

*I Mina Trentai Kuattro Na Liheslaturan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
247-34 (COR)	FRANK B. AGUON, JR.	AN ACT TO ADD A NEW CHAPTER 1A TO TITLE 5 OF GUAM CODE ANNOTATED; TO REPEAL § 1800 OF CHAPTER 18, TITLE 1, GUAM CODE ANNOTATED; TO REPEAL § 4207 OF ARTICLE 2, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED; TO REPEAL CHAPTER 11, TITLE 5, GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING EDUCATION, HEALTH AND PUBLIC SAFETY AS THE TOP PRIORITIES OF THE GOVERNMENT, TO RECOGNIZING THE GOVERNOR'S AUTHORITY TO REORGANIZE THE EXECUTIVE BRANCH OF THE GOVERNMENT, TO REMOVING IMPEDIMENTS TO REORGANIZATION, TO PROVIDING THE GOVERNOR THE TOOLS NECESSARY FOR SUCH REORGANIZATION AND PRIORITIZATION AND FOR OTHER PURPOSES; AND TO CITE THIS ACT AS THE "GOVERNMENT PRIORITIES ACT OF 2018."	2/16/18 9:43 a.m.  AS CORRECTED 2/22/18 5:36 p.m.						

*I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN*  
2018 (SECOND) Regular Session

Bill No. 247-34 (COR)

As Corrected by the Prime Sponsor

Introduced by:

FRANK B. AGUON, JR.

**AN ACT TO *ADD* A NEW CHAPTER 1A TO TITLE 5 OF GUAM CODE ANNOTATED; TO *REPEAL* § 1800 OF CHAPTER 18, TITLE 1, GUAM CODE ANNOTATED; TO *REPEAL* § 4207 OF ARTICLE 2, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED; TO *REPEAL* CHAPTER 11, TITLE 5, GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING EDUCATION, HEALTH AND PUBLIC SAFETY AS THE TOP PRIORITIES OF THE GOVERNMENT, TO RECOGNIZING THE GOVERNOR'S AUTHORITY TO REORGANIZE THE EXECUTIVE BRANCH OF THE GOVERNMENT, TO REMOVING IMPEDIMENTS TO REORGANIZATION, TO PROVIDING THE GOVERNOR THE TOOLS NECESSARY FOR SUCH REORGANIZATION AND PRIORITIZATION AND FOR OTHER PURPOSES; AND TO CITE THIS ACT AS THE "*GOVERNMENT PRIORITIES ACT OF 2018*."**

2018 FEB 22 PM 5:36 

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

2        **Section 1. Short title.** This Act may be cited as the *Government Priorities*  
3 *Act of 2018*.

4        **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guáhan* finds  
5 that preparing our youth for the future through education, fostering the health of the  
6 people and ensuring safety for all are the most important functions of the executive  
7 branch of the government of Guam. These functions must be accomplished even if,

1 in these times of scarce resources, some other activities of government must be  
2 greatly reduced, consolidated or eliminated altogether. By enacting the *Government*  
3 *Priorities Act of 2018*, *I Liheslatura* intends to provide the means to accomplish this  
4 prioritization while giving full recognition to the Governor's Organic Act authority  
5 to reorganize the executive branch of the government of Guam.

6 In order to accomplish this prioritization and reorganization, *I Liheslatura*  
7 intends to remove existing impediments to reorganizing while giving the Governor  
8 the necessary tools to accomplish that reorganization. To that end, in an effort to  
9 simplify the multitude of statutes, rules, regulations and policies that have  
10 proliferated over the years, the primary effect of which is to make reorganization  
11 difficult, the Act authorizes the Governor to implement the Act by means of an  
12 executive order. The executive orders must be consistent with the merit system,  
13 provide employees' and the public's right to be heard and recognize employees'  
14 right to due process and right to representation under the Public Employee-  
15 Management Relations Act of Guam, where applicable.

16 This Act recognizes education, health and public safety as the government's  
17 top priorities so that the Governor may establish priorities among government  
18 agencies so that the top priorities are adequately funded.

19 It is the intent of *I Liheslaturan Guåhan* that the Governor use these tools, to  
20 include outsourcing, privatization, elimination of agencies, absorption of functions,  
21 prioritization of personnel and appropriations, to provide a smaller, more affordable  
22 government which, if nothing else, provides for education, health and public safety.  
23 While allowing transfer of appropriations when agencies are abolished or functions  
24 relocated, *I Liheslatura* continues to reserve to itself its plenary power of  
25 appropriation and its power to create agencies and departments.

