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CH. 12 MODERNIZATION AND RIGHTSIZING COMMISSION

CHAPTER 12

**MODERNIZATION AND RIGHTSIZING COMMISSION OF THE
GOVERNMENT OF GUAM FOR THE 21ST CENTURY
(COMRIGHT-21)**

SOURCE: Added as the Sunset and Rightsizing Commission by P.L. 29-002:VI:12 (May 18, 2007). Repealed and reenacted as the Modernization and Rightsizing Commission by P.L. 29-019:VI:72 (Sept. 29, 2007).

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§ 12101. Title.

This Chapter *shall* be known and cited as “The Government Reorganization and Program Performance Improvement Act of 2007.”

§ 12102. Purpose and Policy.

The purpose of this Chapter is to promote simplicity, economy, efficiency, modernization, and streamlining of the delivery of services by the executive branch of the government of Guam. The executive branch should pursue accelerated economic growth and encourage social development by:

- (a) Determining whether agencies and programs work and recommending dissolution of those that do not work;
- (b) Promoting the modernization and streamlining of government consistent with the public service needs of the citizenry by enhancing the skills of public service personnel through continuous training and education;
- (c) Eliminating duplication of services, activities, and functions not necessary to the efficient conduct of government through

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consolidation and integration;

(d) Determining which mandates imposed on the executive branch are adequately funded, unfunded *or* under-funded; and

(e) Eliminating unnecessary mandates.

§ 12103. Establishment of Modernization and Rightsizing Commission.

There is hereby established the Modernization and Rightsizing Commission of the Government of Guam for the Twenty-first (21st) Century and Beyond (COMRIGHT-21) that *shall* review the performance of all executive branch agencies, departments, programs, boards and commissions.

§ 12104. Membership of COMRIGHT-21.

The COMRIGHT-21 Commission *shall* be comprised of eleven (11) members as follows:

(a) Three (3) who *shall* be appointed by *I Maga'lahi*;

(b) Two (2) who *shall* be appointed by *I Liheslaturan Guåhan*, one (1) of whom *shall* be appointed by the Speaker who may appoint himself, and one (1) of whom *shall* be appointed by the Minority Leader, who may appoint himself.

(c) Three (3) members from the Judiciary appointed by the Chief Justice of the Supreme Court of Guam, at least one (1) of whom *shall* be from the classified service of the Guam Judiciary and at least one (1) of whom *shall* not be a government employee;

(d) One (1) member *shall* be appointed by the President of the Mayor's Council, who may appoint himself;

(e) The Public Auditor of Guam, who *shall* serve *ex officio*; and

(f) The Director of the Civil Service Commission, who *shall* serve *ex officio*.

Any appointed member of the COMRIGHT-21 who fails to attend three (3) consecutive regularly scheduled meetings, without being excused by a motion passed by the COMRIGHT-21, *shall* be automatically disqualified from serving and the respective appointing

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authority *shall* appoint a replacement for that member. The term of any appointee *shall* expire with the term in office of the respective appointing authority, unless he is reappointed.

§ 12105. Organization of COMRIGHT-21.

(a) COMRIGHT-21 *shall* elect from among its membership a Chairperson, Vice Chairperson, Secretary and Spokesperson of COMRIGHT-21 at its first organizational meeting.

(b) The Chairperson, with the approval of COMRIGHT-21, *shall* describe in accordance with applicable Civil Service laws and personnel rules, and after consultation with the officials of the various instrumentalities of the government of Guam, such personnel as he deems necessary for COMRIGHT-21 to perform its duties.

(c) The office of COMRIGHT-21 *shall* be located at the Bureau of Statistics and Plans (BSP). BSP *shall* serve as the Secretariat of COMRIGHT-21 and *shall* provide administrative clerical and professional services to COMRIGHT-21. Logistical support and resources for the BSP in support of COMRIGHT-21 *shall* be provided by the Bureau of Budget Management Research (BBMR) and the Guam State Clearing House. *If* necessary, BSP *shall* provide an annual budget request to *I Liheslatura* on COMRIGHT-21's behalf for Fiscal Year 2008.

