. The fee schedule
and any future changes to the fee schedule shall be subject to approval by I Lihesluran Guåhan after the following conditions are met: (a) at least one (1) public hearing for the affected agencies on the fee schedules by the Office of Technology pursuant to Chapter 10 of 5GCA; and (b) submission of the fee schedule to I Lihesluran Guåhan, inclusive of the minutes of such hearing(s) on the fee schedules. Prior to initiating services requested by an agency where fees, rates or other consideration are required, the work order for such services must be certified for availability of funds and approved by the agency's approving officer.

§ 20209. Applicability of Succession of Article.

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

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

§ 20210. Semi-Annual Reporting.

The Chief Technology Officer shall submit a report to I Lihesluran Guåhan every six (6) months on the activities of the Office of Technology."

Section 2.Disposition of Department Of Administration Data Processing Division.

All funds appropriated for Fiscal Year 2013 for the operations of the Department Of Administration's Data Processing Division shall be administered by the Office Of Technology. Control over appropriation shall remain with the
Director of Administration until such time that an individual is appointed to fill
the Chief Technology Officer position.

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

## I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

### Voting Sheet

**SBill No: 4-32 (LS)**

Speaker Antonio R. Unipingo 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.

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**TOTAL**

15

Certified true and correct:

[Signature]

Clerk of the Legislature

4/1/10
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’rentai 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,

[Signature]

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

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 Chapter 1, Title 2, 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. McCreadie, D.G. Rodriguez, Jr**

AN ACT TO AMEND §§15.15 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 2181-4NEW-R1NEW-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 OF2181-4NEW-1-R4 AND LOT NAVAL AIR STATION AGANA-21-R1 (AIRPORT PARCEL 4) IN THE MUNICIPALITY OF TIVAN, 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 TIVAN, BARRIGADA FROMBORDERED BY ALAGETA ROAD.
February 13, 2013

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2960
 Hagåtña, Guam 96901

RE: Request for Fiscal Note - Bill Nos. 03-32 through 03-32 (1S) and Bill Nos. 7:32 Through 7:32 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of I Mina'trental Gos na Libe'lataren Guahan's most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yá'ni'i' po' for your attention to this matter.

Very Truly Yours,

[Signature]

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachment

Cc: Clerk of the Legislature

Roelboy: Analyn Estigarica
2/14/13
Confirmed via phone 10/28/13 at 9:03am 2/14/13
February 13, 2013

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

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
- 3 TO NOT PASS
- 5 TO REPORT OUT ONLY
- 1 TO ABSTAIN
- 1 TO PLACE IN INACTIVE FILE

Sincerely,

BENJAMIN J.F. CRUZ
Chairperson
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,

[Signature]

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.

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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 / 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 McCreadie
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 stationary 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 provided 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 current 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.
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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

ARTICLE 2.

OFFICE OF TECHNOLOGY.

§20200. Findings and purposes.

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

§20201. Scope of Authority.

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

§20202. Definitions.

As used in this article:

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

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

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

(d) "Related services" includes feasibility studies, systems design, software
development and time-sharing services whether provided by Government of
Guam employees or others;
(e) "Telecommunications" means any transmission, emission or reception of
signs, signals, writings, images or sounds of intelligence of any nature by wire,
radio or other electromagnetic or optical systems. The term includes all facilities
and equipment performing those functions that are owned, leased or used by the
executive agencies of the government;

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

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

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

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

(j) "Steering committee" means an internal agency oversight committee
established jointly by the Chief Technology Officer and the agency requesting
the project, which shall include representatives from the Office of Technology
and at least one representative from the agency requesting the project.
§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 1 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
information equipment and contracts for related services by the agencies/programs;

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

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

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

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

(8) Charge a fee to the agencies/programs for evaluations performed and technical assistance provided under the provisions of this section. All fees collected by the Chief Technology Officer shall be deposited in a special account in the Government of Guam Treasury to be known as the Chief Technology Officer Administration Fund. Expenditures from the fund shall be made by the Chief Technology Officer for the purposes set forth in this article in accordance with appropriation by 1 Liheslaturan Guåhan.

