

I Mina Trentai Kuåtto Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
23-34 (COR) As amended on the Floor.	Michael F.Q. San Nicolas Fernando Barcinas Esteves	AN ACT TO ADD A NEW § 3132 TO ARTICLE 1 CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED; RELATIVE TO THE ESTABLISHMENT OF OPERATIONAL CONTINUITY PLANS FOR EACH AGENCY OF THE GOVERNMENT OF GUAM.	2/16/17 4:29 p.m.	2/20/17	Committee on General Government Operations and Federal, Foreign, and Regional Affairs	3/16/17 10:30 a.m.	5/19/17 11:01 a.m. As corrected by the Prime Sponsor; and amended by the Committee on Environment, Land, Agriculture, and Procurement Reform.	Fiscal Note Request 2/20/17 Fiscal Note 3/10/17	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	VETOED		NOTES	
	4/24/17	AN ACT TO ADD A NEW § 3132 TO ARTICLE 1 OF CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF OPERATIONAL CONTINUITY PLANS FOR EACH AGENCY OF THE GOVERNMENT OF GUAM.	4/27/17	4/28/17 6:02 p.m. As amended on the Floor.	5/10/17	5/10/2017		Received: 05/10/17 Mess and Comm. Doc. No. 34GL-17-0503.	
	SESSION DATE		DATE PASSED	TRANSMITTED	PUBLIC LAW		DATE	NOTES	
2/19/18		OVERIDDEN 2/19/18	2/20/18 3:44 p.m.	34-82		2/23/2018	Received: 2/23/18 Mess and Comm. Doc. No. 34GL-18-1568.		



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam.

FEB 23 2018

GL# 34-18-1568
Speaker Benjamin J.F. Cruz

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

FEB 23 2018

Time: 4:12 [] AM [x] PM File No. _____
Received By: [Signature]

Dear Mr. Speaker:

Transmitted herewith is Bill No. 23-34 (COR), "AN ACT TO ADD A NEW § 3132 TO ARTICLE 1 OF CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF OPERATIONAL CONTINUITY PLANS FOR EACH AGENCY OF THE GOVERNMENT OF GUAM", which was vetoed on May 10, 2017. The legislation is now designated as **Public Law 34-82**.

Senseramente,


EDDIE BAZA CALVO

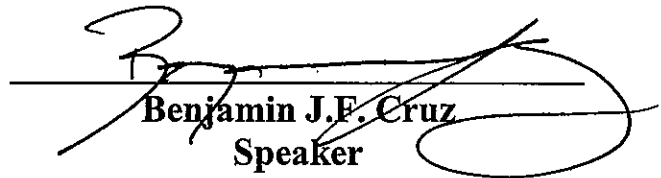
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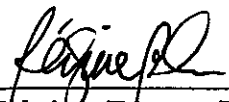
I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2018 (SECOND) Regular Session

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


This is to certify that **Bill No. 23-34 (COR)**, “AN ACT TO *ADD* A NEW § 3132 TO ARTICLE 1 OF CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF OPERATIONAL CONTINUITY PLANS FOR EACH AGENCY OF THE GOVERNMENT OF GUAM,” was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 19th day of February 2018, to pass said bill notwithstanding the veto of *I Maga'låhen Guåhan* by a vote of twelve (12) members.


Benjamin J.F. Cruz
Speaker

Attested:


Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 20 day of FEB, 2018,
at 3:44 o'clock P.m.


Assistant Staff Officer
Maga'låhi's Office

Public Law No. 31-82

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

Bill No. 23-34 (COR)

As amended on the Floor.

Introduced by:

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

**AN ACT TO *ADD* A NEW § 3132 TO ARTICLE 1 OF
CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED,
RELATIVE TO THE ESTABLISHMENT OF
OPERATIONAL CONTINUITY PLANS FOR EACH
AGENCY OF THE GOVERNMENT OF GUAM.**

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

2 **Section 1. Short Title.** This Act *shall* be cited as the “Responsible
3 Operational Continuity Plans Act.”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guáhan* finds
5 that the continuity of operations for the government of Guam in the event of any
6 emergency resulting from a natural or other disaster or hostile action is necessary for

1 the security of individuals and property on Guam. Additionally, some circumstances
2 may adversely impact operational continuity for agencies that do not arise from
3 emergency conditions, such as loss of personnel by attrition, breakdown of
4 equipment, the loss of records due to a systems failure, unavailability of a facility
5 necessary for the provision of services, or a reduction in available funding during
6 the fiscal year due to unforeseen circumstances.

