

*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
<b>168-34 (COR)</b> As corrected by the Prime Sponsor; amended by the Committee on Appropriations and Adjudication; and further amended on the Floor.	Tommy A. Morrison B. J.F. Cruz William M. Castro	AN ACT TO <i>REPEAL</i> ARTICLE 2 OF CHAPTER 20, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, AND TO <i>ADD</i> A NEW ARTICLE 11 TO CHAPTER 1 OF DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF TECHNOLOGY AS AN AGENCY OF THE GOVERNMENT OF GUAM.	8/31/2017 3:11 p.m. <b>AS CORRECTED</b> 9/14/17 3:53 p.m.	09/15/17	Committee on Appropriations and Adjudication	12/06/17 9:00 a.m.	1/16/18 12:10 p.m. <b>As corrected by the Prime Sponsor; and amended by the Committee on Appropriations and Adjudication.</b>	Fiscal Note Request 12/11/17	
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>PUBLIC LAW NO.</b>	<b>DATE SIGNED</b>	<b>NOTES</b>	
	1/22/2018	AN ACT TO <i>REPEAL</i> ARTICLE 2 OF CHAPTER 20, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED; AND TO <i>ADD</i> A NEW ARTICLE 11 TO CHAPTER 1 OF DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF TECHNOLOGY AS AN AGENCY OF THE GOVERNMENT OF GUAM.	01/26/18	01/29/18 1:45 p.m.	2/9/18	34-76	2/9/2018	Received: 2/13/18 Mess and Comm. Doc. No. 34GL-18-1524.	



**EDDIE BAZA CALVO**  
Governor

**RAY TENORIO**  
Lieutenant Governor

*Office of the Governor Of Guam.*

**FEB 13 2018**

Honorable Benjamin J.F. Cruz  
Speaker  
*I Mina'trentai Kuattro Na Liheslaturan Guahan*  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

*CHA 34-18-1524*  
Speaker Benjamin J.F. Cruz

**FEB 13 2018**

Time: 3:08 (1) AM-11 PM File No. 34-1522  
Received By: elms

Dear Mr. Speaker:

Transmitted herewith is Bill No. 168-34 (COR), "AN ACT TO REPEAL ARTICLE 2 OF CHAPTER 20, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED; AND TO ADD A NEW ARTICLE 11 TO CHAPTER 1 OF DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF TECHNOLOGY AS AN AGENCY OF THE GOVERNMENT OF GUAM," which was signed on February 9, 2018, as Public Law 34-76.

*Senseramente,*

  
**EDDIE BAZA CALVO**

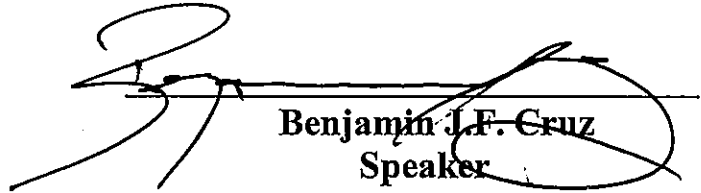
2018 FEB 13 PM 3:48  
L.S.



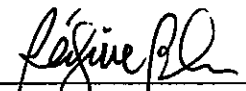
*I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN*  
2018 (SECOND) Regular Session

**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÁHEN GUÁHAN***


This is to certify that Bill No. 168-34 (COR), "AN ACT TO *REPEAL* ARTICLE 2 OF CHAPTER 20, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED; AND TO *ADD* A NEW ARTICLE 11 TO CHAPTER 1 OF DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF TECHNOLOGY AS AN AGENCY OF THE GOVERNMENT OF GUAM," was on the 26<sup>th</sup> day of January 2018, duly and regularly passed.

  
Benjamin J.F. Cruz  
Speaker

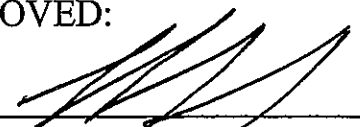
Attested:

  
Régine Biscoe Lee  
Legislative Secretary

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This Act was received by *I Maga'láhen Guáhan* this 29 day of JAN,  
2018, at 1:45 o'clock P.M.