(9) Monitor trends and advances in information technology and technical infrastructure;
(10) Direct the formulation and promulgation of policies, guidelines, standards and specifications for the development and maintenance of information technology and technical infrastructure, including, but not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

(1) Develop a unified and integrated structure for information systems for all executive agencies;
(2) Establish, based on need and opportunity, priorities and time lines for addressing the information technology requirements of the various executive agencies of the Government of Guam;

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

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

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

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

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

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

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

(b) Annual audits:

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

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

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

(d) All public bodies subject to the audits required by this section shall fully cooperate with the entity designated to perform the audit.
(e) The Chief Technology Officer may direct specific remediation actions to mitigate findings of insufficient administrative, technical and physical controls necessary to protect government information or data communication infrastructures.

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

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

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

(i) In consultation with the Adjutant General, Chief of Police, Fire Chief and the Director of the Division of Homeland Security, the Chief Technology Officer is responsible for the development and maintenance of an information systems disaster recovery system for the Government of Guam with redundant sites in two or more locations isolated from reasonably perceived threats to the primary operation of the Government of Guam. The Chief Technology Officer shall develop specifications, funding mechanisms and participation requirements for all executive branch agencies to protect the Government of Guam's essential data, information systems and critical government services in times of emergency, inoperativeness or disaster. Each executive branch agency shall assist the Chief Technology Officer in planning for its specific needs and provide to the Chief Technology Officer any information or access to information systems or
equipment that may be required in carrying out this purpose. No government-
wide or executive branch agency procurement of disaster recovery services may
be initiated, let or extended without the expressed consent of the Chief
Technology Officer.

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

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

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

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

(3) Establish minimum qualifications and training standards for project
managers;
(4) Direct the development of any government-wide and multiagency enterprise project; and

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

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

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

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

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

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

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

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

(6) Monitor the implementation of information management and information technology plans and periodically report its findings to the Chief Technology Officer;
(7) Assign project managers to review and recommend information technology project proposals.

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

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

(B) The technical feasibility of the project;

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

(D) The risks associated with the project;

(E) Any continued funding requirements; and

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

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

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

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

(b) The proposal will further include:

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

(2) A business process analysis, if applicable;

(3) System requirements, if known;

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

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

(6) A proposed resource or funding plan.

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

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

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

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

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

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

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

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

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

§20207. Annual report.

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

§20208. Exemptions.

(a) The provisions of this article do not apply to autonomous agencies as defined
by 12GCA, I Liheslatura, the judiciary, the Office of Public Accountability and
the Office of the Attorney General.
(b) Notwithstanding any other provision of this article to the contrary, except for participation in the compilation and maintenance of an inventory of information technology and technical infrastructure of the Government of Guam authorized by §20204 of this Article, the provisions of this article do not apply to the Guam Department of Education. The Guam Department of Education may cooperate and collaborate with the Chief Technology Officer to the extent feasible.

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

§20209. Voluntary Assistance.

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

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

ARTICLE 2.

OFFICE OF TECHNOLOGY.

§20200. Findings and purposes.

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

§20201. Scope of Authority.

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

§20202. Definitions.

