



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

08 FEB 2006

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 135(EC), "AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 32 OF TITLE 5 OF THE GCA RELATIVE TO PREVENTING THE INAPPROPRIATE DISCLOSURE AND MISAPPROPRIATION OF SOCIAL SECURITY NUMBERS, OTHERWISE TO BE KNOWN AS THE 'SOCIAL SECURITY NUMBER CONFIDENTIALITY ACT'," which I signed into law on February 7, 2006, as Public Law 28-95.

Sinseru yan Magàhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Office of the Speaker

MARK FORBES
Date: 01/09/06
Time: 5:30
by: [Signature]
Name: R. J. - B. J. -
28-06-0695

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: Nikole
Print Name & Initial
Time: 4:22 Date: 2-15-06

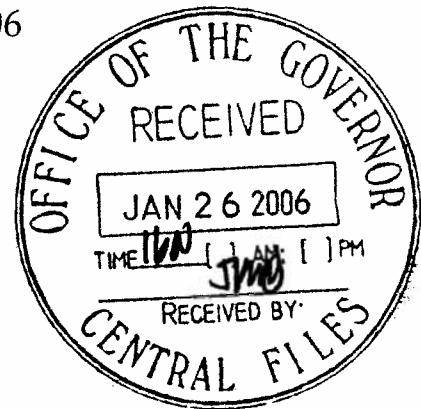
592



MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

January 25, 2006

The Honorable Felix P. Camacho
I Maga'lahaen Guåhan
Ufisinin I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 90(EC), 147(LS), 160(EC), 206(EC) & 246(EC), and Substitute Bill Nos. 135(EC) & 233(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on January 25, 2006.

Sincerely,



EDWARD J.B. CALVO

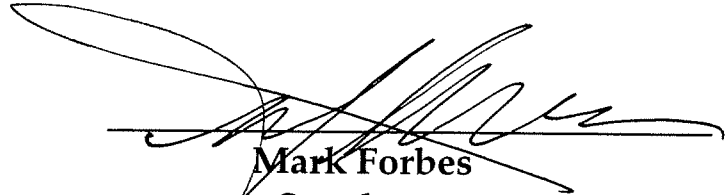
Senator and Secretary of the Legislature

Enclosures (7)

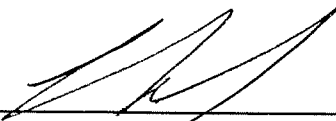
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN


This is to certify that **Substitute Bill No. 135 (EC), "AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 32 OF TITLE 5 OF THE GCA RELATIVE TO PREVENTING THE INAPPROPRIATE DISCLOSURE AND MISAPPROPRIATION OF SOCIAL SECURITY NUMBERS, OTHERWISE TO BE KNOWN AS THE "SOCIAL SECURITY NUMBER CONFIDENTIALITY ACT"** was on the 25th day of January, 2006, duly and regularly passed.


Mark Forbes
Speaker

Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 26th day of January,
2006, at 4:10 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 7 FEB 2006

Public Law No. 28-95

**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session**

Bill No. 135 (EC)

As substituted by the Committee on
Finance, Taxation and Commerce.

Introduced by:

J. T. Won Pat
Ray Tenorio
Edward J.B. Calvo
F. B. Aguon, Jr.
J. M.S. Brown
B. J.F. Cruz
Mike Cruz
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
A. B. Palacios
R. J. Respicio
A. R. Unpingco

**AN ACT TO *ADD* A NEW ARTICLE 7 TO
CHAPTER 32 OF TITLE 5 OF THE GCA
RELATIVE TO PREVENTING THE
INAPPROPRIATE DISCLOSURE AND
MISAPPROPRIATION OF SOCIAL SECURITY
NUMBERS, OTHERWISE TO BE KNOWN AS
THE “*SOCIAL SECURITY NUMBER
CONFIDENTIALITY ACT.*”**

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

2 **Section 1. Social Security Number Confidentiality Act.** A new Article 7 is
3 hereby *added* to Chapter 32 of Title 5, Guam Code Annotated.