  
Assistant Staff Officer  
*Maga'láhi's* Office

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'láhen Guáhan*

Date: FEB 09 2018

Public Law No. 34-76

**I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN**  
**2017 (FIRST) Regular Session**

**Bill No. 168-34 (COR)**

As corrected by the Prime Sponsor;  
amended by the Committee on Appropriations  
and Adjudication; and further amended on  
the Floor.

Introduced by:

Tommy Morrison  
B. J.F. Cruz  
William M. Castro  
Thomas C. Ada  
FRANK B. AGUON, JR.  
James V. Espaldon  
Fernando Barcinas Esteves  
Régine Biscoe Lee  
Louise B. Muña  
Telena Cruz Nelson  
Dennis G. Rodriguez, Jr.  
Joe S. San Agustin  
Michael F.Q. San Nicolas  
Therese M. Terlaje  
Mary Camacho Torres

**AN ACT TO REPEAL ARTICLE 2 OF CHAPTER 20,  
DIVISION 2, TITLE 5, GUAM CODE ANNOTATED; AND  
TO ADD A NEW ARTICLE 11 TO CHAPTER 1 OF  
DIVISION 1, TITLE 5, GUAM CODE ANNOTATED,  
RELATIVE TO ESTABLISHING THE OFFICE OF  
TECHNOLOGY AS AN AGENCY OF THE  
GOVERNMENT OF GUAM.**

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

2        **Section 1.** Article 2 of Chapter 20, Division 2, Title 5, Guam Code  
3        Annotated, is hereby *repealed*.

4        **Section 2.** A new Article 11 is hereby *added* to Chapter 1 of Division  
5        1, Title 5, Guam Code Annotated, to read as follows:

1 "ARTICLE 11

2 OFFICE OF TECHNOLOGY

3 § 1935. Findings and Purposes.

4 § 1936. Scope of Authority.

5 § 1937. Definitions.

6 § 1938. Office of Technology; Chief Technology Officer;  
7 Appointment and Qualifications.

8 § 1939. Powers and Duties of the Chief Technology Officer;  
9 Generally.

10 § 1940. Duties of the Chief Technology Officer Relating to Security  
11 of Government Information.

12 § 1941. Project Management Duties of the Chief Technology  
13 Officer.

14 § 1942. Major Information Technology Projects Proposals and the  
15 Establishment of Steering Committees.

16 § 1943. Notice of Request for Proposals by Agencies/Programs  
17 Required to Make Purchases Through the Guam General Services Agency.

18 § 1944. Notice of Request for Proposals by an Agency/Program  
19 Exempted from Submitting Purchases to the Guam General Services Agency.

20 § 1945. Exemptions.

21 § 1946. Voluntary Assistance.

22 § 1947. Applicability of Succession of Article.

23 § 1948. Semi-Annual Reporting.

24 § 1935. Findings and Purposes.

25 *I Liheslaturan Guåhan* finds and declares that information technology is  
26 essential to finding practical solutions to the everyday problems of government,  
27 and that the management goals and purposes of government are furthered by the

1 development of compatible, linked information systems across government.  
2 Therefore, it is the purpose of this Article to create the Office of Technology  
3 with the authority to advise and make recommendations to all local  
4 governmental units on their information systems, and to have the authority to  
5 oversee coordination of the government's technical infrastructure.

6       **§ 1936.     Scope of Authority.**

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

11       **§ 1937.     Definitions.**

12       As used in this Article:

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

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

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

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

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

6 (f) *Chief Technology Officer* means the person holding the position  
7 created in § 1938 of this Article, and vested with the authority to oversee  
8 agencies/programs in planning and coordinating information systems that serve  
9 the effectiveness and efficiency of the government and individual  
10 agencies/programs, and further the overall management goals and purposes of  
11 government;

12 (g) *technical infrastructure* means all information systems,  
13 information technology, information equipment, telecommunications, and  
14 related services, as defined in this Section;

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

19 (i) *major information technology project* means any information  
20 technology project estimated to cost more than One Hundred Thousand Dollars  
21 (\$100,000), or require more than three hundred (300) man hours to complete;  
22 and

23 (j) *steering committee* means an internal agency oversight committee  
24 established jointly by the Chief Technology Officer and the agency requesting  
25 the project, which *shall* include representatives from the Office of Technology  
26 and at least one (1) representative from the agency requesting the project.