As used in this article:

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

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

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

(d) "Related services" includes feasibility studies, systems design, software
development and time-sharing services whether provided by Government of
Guam employees or others;
(e) "Telecommunications" means any transmission, emission or reception of signs, signals, writings, images or sounds of intelligence of any nature by wire, radio or other electromagnetic or optical systems. The term includes all facilities and equipment performing those functions that are owned, leased or used by the executive agencies of the government;

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

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

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

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

(j) "Steering committee" means an internal agency oversight committee established jointly by the Chief Technology Officer and the agency requesting the project, which shall include representatives from the Office of Technology and at least one representative from the agency requesting the project.
§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 I Liheslaturan Guåhan. I Magalahan Guahan may create and empanel an advisory council within the Office of Technology to provide guidance, expertise and direction to the Chief Technology Officer and the Office of Technology staff. 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
information equipment and contracts for related services by the
agencies/programs;

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

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

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

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

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

(9) Monitor trends and advances in information technology and technical
infrastructure;
(10) Direct the formulation and promulgation of policies, guidelines, standards and specifications for the development and maintenance of information technology and technical infrastructure, including, but not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

(b) With respect to executive agencies, the Chief Technology Officer may:
(1) Develop a unified and integrated structure for information systems for all executive agencies;

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

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

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

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

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

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

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

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

(b) Annual audits:

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

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

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

(d) All public bodies subject to the audits required by this section shall fully cooperate with the entity designated to perform the audit.
(e) The Chief Technology Officer may direct specific remediation actions to mitigate findings of insufficient administrative, technical and physical controls necessary to protect government information or data communication infrastructures.

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

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

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

(i) In consultation with the Adjutant General, Chief of Police, Fire Chief and the Director of the Division of Homeland Security, the Chief Technology Officer is responsible for the development and maintenance of an information systems disaster recovery system for the Government of Guam with redundant sites in two or more locations isolated from reasonably perceived threats to the primary operation of the Government of Guam. The Chief Technology Officer shall develop specifications, funding mechanisms and participation requirements for all executive branch agencies to protect the Government of Guam's essential data, information systems and critical government services in times of emergency, inoperativeness or disaster. Each executive branch agency shall assist the Chief Technology Officer in planning for its specific needs and provide to the Chief Technology Officer any information or access to information systems or
equipment that may be required in carrying out this purpose. No government-wide or executive branch agency procurement of disaster recovery services may be initiated, let or extended without the expressed consent of the Chief Technology Officer.

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

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

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

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

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

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

(5) Develop and update a project management methodology to be used by agencies in the development of information technology.
(b) The Chief Technology Officer shall create a Project Management Office within the Office of Technology.

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

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

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

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

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

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

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

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

(8) The director shall create criteria upon which information technology project proposal plans may be based including:
(A) The degree to which the project is consistent with the Government of Guam's overall strategic plan;

(B) The technical feasibility of the project;

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

(D) The risks associated with the project;

(E) Any continued funding requirements; and

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

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

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

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

(b) The proposal will further include:

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

(2) A business process analysis, if applicable;
(3) System requirements, if known;

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

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

(6) A proposed resource or funding plan.

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

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

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

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

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

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

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

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

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

§20207. Annual report.

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

§20208. Exemptions.

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

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

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

§20209. Voluntary Assistance.

Any branch or agency exempt from the provision of this Article by §20208(a) may, by
memorandum of understanding, avail itself of any of the services offered by the Office
of Technology if such branch or agency determines that acquiring such services is feasible. Such memorandum of understanding *may* include fees and costs paid by the branch or agency except that no fees for such services shall be paid by the Office of Attorney General or the Office of Public Accountability. All fees collected shall be deposted in the General Fund and are continually appropriated to the Office of Technology.
**PUBLIC HEARING SIGN-IN SHEET**

Thursday, January 24, 2013

*I Liheslatura • Public Hearing Room • Hagåtña, Guam*

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

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January 22, 2013

Honorable Benjamin J.F. Cruz
32nd 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 Guam\(^1\) 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.

\(^1\)Guam Broadband Mapping Project, funded through the NTIA, conducted by One Economy
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 uninterruptible 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.
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,

[Signature]

Ed Camacho Cruz
Chief Information Officer
Bureau of Information Technology
Office of the Governor of Guam
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.
Familian 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
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
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 of fund 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 architectured 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 DIIT 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 workforce 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 use.

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. Easier to share information with other agencies
7. Share solutions with other agencies and reduce support costs
8. Using 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 needs being realized.