4 **“Article 7**

5 **Social Security Number Confidentiality Act**

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§32701. Legislative Findings and Intent.

§32702. Short Title.

§32703. Definitions.

§32704. General Rule.

§32705. Exception.

§32706. Enforcement.

§32707. Effective Date.

§32701. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that nationwide, the broad use and public exposure of Social Security Numbers has been a major contributor to the tremendous growth in identity theft and other forms of credit fraud.

Therefore, it is the intent of *I Liheslaturan Guåhan* to protect the citizens of Guam from identity theft through the inappropriate disclosure and misappropriation of their Social Security Numbers by limiting its use and display to the general public.

§32702. Short Title. This Act shall be known and may be cited as the “*Social Security Number Confidentiality Act*”.

§32703. Definitions. The following definitions shall be used in interpreting this Act:

(a) “*Phish*” means the act of sending an electronic mail or message over the internet to a user in an attempt to mislead the user into surrendering private information for any purpose other than the purpose disclosed to the user by the sender of the e-mail or message.

(b) “*Public entity*” means the government of Guam and any agency or instrumentality thereof. For purposes of this Act, public entity does *not* include the federal government.

1 (c) “*Private entity*” means any individual, corporation, company,
2 partnership, firm, association, or any entity other than a public entity.

3 (d) “*Private information*” means any privileged personal information
4 protected by law requiring the consent of that individual prior to disclosure.

5 (e) “*Publicly post*” or “*publicly display*” means to intentionally
6 communicate, openly exhibit or otherwise make available to the general public.

7 **§32704. General Rule.** No public or private entity shall:

8 (a) Assign an identification number to an individual which is identical
9 to or incorporates an individual’s Social Security Number (SSN).

10 (b) Publicly post or publicly display, in any manner, private
11 information or an individual's SSN.

12 (c) Print an individual's SSN on any card required for the individual to
13 access products or services provided by the person or entity.

14 (d) Print an individual’s SSN on identification cards or badges.

15 (e) Print an individual's SSN on materials that are mailed, unless
16 Federal or Guam law requires the SSN to be on the document to be mailed.
17 Notwithstanding this Act, applications and forms sent by mail may include
18 SSNs.

19 (f) Require an individual to transmit his private information or SSN
20 over the internet in an unsecured or unencrypted connection.

21 (g) Deny to any individual any right, benefit or privilege provided by
22 law because of an individual’s refusal to disclose his SSN as provided in 5
23 U.S.C. §552(a). Any public or private entity which requests an individual to
24 disclose his SSN shall inform the individual upon his request whether that
25 disclosure is mandatory or voluntary, by what statutory or legal authority the
26 SSN is solicited, and what uses will be made of it.

1 (h) *Phish* across the internet in an attempt to have an individual
2 disclose private information or their SSN.

3 **§32705. Exception.**

4 (a) Nothing in this Act shall prevent any public entity or private entity
5 from using a SSN for internal verification and administrative purposes, so long
6 as the use does not result in, or require the release of, the SSN to persons not
7 designated by the entity to perform associated functions authorized by law.

8 (b) This Act shall *not* be asserted as a means to avoid compliance with
9 an otherwise valid request for records pursuant to the Freedom of Information
10 Law and the Sunshine Reform Act of 1999, Title 5 GCA, Chapter 10, and the
11 Open Government Law, Title 5 GCA, Chapter 8.

12 **§32706. Enforcement.** The Attorney General may:

13 (a) bring suit against any public entity or private entity for violating the
14 provisions of this Section;

15 (b) collect civil penalties of up to Two Hundred Fifty Dollars (\$250)
16 per violation together with attorney's fees and costs incurred in the
17 investigation and prosecution of the matter;

18 (c) seek appropriate injunctive relief; and

19 (d) bring criminal charges pursuant to Title 9 GCA § 46.80 regarding
20 the theft or the misappropriation of an individual's SSN.