1           **§ 1938. Office of Technology; Chief Technology Officer;**  
2 **Appointment and Qualifications.**

3           (a) There is within the Executive Branch an agency of the government  
4 of Guam known as the Office of Technology. The head of the Office of  
5 Technology *shall* be the Chief Technology Officer who *shall* be appointed by *I*  
6 *Maga'låhen Guåhan* (the Governor) with the advice and consent of *I*  
7 *Lihselaturan Guåhan* (the Legislature). *I Maga'låhen Guåhan* may create and  
8 empanel an advisory council within the Office of Technology to provide  
9 guidance and expertise to the Chief Technology Officer and the Office of  
10 Technology staff. The Chief Technology Officer *shall* have knowledge in the  
11 field of information technology, experience in the design and management of  
12 information systems and an understanding of the special demands upon  
13 government with respect to budgetary constraints, the protection of privacy  
14 interests, and federal and local standards of accountability. The Chief  
15 Technology Officer *shall* be responsible for the administration of this Article  
16 and *shall* supervise the staff of the Office of Technology. The staff *shall* be  
17 organized into such divisions, sections, or units as are sufficient to perform the  
18 responsibilities outlined in this Article.

19           (b) The candidate for the position of Chief Technology Officer *shall*  
20 have at least five (5) years of managerial experience in the field of information  
21 technology, management information systems, financial information systems, or  
22 closely related field, in a company or governmental agency with revenues in  
23 excess of Ten Million Dollars (\$10,000,000).

24           **§ 1939. Powers and Duties of the Chief Technology Officer;**  
25 **Generally.**

26           (a) With respect to all agencies/programs, the Chief Technology  
27 Officer may:



1           (1) develop an organized approach to information resource  
2 management for the government of Guam;

3           (2) provide, with the assistance of the  
4 information/technology/communications services of the Department of  
5 Administration, technical assistance to the administrators of the various  
6 agencies/programs in the design and management of information systems;

7           (3) evaluate, in conjunction with the Information Services and  
8 Communications Division, the economic justification, system design and  
9 suitability of information equipment and related services, and review and  
10 make recommendations on the purchase, lease or acquisition of  
11 information equipment, and contracts for related services by the  
12 agencies/programs;

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

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

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

25           (7) engage in any other activities as directed by *I Maga'låhen*  
26 *Guåhan*;

1           (8) monitor trends and advances in information technology and  
2 technical infrastructure;

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

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

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

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

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

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

24                   (F) technical and data standards for the connectivity,  
25 priorities and interoperability of technical infrastructure used for  
26 homeland security, public safety and health, and systems reliability

1 necessary to provide continuity of government operations in times  
2 of disaster or emergency; and

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

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

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

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

19 (13) periodically evaluate government-wide public  
20 safety/homeland security communications system/network requirements,  
21 inclusive of the "911" system, and report findings and recommendations  
22 to *I Maga'låhen Guåhan* and *I Liheslaturan Guåhan*, and provide support  
23 for the procurement, installation and operation of such systems/networks;  
24 and

25 (14) promulgate rules as may be necessary to standardize and  
26 make effective the administration of the provisions of Article 6 of Chapter  
27 20 of Title 5 of the Guam Code Annotated.

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

3 (1) develop a unified and integrated structure for information  
4 systems for all executive agencies, consistent with respective Standard  
5 Operating Procedures, local and federal regulations, and industry  
6 standards;

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

10 (3) exercise authority delegated by *I Maga'låhi* (the Governor)  
11 by executive order to overrule and supersede decisions made by the  
12 administrators of the various executive agencies of government with  
13 respect to the design and management of information systems and the  
14 purchase, lease or acquisition of information equipment and contracts for  
15 related services;

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

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

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

26 (d) The Chief Technology Officer *shall* oversee telecommunications  
27 services used by agencies/programs for the purpose of maximizing efficiency to

1 the fullest possible extent. The Chief Technology Officer may establish  
2 microwave or other networks and hops; audit telecommunications services and  
3 usage; recommend and develop strategies for the discontinuance of obsolete or  
4 excessive utilization; participate in the renegotiation of telecommunications  
5 contracts; and encourage the use of technology and take other actions necessary  
6 to provide the greatest value to the government of Guam.