26 **Section 3.** A new Chapter 1A is hereby *added* to Title 5 of Guam Code  
27 Annotated to read:

1 “Chapter 1A. Reorganization

2 § 2200. Definitions. For the purposes of this Act:

3 (a) Abolition means the elimination of any agency of the  
4 government.

5 (b) Absorption means the transfer or consolidation of one or more  
6 functions of any one agency of the government to any other agency of the  
7 government.

8 (c) Availability roster means a roster of the designated displaced  
9 employees in an agency of the government that will be absorbed, outsourced,  
10 or privatized.

11 (d) Displaced employee means an employee, in graded and ungraded  
12 positions of the classified service of the Government, who had been employed  
13 by an agency of the government that was outsourced or privatized or whose  
14 employment was terminated as a result of the outsourcing or privatization.

15 (e) Gaining entity means any agency to which any function has been  
16 transferred by absorption.

17 (f) Outsource means contracting with a private company to  
18 accomplish any function that has been or, were it not for the outsourcing,  
19 would be provided by any agency of the government.

20 (h) Privatization means the alienation, by sale, lease or otherwise, of  
21 any agency or function of the government.

22 (i) Reorganization means:

23 (1) The transfer of the whole or any part of any agency, or of  
24 the whole or any part of the functions thereof, to the jurisdiction and  
25 control of any other agency;

26 (2) The abolition of all or any part of the functions of any  
27 agency;

1                   (3) The consolidation or coordination of the whole or any part  
2 of any agency, or of the whole or any part of the functions thereof, with  
3 the whole or any part of any other agency or the functions thereof;

4                   (4) The consolidation or coordination of any part of any  
5 agency or the functions thereof with any other part of the same agency  
6 or the functions thereof;

7                   (5) The authorization of any non-elective officer to appoint  
8 any individual to perform any of his/her functions;

9                   (6) The abolition of the whole or any part of any agency which  
10 agency or part does not have any function;

11                   (7) The use of a person under contract to perform functions  
12 which regularly are performed or budgeted to be performed by  
13 employees appointed under the merit system.

14           **§ 2201. Internal reorganization.** Internal *reorganization* of an entity,  
15 including reductions in force, shall be accomplished in accordance with the  
16 executive order(s) authorized by § 2207.

17           **§ 2202. Reorganization of the executive branch.** *Reorganization* of the  
18 executive branch, shall be accomplished in accordance with the following Sections.

19           **§ 2202.1. Executive order: reorganization of the executive branch.** The  
20 Governor by executive order(s) may direct the *reorganization* of the various entities  
21 of the executive branch and may implement the Priority Placement Procedure as  
22 listed in Appendix C of Chapter 1, Division 1, Title 2, Guam Administrative Rules  
23 and Regulations, relative to the Personnel Rules and Regulations of the Department  
24 of Administration as the standard policy and uniform guideline to address employees  
25 affected by adverse effects such as, but not limited to, consolidation, transfer of  
26 functions, lack of work or funds, position classification or reduction in force; or

1 Executive Branch reorganization, restructuring, reform, modernization,  
2 streamlining, innovation or transformation initiatives.

3 **§ 2202.2. Table 1.** Table 1 sets out three groups of various entities of the  
4 executive branch and assigns a priority number (PN) to each entity. Group I, PN one  
5 hundred (100) et seq., is composed of entities that provide services that are the  
6 government's top priority: education, health and public safety. Group II, PN two  
7 hundred (200) et seq. is composed of entities that provide services which are  
8 involved in support, enforcement, regulation, adjudication or administration. Group  
9 III is composed of other entities. Any entity of the executive branch otherwise not  
10 listed in Table I is deemed listed in Group III of Table I.

11 **Table 1**

12 **Group I**

13 **PN 100 Education:**

14 101E Guam Department of Education

15 102E University of Guam

16 103E Guam Community College

17 104E Guam Public Library

18 **Health:**

19 101H Guam Memorial Hospital Authority

20 102H Guam Behavioral Health and Wellness Center

21 103H Department of Public Health and Social Services

22 **Public Safety(S):**

23 101S Guam Police Department

24 102S Guam Fire Department

25 103S Department of Corrections

26 104S Department of Law (prosecution division)

27 105S Department of Customs and Quarantine Agency

1 106S Department of Youth Affairs (custodial; corrections related)