21 **§32707. Effective Date.** This Act shall become effective on May 1, 2006 and
22 apply to acts occurring on or after May 1, 2006."

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 1/23/06

VOTING SHEET

Bill No. 135 (EC)

Resolution No. _____

Question: _____

| NAME | <u>YEAS</u> | <u>NAYS</u> | <u>NOT VOTING/ ABSTAINED</u> | <u>OUT DURING ROLL CALL</u> | <u>ABSENT</u> |
|---------------------------|-------------|-------------|----------------------------------|---------------------------------|---------------|
| AGUON, Frank B., Jr. | ✓ | | | | |
| BROWN, Joanne M.S. | ✓ | | | | |
| CALVO, Edward J.B. | ✓ | | | | |
| CRUZ, Benjamin J.F. | ✓ | | | | |
| CRUZ, Michael (Dr.) | ✓ | | | | |
| FORBES, Mark | ✓ | | | | |
| KASPERBAUER, Lawrence F. | ✓ | | | | |
| KLITZKIE, Robert | ✓ | | | | |
| LEON GUERRERO, Lourdes A. | ✓ | | | | |
| LUJAN, Jesse A. | ✓ | | | | |
| PALACIOS, Adolpho B. | ✓ | | | | |
| RESPICIO, Rory J. | ✓ | | | | |
| TENORIO, Ray | ✓ | | | | |
| UNPINGCO, Antonio R. | ✓ | | | | |
| WON PAT, Judith T. | ✓ | | | | |

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

P.L. 28-95

1



MINA BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE

Chairman
COMMITTEE ON FINANCE, TAXATION & COMMERCE

OFFICE OF FINANCE AND BUDGET

E-Mail address: senatorcalvo@hotsheet.com
155 Hessler Street Hagåtña, Guam 96910

Telephone: (671) 475-8801
Facsimile: (671) 475-8805

November 04, 2005

The Honorable Mark Forbes
Speaker
Mina Bente Ocho na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910


Håfa adai, Mr. Speaker:

The Committee on Finance, Taxation, and Commerce, to which **Bill No. 135 (EC): "An Act Relative To Limiting The Availability Of An Individual's Social Security In order To Reduce Identity Theft"**, was referred, wishes to report its findings and recommendations **TO PASS** Bill No. 135 (EC), as substituted by the Committee.

The voting record for Bill No. 135 (EC) is as follows:

| | |
|---------------------------|----------|
| TO PASS | <u>6</u> |
| NOT TO PASS | <u>0</u> |
| TO REPORT OUT | <u>0</u> |
| ABSTAIN | <u>0</u> |
| TO PLACE IN INACTIVE FILE | <u>0</u> |

Copies of the Committee Report and other pertinent documents are attached. Thank you for your attention in this matter. *Si Yu'os Ma'åse!*


Senator Edward J.B. Calvo
Chairman



MINA' BEN E OCHO NA LIHESLATURA GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE

Chairman
COMMITTEE ON FINANCE, TAXATION & COMMERCE

OFFICE OF FINANCE AND BUDGET

E-Mail address: senatorcalvo@hotsheet.com
155 Hessler Street Hagåtña, Guam 96910

Telephone: (671) 475-8801
Facsimile: (671) 475-8805

November 04, 2005

MEMORANDUM

To: Committee Members

From: Chairman, Committee on Finance, Taxation, and Commerce

Subject: Committee report on Bill 135 (EC) as substituted by the Committee

This memorandum is accompanied by the following:

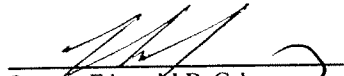

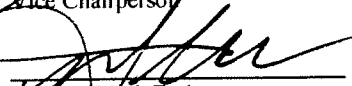
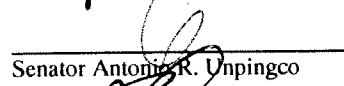


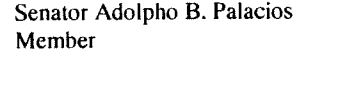
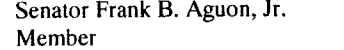
1. Committee voting sheet
2. Public Hearing sign-in sheet
3. Notice of Public Hearing
4. Testimonies submitted

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should there be any questions regarding this matter, please feel free to contact my office at 475-8801.