7       **§ 1940. Duties of the Chief Technology Officer Relating to**  
8 **Security of Government Information.**

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

17       (b) Annual Audits.

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

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

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

26       (d) All public bodies subject to the audits required by this Section *shall*  
27 fully cooperate with the entity designated to perform the audit.

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

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

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

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

15 (i) In consultation with the Adjutant General, the Chief of Police, the  
16 Fire Chief, and the Director of the Division of Homeland Security, the Chief  
17 Technology Officer is responsible for the development and maintenance of an  
18 information systems disaster recovery system for the government of Guam with  
19 redundant sites in two (2) or more locations isolated from reasonably perceived  
20 threats to the primary operations of the government of Guam. The Chief  
21 Technology Officer *shall* develop specifications, funding mechanisms and  
22 participation requirements for all executive branch agencies to protect the  
23 government of Guam's essential data, information systems, and critical  
24 government services in times of emergency, inoperativeness, or disaster. Each  
25 executive branch agency *shall* assist the Chief Technology Officer in planning  
26 for its specific needs, and provide to the Chief Technology Officer any  
27 information or access to information systems or equipment that may be required

1 in carrying out this purpose. No government-wide or executive branch agency  
2 procurement of disaster recovery services may be initiated, let or extended  
3 without the expressed consent of the Chief Technology Officer.

4       **§ 1941. Project Management Duties of the Chief Technology**  
5 **Officer.**

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

11       **§ 1942. Major Information Technology Projects Proposals and**  
12 **the Establishment of Steering Committees.**

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

20       (b) The proposal will further include:

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

23           (2) a business process analysis, if applicable;

24           (3) system requirements, if known;

25           (4) a proposed development plan and project management  
26 structure;

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

1           (6) a proposed resource or funding plan.

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

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

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

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

17          **§ 1943. Notice of Request for Proposals by Agencies/Programs**  
18 **Required to Make Purchases Through the Guam General Services Agency.**

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



1 Technology Officer prior to the time it submits its request for proposal to the  
2 Guam General Services Agency.

3       **§ 1944. Notice of Request for Proposals by an Agency/Program**  
4 **Exempted from Submitting Purchases to the Guam General Services**  
5 **Agency.**

6       (a) Any agency/program that is not required to submit a request for  
7 proposal to the Guam General Services Agency prior to purchasing goods or  
8 services *shall* notify the Chief Technology Officer, in writing, of any proposed  
9 purchase of goods or services related to its information technology or  
10 telecommunications systems. The notice *shall* contain a detailed description of  
11 the goods and services to be purchased. The agency/program *shall* provide the  
12 notice to the Chief Technology Officer a minimum of ten (10) days prior to the  
13 time it requests bids on the provision of the goods or services.

14       (b) If the Chief Technology Officer evaluates the suitability of the  
15 information technology and telecommunications equipment and related services  
16 under the provisions of § 1939(a)(3) of this Article, and determines that the  
17 goods or services to be purchased are not suitable, he or she *shall*, within ten  
18 (10) days of receiving the notice from the agency/program, notify the  
19 agency/program, in writing, of any recommendations he or she has regarding the  
20 proposed purchase of the goods or services. If the agency/program receives a  
21 written notice from the Chief Technology Officer within the time period  
22 required by this Section, the agency/program *shall not* put the goods or services  
23 out for bid less than fifteen (15) days following receipt of the notice from the  
24 Chief Technology Officer.

25       **§ 1945. Exemptions.**

26       (a) The provisions of this Article *shall not* apply to autonomous  
27 agencies as defined by 12 GCA, *I Liheslaturan Guåhan*, the Judiciary, the Public

1 Defender Service Corporation, the Office of Public Accountability, and the  
2 Office of the Attorney General.

3 (b) Notwithstanding any other provision of this Article to the contrary,  
4 except for participation in the compilation and maintenance of an inventory of  
5 information technology and technical infrastructure of the government of Guam  
6 authorized by § 1939 of this Article, the provisions of this Article *shall not* apply  
7 to the Guam Department of Education. The Guam Department of Education may  
8 cooperate and collaborate with the Chief Technology Officer to the extent  
9 feasible.