(d) The Office of Public Accountability, the Guam Election Commission and the offices of the Village Mayors are excluded from COMRIGHT-21 purview.

2009 NOTE: Reference to Office of Public Auditor changed to Office of Public Accountability pursuant to P.L. 30-027:2 (June 16, 2009).

§ 12106. Duties of COMRIGHT-21.

(a) In order to promote economy, efficiency, modernization and streamlining of the government of Guam, COMRIGHT-21 *shall* review and investigate the present status of the departments, agencies, offices, and instrumentalities of the executive branch of government, including government owned *or* controlled corporations, commissions and programs according to a schedule COMRIGHT-21 *shall* prepare, but *no later than* one (1) year after enactment of this act. No such office, agency, program *or* function *shall* be continued beyond a period

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authorized by law *or* beyond a time when it would have terminated without COMRIGHT-21 review.

(b) All executive branch agencies, departments, commissions and programs *shall* be realigned, modified *or* abolished one (1) year after COMRIGHT-21 submits its recommendations and report thereon to *I Maga'lahi* and the Speaker of *I Liheslaturan Guåhan*, unless the agency *or* program is re-established by law. COMRIGHT-21 may extend the deadline for abolition of an agency *or* program for one (1) additional year.

(c) COMRIGHT-21 *shall* review all legal mandates imposed on the government of Guam by existing law, including all unfunded and underfunded mandates (1950 to present) and formulate policies consistent with existing law that it *shall* follow in executing this Chapter.

(d) COMRIGHT-21 *shall* conduct public hearings for the purposes of consulting with public officers and their employees and of reconciling conflicting interests that arise from modernization and streamlining.

(e) In its review of government agencies and in proposing reforms pursuant to this Chapter, COMRIGHT-21 *shall* consider and make use of such studies and recommendations as may be presented to it by *I Maga'lahi* and such other governmental units *or* agencies as it may designate *or* such private entities and individuals as it may deem advisable for improving the performance of the agencies *or* programs.

(f) COMRIGHT-21 *shall* recommend to *I Maga'lahi* and *I Liheslatura* the merger, coordination, consolidation, *or* integration of departments, agencies, offices, instrumentalities, and functions of the government, and the transfer of functions, appropriations, equipment, property, records and personnel from one (1) department, agency, office *or* instrumentality to another.

(g) COMRIGHT-21 *shall* recommend to *I Maga'lahi* and *I Liheslatura* the dissolution *or* termination of departments, agencies, offices, instrumentalities, programs *or* functions that are not necessary for the efficient conduct of government functions, services and activities.

(h) COMRIGHT-21 *shall* recommend to *I Maga'lahi* and *I Liheslatura* the elimination *or* consolidation of overlapping and duplicative services, functions and activities of the government.

(i) COMRIGHT-21 *shall* recommend to *I Maga'lahi* and *I*

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Liheslatura the creation, classification and dissolution of employment positions.

(j) COMRIGHT-21 *shall* recommend to *I Maga'lahi* and *I Liheslatura* the standardization of salaries, materials and equipment throughout the government; suggest changes to existing law; and create and submit new legislation to *I Liheslatura*.

§ 12107. Obtaining Information from Executive Branch Agencies.

COMRIGHT-21 is authorized to obtain directly from any executive department, bureau, agency, board, commission, office, public corporation, or instrumentality of the government of Guam any and all information needed to execute its functions.

§ 12108. Exemption.

No regulations enacted in order to protect the environment, health, safety, *or* civil rights shall be terminated pursuant to this Chapter.

§ 12109. Severability.

If any provision of this Act or its application to any person *or* circumstances is held invalid, the invalidity shall *not* affect other provisions *or* applications of this Act which can be given effect without the invalid provision *or* application, and to this end the provisions of this Act are severable.