2 107S Guam Homeland Security; Office of Civil Defense

3 **Group II**

4 **PN 200**

5 201 Office of Public Accountability

6 202 Department of Law

7 203 Department of Revenue & Taxation

8 204 Department of Public Works

9 205 Department of Labor

10 206 Department of Land Management

11 207 Department of Administration

12 208 Department of Military Affairs

13 209 Guam International Airport Authority

14 210 Guam Retirement Fund

15 211 Guam Veterans Affairs Office

16 212 Guam Visitors Bureau

17 213 Port Authority of Guam

18 **Group III**

19 **PN 300**

20 301 Agency for Human Resources Development

21 302 Ancestral Land Trust Commission

22 303 Bureau of Budget and Management Research

23 304 Bureau of Statistics and Plans

24 305 Civil Service Commission

25 306 Chamorro Land Trust Commission

26 307 Commission on Decolonization

27 308 Department of Agriculture

- 1           309 Department of Chamorro Affairs
- 2           310 Department of Integrated Services for Individuals with Disabilities
- 3 (DISID)/ Division of Vocational Rehabilitation
- 4           311 Department of Parks and Recreation
- 5           312 Department of Youth Affairs (non-custodial; non-corrections related)
- 6           313 General Service Agency- Department of Administration
- 7           314 Guam Council on the Arts and Humanities
- 8           315 Guam Commission for Educator Certification
- 9           316 Guam Contractor’s License Board
- 10          317 Guam Development Disabilities Council
- 11          318 Guam Economic and Development Authority
- 12          319 Guam Education Tele. Corp. (KGTF)
- 13          320 Guam Election Commission
- 14          321 Guam Energy Office
- 15          322 Guam Environmental Protection Agency
- 16          323 Guam Housing and Urban Renewal Agency
- 17          324 Guam Housing Corporation
- 18          325 Guam Museum
- 19          326 Guam Regional Transit Authority
- 20          327 Hagåtña Restoration and Redevelopment Authority
- 21          328 Office of the Governor
- 22          329 Office of Post-Mortem Examinations (Chief Medical Examiner)
- 23          330 Office of Technology
- 24          331 Professional, Engineer, Architects, Land Surveyor (PEALS) Board
- 25          332 Public Defender Service Corporation (criminal defense)
- 26          § 2203. Same: absorption of functions. The Governor by executive
- 27 order(s) may direct the absorption of any or all of the functions of any one agency



1 of the government listed in Table I with a Priority Number (PN) of two hundred  
2 (200) or higher by any agency(ies) of the government with a lower priority number.

3 **§ 2204. Same: abolition of government entities.** The Governor by  
4 executive order(s) may abolish any agency of the government listed in Table I with  
5 a PN of 300 or higher.

6 **§ 2205. Transfer authority.** The governor is authorized to transfer the  
7 appropriation of any agency of the government which is abolished or any function  
8 which is absorbed to any other agency of the government(ies) with a higher PN.

9 **§ 2206. Same. Outsourcing and privatization.** *No more than ninety*  
10 percent (90%) of the appropriation for personnel services for a function that is  
11 outsourced or privatized may be transferred by the Governor to the contractual  
12 category to fund the contract arising from the *outsourcing* or *privatization*.

13 **§ 2207. Executive order(s).**

14 (a) The *reorganization(s)* directed by executive order(s) authorized  
15 by § 2209 shall be accomplished in accordance with the procedures for  
16 promulgating rules set out in 5 GCA §§ 9301 and 9303.

17 (b) The rules promulgated by executive order(s) authorized by §  
18 2209 shall be promulgated in accordance with 5GCA §§ 9301, 9303 and 9304.

19 (c) The executive order(s) shall recognize, where applicable,  
20 employees' rights to representation in accordance with 4 GCA § 10106 of  
21 PEMRA.

22 (d) Nothing contained herein shall be construed to prevent the  
23 Attorney General from approving such executive order(s) as to form, content  
24 and compliance with law.

25 **§ 2208. Same: availability roster.** When executive orders authorized by  
26 § 2207 issue, the person in charge of the entities to be abolished or the functions of  
27 which are to be absorbed, shall submit an availability roster to the gaining entity, if

1 any. The person in charge of the gaining entity may, in accordance with the  
2 applicable executive order, employ those employees on the availability roster in such  
3 number, if any, as required to accomplish the function(s) of the gaining agency if  
4 necessary.

5 **§ 2209. Implementing executive order.** The Governor *shall* by  
6 executive order(s) promulgate rules to accomplish the following:

- 7 (a) prioritization in force;
- 8 (b) layoff;
- 9 (c) furlough;
- 10 (d) privatization;
- 11 (e) outsourcing;
- 12 (f) absorption;
- 13 (g) abolition;
- 14 (h) reorganization;
- 15 (i) availability rosters;
- 16 (j) the designation of functions to be absorbed;
- 17 (k) the designation of entities to be abolished.