Senator Edward J.B. Calvo
Chairman

Committee Voting Sheet
Committee on Finance, Taxation, and Commerce
Office of Finance and Budget
Sinadot Edward J.B. Calvo, Ge'Hilo'

Bill No. 135 (EC): "An Act Relative To Limiting The Availability Of An Individual's Social Security In order To Reduce Identity Theft", as substituted by the Committee.

| Committee Members | To Pass | Not to Pass | Report Out | Abstain | Inactive File |
|--|----------|-------------|------------|---------|---------------|
|  Senator Edward J.B. Calvo Chairperson | ✓ | | | | |
|  Senator Lawrence F. Kasperbauer Vice Chairperson | X | | | | |
|  Speaker Mark Forbes Member | ✓ | | | | |
|  Senator Antonio R. Unpingco Member | ✓ | | | | |
|  Senator Ray Tenorio Member | ✓ | | | | |
|  Senator Jesse A. Lujan Member | 11/13/01 | | | | |
|  Senator Adolpho B. Palacios Member | | | | | |
|  Senator Frank B. Aguon, Jr. Member | | | | | |

Zed
1-19-06

Zed
1-19-06



**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session**

Bill No. 135 (EC)

As Substituted by the Committee on
Finance, Taxation and Commerce

Introduced by:

J. T. Won Pat
Ray Tenorio
Edward J. B. Calvo

gluz

**AN ACT TO ADD A NEW ARTICLE 7 TO
CHAPTER 32 OF TITLE 5 OF THE GCA
RELATIVE TO PREVENTING THE
INAPPROPRIATE DISCLOSURE AND
MISAPPROPRIATION OF SOCIAL SECURITY
NUMBERS, OTHERWISE TO BE KNOWN AS
THE "SOCIAL SECURITY NUMBER
CONFIDENTIALITY ACT."**

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

2 **Section 1. Social Security Number Confidentiality Act.** A new Article
3 7 is added to Chapter 32 of Title 5, Guam Code Annotated.

4 **"Article 7**
5 **Social Security Number Confidentiality Act**

- 6
- 7 **§32701. Legislative Findings and Intent**
- 8 **§32702. Short Title.**
- 9 **§32703. Definitions.**
- 10 **§32704. General Rule.**
- 11 **§32705. Exception.**
- 12 **§32706. Enforcement.**

Passed FA No. 1

Date: 1/19/06 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

S. Bill No. 135

STWP

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Add Sen. EBC as # 3 co-sponsor

(Below only for Clerk of Legislature's use and processing))

Date 1/19, 2006

Floor Amendment No. 1 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED



AUTHOR OF AMENDMENT

Concur *(initial)*

ms

Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk

____ Engrossment Staff

1 **§32707. Effective Date.**

2
3 **§32701. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
4 that nationwide, the broad use and public exposure of Social Security
5 Numbers has been a major contributor to the tremendous growth in identity
6 theft and other forms of credit fraud.

7 Therefore it is the intent of *I Liheslaturan Guåhan* to protect the citizens of
8 *Guåhan* from identity theft through the inappropriate disclosure and
9 misappropriation of their Social Security Numbers by limiting its use and
10 display to the general public.

11 **§32702. Short Title.** This Act shall be known and may be cited as the
12 "*Social Security Number Confidentiality Act*".