**SECURITY**

one of the major issues is security. IT leaders worry that in a consolidated environment, unique agency security requirements will be ignored. Ignoring these requirements would not only put agencies 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.

Lack of current 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 technical changes, leadership, and governance.

**ORGANIZATIONAL CHANGES**

Guam has 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 and agencies will leverage to provision, manage, and administrate consolidated IT services. The effort may be a rather sizable project, but they will be necessary to get Guam to a level of maturity 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 Desk
- Enterprise Project and Portfolio Management
- Virtualized and Storage Masks and Streamlined Billing
- Business Intelligence and Performance Dashboards
- End User Support Tools
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
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<th>TITLE</th>
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<th>CMTE REFERRED</th>
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<td>42-32 (COR)</td>
<td>D.G. Rodriguez, Jr.</td>
<td>AN ACT TO AUTHORIZE THE DEPARTMENT OF PUBLIC HEALTH &amp; 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.</td>
<td>2/14/2013 3:17 P.M.</td>
<td>2/15/13</td>
<td>Committee on Health &amp; Human Services, Health Insurance Reform, Economic Development, and Senior Citizens</td>
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</tbody>
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42 messages

Mike Lida <mike.lidia@senatorbjcruz.com>  
Wed, Jan 16, 2013 at 2:29 PM

To: bmkelman@guampdn.com, clynt@spbguam.com, Janela <janela@mgvsam.com>, Jason Salas <jason@guam.com>, Kevin Kernigraph <kevin@spbguam.com>, Kryzstal Pacho <kryzstal@kuam.com>, KUAM <hotspots@kuam.com>, Mindy Aguon <mindy@kuam.com>, news@guam.com, news@k57.com, Pacific News Center <news@spbguam.com>, parroyo@k57.com, Ray Gibson <rgibson@k57.com>, sabrina@kuam.com, thebigshow@k57.com, thershe.hari.writer@gmail.com, Travis Coffman <travis.coffman@gmail.com>, Ardoin Mendiola <ardoin.mendiola@gmail.com>, AJ Balajadia <aj@balajadia@gpd.guam.gov>, Aline Yamashita <aline4families@gmail.com>, Amanda Lawson <alawson@visitguam.org>, Andy Arceo <andy.arceo@gmail.com>, Angel Sablan <anghel@hotmail.com>, Anisaa Terlaje <anisaiterlaje@hotmail.com>, Annette Donner <annette.donner@fe.mv.mil>, Anthony Tamayo <anthony.tamayo@guam.gov>, Antoine Aguon <aaguon@gmail.com>, Art Perez <aperaz@gpa.guam.gov>, Arthur Clark <arthur.clark@gov.com>, Arthur San Agustin <arthur.sanagustin@dphs.guam.gov>, Barry Mead <bmead@guam.net>, Ben Servino <benito.servino@dlsid.guam.gov>, Benita Manglona <bmanglona@psg.com>, Bernadette Artero <bernardette.artero@yahoo.com>, Bernardette Sierr-Meno <bmeno@portmort.guam.gov>, Bertha Taigeron <bertha.tajeron@dphs.guam.gov>, Bryan Cruz <bryan.cruz@guamattorneygeneral.guam.gov>, Carlos Dominguez <carlos.dominguez@dphs.guam.gov>, Caroline Okiyama <caroline.okiyama@guam.gov>, Carmelita Santos <carmelita.santos@cbf.guam.gov>, Catherine Cruz Norton <catherine.norton@fe.mv.mil>, Cathy Gough <cathy.gough@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@gsd.guam.gov>, "Col. 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MEMORANDUM

To: All Members/All Senators

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


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 Liheslaturu'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.

