FILE

**EDDIE BAZA CALVO**
*Governor*

**RAY TENORIO**
*Lieutenant Governor*

*Office of the Governor Of Guam*

DEC 31 2018

Honorable Therese M. Terlaje
Acting Speaker
*I Mina'trentai Kuåttro Na Liheslaturan Guåhan*
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hon. Speaker Therese M. Terlaje
34GL-18-2733
DEC 31 2018
Time: 16:20
Received by:

2018 JAN -2 AM 9:25

Dear Madame Speaker:

Transmitted herewith is Bill No. 325-34 (COR), **"AN ACT TO *AMEND* § 12311 OF ARTICLE 3, CHAPTER 12, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING CRIMINAL LIABILITY FOR VIOLATIONS OF THE LAW ASSOCIATED WITH THE "911" SURCHARGE AND THE ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND,"** which lapsed on December 29, 2018, as **Public Law 34-169.**

*Senseramente,*

**EDDIE BAZA CALVO**



2733

*I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN*
**2018 (SECOND) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN***

This is to certify that **Bill No. 325-34 (COR), "AN ACT TO *AMEND* § 12311 OF ARTICLE 3, CHAPTER 12, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING CRIMINAL LIABILITY FOR VIOLATIONS OF THE LAW ASSOCIATED WITH THE "911" SURCHARGE AND THE ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND,"** was on the 17th day of December 2018, duly and regularly passed.

**Therese M. Terlaje**
**Acting Speaker**

Attested:

**Régine Biscoe Lee**
**Legislative Secretary**

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This Act was received by *I Maga'låhen Guåhan* this 17th day of DEC, 2018, at 5:30 o'clock P.M.

ESS
Assistant Staff Officer
*Maga'låhi's* Office

APPROVED:

EDWARD J.B. CALVO
*I Maga'låhen Guåhan*

Date: DEC 29 2018

Public Law No. 34-169

*I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN*
**2018 (SECOND) Regular Session**

**Bill No. 325-34 (COR)**
As amended by the Committee on Housing,
Utilities, Public Safety and Homeland Security.

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

**AN ACT TO *AMEND* § 12311 OF ARTICLE 3, CHAPTER 12, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING CRIMINAL LIABILITY FOR VIOLATIONS OF THE LAW ASSOCIATED WITH THE "911" SURCHARGE AND THE ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that Public Law 25-55 established both an organized "911" Emergency Telephone System and a funding source, the Enhanced 911 Emergency Reporting System Fund (Fund), for said system. The law allowed a 911 surcharge to be assessed to users of

local telephone lines and directed the surcharge fees collected to be deposited in the Fund for sole use toward enhanced 911 equipment and systems costs described in the Act. The collection of the 911 surcharge and the establishment of the Fund were in accordance with the Communications Act of 1934, and later, the Wireless Communications and Public Safety Act of 1999 and the NET 911 Improvement Act of 2008.

However, recent findings by *I Liheslaturan Guåhan* and multiple inquiries by the Federal Communications Commission with regards to the transferring of monies out of the Fund have brought to light questionable financial management practices by the governmental entities responsible for the Fund. The public admission from a senior administration official that monies were transferred out of the Fund for purposes not related to the emergency response system is in direct contravention to local and federal statutes.

Currently, Guam law gives the Public Utilities Commission (PUC) the sole discretion to determine whether an investigation into a potential violation of the law is warranted. There must be an official process that allows members of the general public to report possible violations of the law to the PUC, which must, in turn, investigate.

It is, therefore, the intent of *I Liheslaturan Guåhan* to amend the statute associated with the 911 Surcharge and the Enhanced 911 Emergency Reporting System Fund.

**Section 2.** § 12311 of Article 3, Chapter 12, Title 12, Guam Code Annotated, is hereby *amended* to read:

"**§ 12311. Violations of This Act.**

(a) Any person or persons who believe that a violation of a provision of this Act, or of an order of the Commission, has occurred, may file a written complaint to the Commission describing such violation. The Commission

*shall* investigate said complaint and arrive at a determination within thirty (30) days of the complaint submission.

(b) Any person or entity that the Commission determines has violated any provision of this Act, or any Commission order, *shall* be given proper notice and be allowed a reasonable opportunity to cure the violation.

(c) Thereafter, in the event of failure to cure, the Commission may refer the violation to the Attorney General's Office for prosecution.

(d) Any person or persons who, having the responsibility of complying with this Act or a Commission order, willfully and knowingly fails to cure such violation *shall* be fined a civil penalty not to exceed Five Hundred Dollars ($500.00) for each day during which such offense occurs, or a criminal penalty of imprisonment for a term not exceeding one (1) year per infraction, or both. Any such fine *shall* be deposited in the Fund."

**Section 3. Effective Date.** This Act *shall* be effective upon enactment.

**Section 4. 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 applications of this Act that can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.