13 **§32703. Definitions.** The following definitions shall be used in
14 interpreting this Act:

15 (a) "Phish" Means the act of sending an electronic mail or
16 message over the internet to a user in an attempt to mislead the user in
17 surrendering private information for any purpose other than what such
18 private information was intended to be used for as disclosed to the user.

1 (b) "Public entity" means the government of Guam. For purposes
2 of this Act, public entity does not include the federal government.

3 (c) "Private entity" means any individual, corporation, company,
4 partnership, firm association, or other entity than a public entity.

5 (d) "Private information" means any privileged personal
6 information protected by law requiring the consent of that individual
7 prior to disclosure.

8 (e) "Publicly post" or "publicly display" means to intentionally
9 communicate, openly exhibit or otherwise make available to the general
10 public.

11 **§32704. General Rule.** No public or private entity, shall:

12 (a) Assign an identification number to an individual, which is
13 identical to or incorporates an individual's Social Security Number
14 (SSN).

15 (b) Publicly post or publicly display in any manner private
16 information or an individual's SSN.

1 (c) Print an individual's SSN on any card required for the
2 individual to access products or services provided by the person or
3 entity.

4 (d) Print an individual's SSN on identification cards or badges.

5 (e) Print an individual's SSN on materials that are mailed, unless
6 Federal or Guam law requires the SSN to be on the document to be
7 mailed. Notwithstanding this Act, applications and forms sent by mail
8 may include SSNs.

9 (f) Require an individual to transmit their private information or
10 SSN over the Internet in an unsecured or unencrypted connection.

11 (g) Deny to any individual any right, benefit, or privilege
12 provided by law because of an individual's refusal to disclose their SSN
13 as provided in 5 U.S.C. §552(a). Any public or private entity which
14 requests an individual to disclose his SSN shall inform upon that
15 individual's request whether that disclosure is mandatory or voluntary,
16 by what statutory or authority the SSN is solicited, and what uses will
17 be made of it.

1 (h) Phish across the internet in attempt to have an individual
2 disclose private information or their SSN.

3 **§32705. Exception.** (a) Nothing in this Act shall prevent any public
4 entity or private entity from using a SSN for internal verification and
5 administrative purposes, so long as the use does not result in, or require the
6 release of, the SSN to persons not designated by the entity to perform
7 associated functions authorized by law.

8 (b) This Act shall not be asserted as a means to avoid compliance with
9 an otherwise valid request for records pursuant to the Freedom of
10 Information Law and the Sunshine Act Reform Act of 1999, 5 GCA Chapter
11 10, and the Open Government Law, 5 GCA Chapter 8.

12 **§32706. Enforcement.** The Attorney General may:

13 (a) Bring suit against any public entity or private entity for violating
14 the provisions of this section;

15 (b) Collect civil penalties of up to two hundred fifty dollars (\$250)
16 per violation along with attorney's fees and costs incurred in the
17 investigation and prosecution of the matter; and

18 (c) Seek appropriate injunctive relief.

1 (d) Bring criminal charges pursuant to 9 GCA §46.80 in the theft or
2 the misappropriation use of another individual's SSN.

3 **§32707. Effective Date.** This Act shall become effective on May 1, 2006
4 and apply to acts occurring on or after May 1, 2006."

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 135 (EC)

Introduced by:

J. T. Won Pat
RAY TENORIO

AN ACT RELATIVE TO LIMITING THE
AVAILABILITY OF AN INDIVIUDAL'S SOCIAL
SECURITY INORDER TO REDUCE IDENITIY
THEFT.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
3 that nationwide the broad use and public exposure of Social Security
4 Numbers has been a major contributor to the tremendous growth in identity
5 theft and other forms of credit fraud. Therefore it is the intent of the *I*
6 *Liheslaturan Guåhan* to significantly reduce the risks to individuals of the
7 inappropriate disclosure and misuse of Social Security Numbers by limiting
8 their use and display.