Sincerely,

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@googleemail.com> Wed, Jan 16, 2013 at 2:29 PM
To: mike.lidia@senatorbjcruz.com

Delivery to the following recipient failed permanently:
carlene.okiyama@gov

Technical details of permanent failure:
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 550-5.1.1 double-checking the recipient's email address for typos or 550-5.1.1 unnecessary spaces. Learn more at 550 5.1.1 http://support.google.com/mail/bin/answer.py?answer=6596 08sii6799267vdx77 (state 13).

----- Original message -----
January 16, 2013

MEMORANDUM

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Senseramente,

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

32 messages

Mike Lidia <mike.lidia@senatorbjcruz.com>  Tue, Jan 22, 2013 at 8:25 AM

To: Cynthia.ige@gpd.guam.gov, frank.agou <frank.agou23@gmail.com>, agou4guam@gmail.com, Senator Michael San Nicolas <senatorsannicolas@gmail.com>, Tommy Morrison <morrison671@gmail.com>, Brant McCreadie <brantforguam@gmail.com>, Responsible Guam <responsig@gmail.com>, mike@melkituco.com, Tommy Morrison <tommy@senatormorrisson.com>, Adonis Mendico <adonis.mendico@gmail.com>, AJ Balajadia <albert.balajadia@gpd.guam.gov>, Aileen Yamashita <aileen4families@gmail.com>, Amanda Lawson <alawson@visitguam.org>, Andy Arcoo <andy.arcoo@gmail.com>, Angel Sablan <angel@hotmail.com>, Anisette Teraije <anisateraic@hotmail.com>, Annette Donner <annette.donnerr@fne.navy.mil>, Anthony Tamayo <anthony.tamayo@gpd.guam.gov>, Antone Agoun <afagou@gmail.com>, Art Perez <aperz@gpawga.com>, Arthur Clark <arthur.clark@guam.gov>, Arthur San Agustin <arthur.sanagustin@dphs.guam.gov>, Barry Men <bigbud@guam.net>, Ben Servino <benito.servino@dsid.guam.gov>, Benita Mangloha <bmanigloha@gmail.com>, Bernadette Antero <bernieantero@yahoo.com>, Bernadette Stern-Men <bersmen@gmail.com>, Bertha Taljeron <bertha.taljeron@gpawga.com>, Bryan Cruz <bcruz@guamattorneygeneral.com>, Carl Dominguez <caldominguez@dphs.guam.gov>, Carline Okiyama <carline.okiyama@gpd.guam.gov>, Carmelita Santos <carmelita.santos@clb.guam.gov>, Catherine Cruz Nefton <catherine.nefton@fne.navy.mil>, Cathy Gogue <cathy.gogue@gmail.com>, Cheylyne Guerrero <cheylyne.gruenero@eapa.gov.gu>, Chief Fred Bordallo <fred.bordallo@gpd.gov.gu>, Christine Camacho <christine.camacho@gmail.com>, Chuck Ada <chuck.ada@dsid.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


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 1 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. 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 §(t) 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.

Senceramente,

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> Tue, Jan 22, 2013 at 8:25 AM
To: mike.lidia@senatorbjcruz.com

Delivery to the following recipient failed permanently:

sem@guamlegislature.org

Technical details of permanent failure:
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 5.6.2.1 The email account that you tried to reach is disabled. a3as67154d1bl.289 (state ‘13).

----- Original message -----
January 22, 2013

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Senseramente,

Mike Lidia
Research Analyst
Office of Vice Speaker Cruz
477-2520
PUBLIC HEARING AGENDA
Thursday, January 24, 2013 – 1:00PM
I Liheslatura • Public Hearing Room • Hagåtña, Guam

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.

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

Informational Roundtable Hearing to Assess the State of the Guam Police Department
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 Lihteslaturan Guåhan.

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

Si Yu’os Ma’ase!

(1) Attachment
Bill No. 4-32

Introduced by:

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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

ARTICLE 2.

OFFICE OF TECHNOLOGY.

§20200. Findings and purposes.

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

§20201. Scope of Authority.