7 *I Liheslaturan Guåhan* finds that in recent years, system failures have
8 undermined quality and timely service at the Department of Public Health and Social
9 Service’s Office of Vital Statistics and the Department of Revenue and Taxation.
10 The establishment of an operational continuity plan for each agency can address
11 establishing protocols to minimize the loss of electronic records from such failures
12 when they occur in the future.

13 *I Liheslatura* finds that on Monday, August 31, 2015, a fire had broken out in
14 the Cabras 3 and 4 power stations. The temporary loss of the Cabras 3 and 4 power
15 stations, respectively, posed significant challenges for the Guam Power Authority.
16 The establishment of operational continuity plans for the loss of generating capacity
17 under a number of alternative plausible scenarios could ultimately translate to better
18 preparation of personnel and capital equipment in such events, if they may
19 occasionally occur in the future.

20 *I Liheslatura* further finds that unforeseen circumstances, such as a natural or
21 man-made disaster, a sudden downturn in tourism due to an unanticipated
22 geopolitical situation, or the enactment of a large income tax cut while Guam’s
23 territorial income tax remains mirrored on the federal income tax, could have
24 negative effects on the funding levels available to support government operations.

25 *I Liheslaturan Guåhan* finds that, as Governor Edward J.B. Calvo wrote in a
26 letter dated November 27, 2013 to Speaker Judith T.P. Won Pat, Ed.D. on this issue,
27 “Public health and safety is a priority for this Administration and the Government of

1 Guam.” In that spirit, *I Liheslatura* intends that the policy framework be established
2 to ensure the health and safety of our community during and after disasters, natural
3 or otherwise.

4 *I Liheslatura* further finds that such agency operational continuity plans as
5 outlined in this Act may become components of an overall plan to assure the
6 continuity of operations in government.

7 *I Liheslaturan Guåhan* finds that operational continuity is a basic function of
8 any agency of the government. Disasters occur, whether there are operational
9 continuity plans in place or not. When a disaster occurs, a government that plans in
10 advance is in a better position to respond than a government that is not guided by
11 established procedures and plans.

12 It is, therefore, the intent of *I Liheslaturan Guåhan* that each agency of the
13 government of Guam should establish and maintain an up-to-date operational
14 continuity plan to achieve maximum operational continuity during events that would
15 disrupt the ability of the agency to operate.

16 **Section 3. Agency Operational Continuity Plans.** A new § 3132 is hereby
17 *added* to Article 1 of Chapter 3, Title 5, Guam Code Annotated, to read:

18 “§ 3132. **Agency Operational Continuity Plans.**

19 The Director or equivalent officer of each agency and instrumentality
20 of the government of Guam *shall* establish an operational continuity plan.
21 Each such plan *shall* be reviewed annually for adequacy and so ratified by the
22 governing board or, in the absence of a governing board, *I Maga'låhen*
23 *Guåhan*, on or before October 1st with amendments. Copies of each plan, to
24 include those annually reviewed, *shall* be transmitted to *I Maga'låhen*
25 *Guåhan* and the Speaker of *I Liheslaturan Guåhan* no later than five (5)
26 working days following the ratification thereof. Such plan *shall* include, but
27 not be limited to, provisions for:

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

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

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

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

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

12 (5) unanticipated reduced funding levels during the fiscal year
13 relative to the appropriated level by ten percent (10%), twenty
14 percent (20%), or thirty percent (30%);

15 (6) any combination of the above through reasonably
16 foreseeable instances, such as a natural or other disaster or act,
17 or omission of the agency or other entities, including hostile acts;
18 or

19 (7) any additional areas so identified by the governing board,
20 or in the absence of a governing board, *I Maga'låhen Guåhan*;

21 (b) the maintenance of maximum operational continuity in the event
22 of any situation that would disrupt the ability of the agency to operate
23 pursuant to Subsection (a) of this Section; and

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