9 Section 2. Limiting the Availability of an Individual's Social Security

10 Number. (a) No person, including any public or private entity, shall:

11 (1) Publicly post or display in any manner an individual's Social
12 Security number.

1 (2) Print an individual's Social Security number on any card required for
2 the individual to access products or services provided by the person
3 or entity.

4 (3) Print an individual's Social Security number on any materials that
5 are mailed to the individual, unless Guam or federal law requires the Social
6 Security number to be on the document to be mailed, except that applications
7 and forms sent by mail may include Social Security numbers.

8 (b). Nothing in this section shall prevent the government of Guam from
9 using a Social Security number for internal verification and administrative
10 purposes, so long as the use does not result in, or require the release of, the
11 Social Security number to persons not designated by the public agency to
12 perform associated functions authorized by law.

13 (c) The Office of Attorney General shall enforce this act by bringing an
14 action for injunctive relief in the Superior Court of Guam.

15 (d) This act takes effect ninety (90) days after enactment.

16 **Section 3. Severability.** If any provision of this Law or its application
17 to any person or circumstance is found to be invalid or contrary to law, such
18 invalidity shall not affect other provisions or applications of this Law which
19 can be given effect without the invalid provisions or application, and to this
20 end the provisions of this Law are severable.

Bill Title (Preamble): AN ACT RELATIVE TO LIMITING THE AVAILABILITY OF AN INDIVIDUAL'S SOCIAL SECURITY IN ORDER TO PREVENT IDENTITY THEFT.

Time: 1:30 - 1:45

Date: 7/5/05

Department/Agency Appropriation Information

| | |
|--|------------------------|
| Dept./Agency Affected: N/A | Dept./Agency Head: N/A |
| Department's General Fund (GF) appropriation(s) to date: | \$0 |
| Department's Other Fund (specify): _____ appropriation(s) to date: | \$0 |
| Total Department/Agency Appropriation(s) to date: | \$0 |

Fund Source Information of Proposed Appropriation

| | General Fund: | Other (specify): | Total: |
|----------------------------|-----------------|------------------|-----------------|
| FY 2005 Adopted Revenues | \$447,441,000 | \$0 | \$447,441,000 |
| FY Appro. to P.L. 28-37 | (\$448,014,817) | \$0 | (\$448,014,817) |
| Sub-total: | (\$573,817) | \$0 | (\$573,817) |
| Less appropriation in Bill | \$0 | \$0 | \$0 |
| Total: | (\$573,817) | \$0 | (\$573,817) |

Estimated Fiscal Impact of Bill

| | One Full Fiscal Year | For Remainder of Current FY (if applicable) | Second Year | Third Year | Fourth Year | Fifth Year |
|--------------|----------------------|---|-------------|------------|-------------|------------|
| General Fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Other Fund: | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

- Does the bill contain "revenue generating" provisions? / Yes / No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? / N/A / Yes / No
If no, what is the additional amount required? \$ _____
- Does the Bill establish a new program/agency? / Yes / No
If yes, will the program duplicate existing programs/agencies? / N/A / Yes / No
Is there a federal mandate to establish the program/agency? / Yes / No
- Will the enactment of this Bill require new physical facilities? / Yes / No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / Yes / No
 / Requested agency comments not received by due date / Other: Affects both public and private entities

Analyst: Nancy L. Mesa Date: 6/13/05 Director: Carlos P. Bordallo Date: 6/14/05
Nancy L. Mesa Carlos P. Bordallo, Acting

Footnotes: Bill No. 135 (EC) if enacted into law, will strengthen "The Identity Protection Act of 2000" which was enacted into law on March 22, 2000 by providing additional safeguards in the protection of individuals identity by limiting the use and display of an Individual's Social Security Number. P. L. 25-101 forbids impersonation to injure or defraud, by making it illegal to impersonate or assume a false identity to obtain money, goods, services and otherwise use the identity of another person to injure, steal, or defraud others. This law imposes penalties of second degree felony if a value of at least \$5,000 is obtained by the person using a false identity; otherwise, it is a felony of the third degree. In addition, the person found guilty of this crime must pay back the victim for the financial loss caused by the illegal use of identifying information. Court records shall also include information that the individual whose identity was stolen is not the individual who committed the crimes under the identity.