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

§20202. Definitions.

As used in this article:

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

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

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

(d) "Related services" includes feasibility studies, systems design, software
development and time-sharing services whether provided by Government of
Guam employees or others;
(e) "Telecommunications" means any transmission, emission or reception of signs, signals, writings, images or sounds of intelligence of any nature by wire, radio or other electromagnetic or optical systems. The term includes all facilities and equipment performing those functions that are owned, leased or used by the executive agencies of the government;

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

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

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

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

(j) "Steering committee" means an internal agency oversight committee established jointly by the Chief Technology Officer and the agency requesting the project, which shall include representatives from the Office of Technology and at least one representative from the agency requesting the project.
§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 I 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
information equipment and contracts for related services by the agencies/programs;

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

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

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

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

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

(9) Monitor trends and advances in information technology and technical infrastructure;
(10) Direct the formulation and promulgation of policies, guidelines, standards and specifications for the development and maintenance of information technology and technical infrastructure, including, but not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

(1) Develop a unified and integrated structure for information systems for all executive agencies;
(2) Establish, based on need and opportunity, priorities and time lines for addressing the information technology requirements of the various executive agencies of the Government of Guam;

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

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

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

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

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

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

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

(b) Annual audits:

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

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

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

(d) All public bodies subject to the audits required by this section shall fully cooperate with the entity designated to perform the audit.
(e) The Chief Technology Officer may direct specific remediation actions to mitigate findings of insufficient administrative, technical and physical controls necessary to protect government information or data communication infrastructures.

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

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

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

(i) In consultation with the Adjutant General, Chief of Police, Fire Chief and the Director of the Division of Homeland Security, the Chief Technology Officer is responsible for the development and maintenance of an information systems disaster recovery system for the Government of Guam with redundant sites in two or more locations isolated from reasonably perceived threats to the primary operation of the Government of Guam. The Chief Technology Officer shall develop specifications, funding mechanisms and participation requirements for all executive branch agencies to protect the Government of Guam's essential data, information systems and critical government services in times of emergency, inoperativeness or disaster. Each executive branch agency shall assist the Chief Technology Officer in planning for its specific needs and provide to the Chief Technology Officer any information or access to information systems or
equipment that may be required in carrying out this purpose. No government-wide or executive branch agency procurement of disaster recovery services may be initiated, let or extended without the expressed consent of the Chief Technology Officer.

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

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

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

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

(3) Establish minimum qualifications and training standards for project managers;
(4) Direct the development of any government-wide and multiagency enterprise project; and

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

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

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

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

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

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

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

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

(6) Monitor the implementation of information management and information technology plans and periodically report its findings to the Chief Technology Officer;
(7) Assign project managers to review and recommend information technology project proposals.

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

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

(B) The technical feasibility of the project;

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

(D) The risks associated with the project;

(E) Any continued funding requirements; and

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

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

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

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

(b) The proposal will further include:

(1) A detailed business case plan, including a cost-benefit analysis;
(2) A business process analysis, if applicable;
(3) System requirements, if known;
(4) A proposed development plan and project management structure;
(5) Business goals and measurement criteria, as appropriate; and
(6) A proposed resource or funding plan.

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

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

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

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

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

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

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

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

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

§20207. Annual report.

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

§20208. Exemptions.

(a) The provisions of this article do not apply to autonomous agencies as defined
by 12GCA, I Liheslatura, the judiciary, the Office of Public Accountability and
the Office of the Attorney General.
(b) Notwithstanding any other provision of this article to the contrary, except for participation in the compilation and maintenance of an inventory of information technology and technical infrastructure of the Government of Guam authorized by §20204 of this Article, the provisions of this article do not apply to the Guam Department of Education. The Guam Department of Education may cooperate and collaborate with the Chief Technology Officer to the extent feasible.

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

§20209. Voluntary Assistance.

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

Colleen

CLERKS OFFICE, GUAM LEGISLATURE

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