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

14 **§ 1946. Voluntary Assistance.**

15 Any branch or agency exempt from the provisions of this Article by §  
16 1945(a) of the same, may, by memorandum of understanding, avail itself of any  
17 of the services offered by the Office of Technology if such branch or agency  
18 determines that acquiring such services is feasible. Such memorandum of  
19 understanding may include fees and costs paid by the branch or agency, except  
20 that no fees for such services shall be paid by the Office of Attorney General or  
21 the Office of Public Accountability. The Chief Technology Officer *shall* create  
22 a schedule of fees, rates, and other consideration for services rendered to other  
23 government of Guam agencies, departments, public corporations and  
24 instrumentalities. Such schedule and any changes to such schedule must be  
25 approved by *I Maga'låhen Guåhan* and transmitted to *I Liheslaturan Guåhan* in  
26 bill form. The fee schedule and any future changes to the fee schedule *shall* be

1 subject to approval by *I Liheslaturan Guåhan* after the following conditions are  
2 met:

3 (a) at least one (1) public hearing for the affected agencies on  
4 the fee schedules is held by the Office of Technology pursuant to Chapter  
5 9 of 5 GCA; and

6 (b) submission of the fee schedule to *I Liheslaturan Guåhan*,  
7 inclusive of the minutes of such hearing(s) on the fee schedules. Prior to  
8 initiating services requested by an agency where fees, rates or other  
9 consideration are required, the work order for such services must be  
10 certified for availability of funds and approved by the agency's approving  
11 officer.

12 **§ 1947. Applicability of Succession of Article.**

13 All references to "Automated Data Processing Act," as contained in  
14 Article 2, Chapter 20, 5 GCA prior to the enactment of P.L. 32-10 and this Act,  
15 *shall* henceforth refer to the Office of Technology. The Compiler of Laws *shall*  
16 make appropriate changes in the codification of public law consistent with this  
17 Section.

18 The Office of Technology *shall* assume all personnel, funding, facilities,  
19 equipment, supplies, records, and obligations required by contract, memoranda  
20 of understanding, rule, regulation and executive order, of the Department of  
21 Administration as related to the operation of Article 2, Chapter 20, 5 GCA prior  
22 to the enactment of P.L. 32-10. All personnel, funding, facilities, equipment,  
23 supplies, records, and obligations required by contract, memoranda of  
24 understanding, rule, regulation and executive order, of the Office of Technology  
25 following the enactment of P.L. 32-10 *shall* also be transferred from the  
26 Department of Administration to the Office of Technology as established by this  
27 Article.

1           **§ 1948.     Semi-Annual Reporting.** The Chief Technology Officer  
2 *shall* submit a report to *I Liheslaturan Guåhan* every six (6) months on the  
3 activities of the Office of Technology.”

4           **Section 3.   Reorganization Plan.** The Chief Technology Officer of the  
5 Office of Technology *shall* within one hundred eighty (180) days of enactment  
6 of this Act, and as part of each budget preparation of this Office, transmit a  
7 proposed reorganization plan for the Office of Technology and a Technology  
8 Master Plan of the government of Guam to *I Liheslaturan Guåhan* and *I*  
9 *Maga'låhen Guåhan* for consideration, of any and all divisions within the  
10 government of Guam to unify the necessary purposes and functions of this  
11 Office throughout the government of Guam.

12           **Section 4.   Effective Date.** This Act *shall* become effective October 1,  
13 2018. The Office of Technology and the Department of Administration *shall*  
14 complete all transition requirements no later than December 31, 2018.

15           **Section 5.   Severability.** If any provision of this Act or its application to any  
16 person or circumstance is found to be invalid, or contrary to law, such invalidity  
17 *shall not* affect other provisions or applications of this Act that can be given effect  
18 without the invalid provision or application, and to this end the provisions of this  
19 Act are severable.