MINA' BENNE OCHO NA LIHESLATURA GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE

Chairman
COMMITTEE ON FINANCE, TAXATION & COMMERCE

OFFICE OF FINANCE AND BUDGET

E-Mail address: senatorcalvo@hotsheet.com
155 Hessler Street Hagåtña, Guam 96910

Telephone: (671) 475-8801
Facsimile: (671) 475-8805

Committee Report on

Bill No. 135 (EC): *"An Act Relative To Limiting The Availability Of An Individual's Social Security In order To Reduce Identity Theft"*, as substituted by the Committee on Finance, Taxation, and Commerce.

I Mina' Bente Ocho Na Liheslaturan Guåhan

Committee on Finance, Taxation, and Commerce

Sinadot Edward J.B. Calvo, Ge' hilo

I. OVERVIEW

The Committee on Finance, Taxation, and Commerce held a Public Hearing on Friday, August 19, 2005, 9:30 a.m. at *I Liheslaturan Guåhan's* Public Hearing Room on Bill No. 135 (EC), "*An Act Relative To Limiting The Availability Of An Individual's Social Security In order To Reduce Identity Theft*". Notices of this public hearing were disseminated throughout all local media via facsimile and are attached herein.

a. Senators present:

Senator Edward J.B. Calvo, Chairman
Senator Lawrence F. Kasperbauer, Vice-Chairman
Senator Adolpho B. Palacios, Member
Senator Robert Klitzkie
Senator Lou Leon Guerrero

b. Appearing before the Committee:

Mr. John Carlos, Banking and Securities Administrator, Department of Revenue and Taxation

II. SUMMARY OF VERBAL AND WRITTEN TESTIMONIES:

Following introductory remarks by Chairman Edward J.B. Calvo, Senator Judith Won Pat, author of Bill No. 135 (EC), discussed the importance of an individual's Social Security Number and that there is no other form of personal identification that plays such a significant role in a person's life. She expressed that one of the original purposes of the Social Security Numbers was to track employee earnings and eligibility for retirement. According to Senator Won Pat, Social Security Numbers are now being used for other purposes such as identification numbers on driver licenses, health insurance

cards, application forms, and contest entry forms. Senator Won Pat introduced similar legislation during the 26th Guam Legislature to discontinue the practice of printing an individual's Social Security Number on driver licenses. However, the Department of Revenue and Taxation issued new driver licenses at the time and continued the same practice. She congratulated the Department of Revenue and Taxation for taking the lead in protecting the privacy of the holders of driver licenses on Guam. She noted that other entities both public and private are still utilizing Social Security Numbers for identification purposes, which is the reason why she introduced Bill no. 135(EC). Senator Won Pat recognized that Social Security Numbers for internal verification purposes should be permissible, but that these numbers should not be publicly displayed or posted for viewing by the general public. Senator Won Pat concluded by encouraging her colleagues to support this measure, which would help limit the use of Social Security Numbers, thereby, reducing the threat of identity theft.

Following comments made by Senator Won Pat, Mr. John Carlos from the Department of Revenue and Taxation acknowledged that identity theft issues are facilitated by the availability of Social Security Numbers and other private information that are in view of the general public. Mr. Carlos also recognized current federal statutes that seek to address matters of identity theft found throughout the country. Mr. Carlos provided examples of how Social Security Numbers are made available such as on contest entry forms and personal checks, both of which are perfect recipes for identity theft. Mr. Carlos concluded his remarks in support of Bill no. 135 (EC).