18 **§ 2210. Transition - Files and Equipment.**

19 (a) All files and reports held by an abolished entity shall be  
20 transmitted by the person in charge of such entity to such custodian as is  
21 designated by the governor within sixty (60) days following the designation  
22 of the entity as an abolished entity.

23 (b) All property of the abolished entity, or property leased by it,  
24 when the lease cannot be cancelled or will not expire upon the *abolition* of the  
25 entity, shall be turned over to the custodian designated by the governor within  
26 sixty (60) days following the designation of the entity as an abolished entity.

1        § 2211. Abolished entity. An abolished entity shall be closed and all  
2 remaining personnel terminated within sixty (60) days of the day the entity was  
3 designated as an abolished entity.

4        § 2212. Same: Boards and Commissions. Boards and Commissions  
5 listed in Group III. Boards and Commissions listed in Group III *may* be assigned  
6 for logistic support to entities in Groups I and II when the entity supporting or  
7 directed by the Board or Commission is abolished.

8        § 2213. Special provision for elected officials. The provisions of §§  
9 2201, 2202, 2203, 2204, 2210, or 2211 *shall* not apply to an office or department  
10 under the supervision of an elected official.

11        § 2214. Special provision for the University of Guam and the Guam  
12 Community College. The provisions of § 2201 *shall not* apply to University of  
13 Guam and the Guam Community College.”

14        **Section 4.** § 1800 of Article 1, Chapter 18, Title 1, Guam Code Annotated,  
15 is hereby *repealed* as follows:

16        ~~“§ 1800. Requirement of Approval by I Liheslatura [the Legislature] for~~  
17 ~~Privatization.~~

18        ~~No office, department, agency, institution, board, bureau, commission,~~  
19 ~~council, authority, committee of territorial government, branch, or the Guam Visitors~~  
20 ~~Bureau, of the government of Guam may privatize any function or transfer any real~~  
21 ~~property of the government of Guam without the approval of I Liheslatura [the~~  
22 ~~Legislature]. Any plan or action taken by an office, department, instrumentality,~~  
23 ~~agency, institution, board, bureau, commission, council, authority, committee of~~  
24 ~~territorial government, branch, or the Guam Visitors Bureau purporting to privatize~~  
25 ~~any function or transfer any real property of the government of Guam shall be~~  
26 ~~transmitted to I Liheslatura [the Legislature] which, by statute, may amend, approve,~~

1 ~~or disapprove the plan or the action taken within forty five (45) days or said plan or~~  
2 ~~action shall be deemed approved.”~~

3       **Section 5. Restraint on Alienation.** No office, department, agency,  
4 institution, board, bureau, commission, council, authority, committee of territorial  
5 government, branch, or the Guam Visitors Bureau, of the government of Guam may  
6 sale or transfer any real property of the government of Guam without the approval  
7 of *I Liheslatura*, which, by statute, may amend, approve, or disapprove the plan or  
8 the action taken within sixty (60) days or said plan or action shall be deemed  
9 approved. Any attempted alienation of any interest in the sale, Lease, or property  
10 covered thereby, without such prior consent shall be void, and shall have no effect  
11 in law.

12       **Section 6.** § 4207 of Article 2, Chapter 4, Title 4, Guam Code Annotated,  
13 is hereby *repealed*.

14       ~~“§ 4207. Reduction in Force.~~

15       ~~There shall be no reduction in force by any government of Guam department,~~  
16 ~~bureau or agency, which includes autonomous agencies or other instrumentalities of~~  
17 ~~the Executive Branch of the government of Guam, until such time as the particular~~  
18 ~~department, bureau or agency implements a layoff, demotion or salary reduction~~  
19 ~~procedure, which among other considerations adopted by the Director of~~  
20 ~~Administration shall be based upon employee efficiency and seniority.~~

21       ~~(a) The Priority Placement Procedure as listed in Appendix C of Chapter 1,~~  
22 ~~Division 1, Title 2, Guam Administrative Rules and Regulations, relative to~~  
23 ~~the Personnel Rules and Regulations of the Department of Administration,~~  
24 ~~government of Guam are hereby adopted and shall be the standard policy and~~  
25 ~~uniform guideline to address employees affected by adverse affects such as,~~

1 but not limited to, consolidation, transfer of functions, lack of work or funds,  
2 position classification or reduction in force; or Executive Branch  
3 reorganization, restructuring, reform, modernization, streamlining, innovation  
4 or transformation initiatives.

5 (b) The Department of Administration shall develop a uniform methodology  
6 to ensure all vacant classified positions opened for recruitment and intended  
7 to be filled by all departments, bureaus, agencies, commissions, or other  
8 instrumentalities, whether autonomous, semi-autonomous, or non-  
9 autonomous in the Executive Branch of the government of Guam, including  
10 all line agencies and the A.B. Won Pat International Airport Authority, the  
11 Port Authority of Guam, the Guam Power Authority, the Guam Waterworks  
12 Authority, the Guam Visitors Bureau, and the Guam Housing and Urban  
13 Renewal Authority, among other entities, are recorded and offered to  
14 registrants that qualify for the Priority Placement Program.

15 (c) Employees who have met the minimum qualifications and were hired as a  
16 result of the provisions of the Priority Placement Procedure shall receive the  
17 same level of compensation closest to but not more than the pay they were  
18 receiving prior to their separation from the government of Guam. Funding for  
19 the placement of employees shall come from the allotted budget of the  
20 respective entity in which the vacancy exists.

21 (d) The Department of Administration shall submit a quarterly report of all  
22 vacancies of agencies as contained in Subsection (b) of this Section; contained  
23 in these reports shall be the management of those vacancies, i.e. whether such  
24 positions remain vacant, were filled pursuant to this Section or otherwise.



1 ~~holding of such hearing. Employees shall have full opportunity to review the~~  
2 ~~proposed reorganization plan prior to the hearing.~~

3 **~~§ 11102. Employment Security.~~**

4 ~~No classified employee at the time a reorganization plan is adopted shall be~~  
5 ~~removed from his or her position or downgraded as a result of any reorganization~~  
6 ~~undertaken pursuant to the plan, except pursuant to reduction in force procedures~~  
7 ~~contained in 4 GCA § 4207, Director of Administration Rules, and Public Law 27-~~  
8 ~~05:IV:19.~~

9 **~~§ 11103. Legislative Approval for Reorganizations; Definitions.~~**

10 ~~(a) Legislative approval. Any proposed reorganization plan for a department,~~  
11 ~~agency or instrumentality of the government of Guam (collectively ‘agency’) shall~~  
12 ~~require the approval of the Legislature prior to its implementation, and such approval~~  
13 ~~of any reorganization plan that increases the number of employees shall be necessary~~  
14 ~~prior to a request to the Legislature to appropriate funds for the additional positions.~~

15 ~~(b) Definition. For purposes of this Chapter, *reorganization* means:~~

16 ~~(1) The transfer of the whole or any part of any agency, or of the whole~~  
17 ~~or any part of the functions thereof, to the jurisdiction and control of any other~~  
18 ~~agency;~~

19 ~~(2) The abolition of all or any part of the functions of any agency;~~

20 ~~(3) The consolidation or coordination of the whole or any part of any~~  
21 ~~agency, or of the whole or any part of the functions thereof, with the whole or~~  
22 ~~any part of any other agency or the functions thereof;~~

1           ~~(4) The consolidation or coordination of any part of any agency or the~~  
2 ~~functions thereof with any other part of the same agency or the functions~~  
3 ~~thereof;~~

4           ~~(5) The authorization of any non-elective officer to appoint any~~  
5 ~~individual to perform any of his functions;~~

6           ~~(6) The abolition of the whole or any part of any agency which agency~~  
7 ~~or part does not have, or upon the taking effect of a reorganization plan will~~  
8 ~~not have, any function;~~

9           ~~(7) The establishment of a new agency to perform the whole or any of~~  
10 ~~the functions of an existing agency or agencies; or~~

11           ~~(8) The use of a person under contract to perform functions which~~  
12 ~~regularly are performed or budgeted to be performed by employees appointed~~  
13 ~~under the merit system.”~~

14           **Section 8. General Repealer.** All laws, rules, regulations and policies  
15 dealing with the subject matter of this Act which are inconsistent herewith are  
16 repealed effective the date of issue of the executive order(s) authorized by 5 GCA  
17 §§ 2207 and 2209, as enacted by Section 3 herein, unless a different date is specified  
18 therein.

19           **Section 9. Transition.** Nothing contained herein *shall* be construed to  
20 affect proceedings begun or action taken prior to the effective date of this act,  
21 provided however that the executive order(s) promulgated pursuant to 5 GCA §§  
22 2207 and 2209, as enacted by Section 3 herein, may be made applicable to pending  
23 proceedings if the executive order(s) so state.