Chairman Calvo recognized the gravity of identity theft in the United States and that personal information of individuals can be accessed via the internet. The Chairman also recognized that individuals who have access to information of individuals through the internet, which can negatively affect a person's bank account or even their reputation. The Chairman suggested that additional language be included regarding the dissemination of a person's Social Security Number through the internet, which should also be classified as a criminal offense.

Senator Robert Klitzkie provided comments in support of Bill no. 135 (EC) and recognized that the measure does not provide for criminal sanctions for those found guilty of identity theft. However, the measure will allow for the Attorney General to bring action for an injunctive relief. Senator Klitzkie explained that the real thrust of this bill is to avoid the unnecessary use of Social Security numbers, and that he is opposed to making it difficult on people by invoking criminal sanctions for what may be very innocent errors.

Chairman Edward J.B. Calvo extended his appreciation to those in attendance for presenting testimony on Bill no. 135 (EC). The Chairman informed the public that an additional ten (10) working days is provided for individuals wanting to submit written testimony on said legislation and subsequently moved to the next item on the agenda.

III. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee on Finance, Taxation, and Commerce finds that the broad use and public exposure of Social Security Numbers (SSN) has been a major contributor to the tremendous growth in identity theft and other forms of credit fraud. The widespread use of SSN in both the public and private sectors, combined with their key role in identity theft, has raised important concerns about the ability of identity thieves to gain access to the SSN of others. With the Social Security Number accessible to so many people, it is relatively easy for someone to fraudulently use another person's SSN to assume their identity and gain access to their bank account, credit accounts, utilities records, and other sources of personal information. Identity thieves can also establish new credit and bank accounts in their name. Therefore, it is the intent of the Committee to help reduce the risks to individuals of the inappropriate disclosure and misuse of Social Security Numbers by limiting their use and display.

The Committee on Finance, Taxation, and Commerce, to which Bill No. 135 (EC) *"An Act Relative To Limiting The Availability Of An Individual's Social Security In*

order To Reduce Identity Theft", was referred, does hereby submit its findings and recommendations to *I Mina' Bente Ocho Na Liheslaturan Guåhan* **TO PASS** Bill No. 135 (EC), as substituted by the Committee.



MINA´BE E OCHO NA LIHESLATURA GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE

Chairman
COMMITTEE ON FINANCE, TAXATION & COMMERCE

OFFICE OF FINANCE AND BUDGET

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155 Hesler Street Hagåtña, Guam 96910

Telephone: (671) 475-8801
Facsimile: (671) 475-8805

Friday, August 19, 2005, 9:30 a.m.:

Public Hearing Agenda

- **Bill 135 (EC)**: An Act Relative To Limiting The Availability Of An Individual's Social Security In order To Reduce Identity Theft.
- **Bill 142 (EC)**: An Act To Amend Section 3306 Of Article 3, Chapter 3, Division 1 Of Title 11 Guam Code Annotated, Relative To Prohibiting The Issuance Of An On Sale Liquor License For Premises Located Within A Distance Of 500 Feet From Any Childcare Center Or Preschool.
- **Bill 144 (LS)**: An Act To Appropriate One Hundred Fifty Thousand Dollars (\$150,000) To The Department Of Mental Health And Substance Abuse For The Sole Purpose Of Contracting To A Non-Governmental Organization To Establish A Coalition For A Tobacco-Free Guam.
- **Bill 146 (EC)**: An Act To Add A New Chapter 55a To 10 Guam Code Annotated, Constituting The "Public Safety And Forensic Laboratory Building Act" And To Appropriate The Sum Of Fifteen Million Dollars (\$15,000,000) From The Proceeds Of Sale Of The Guam Telephone Authority For The Construction Of Public Safety Facilities.
- **Bill 153 (EC)**: An Act To Earmark The Revenues From The Collection Of The Four Percent (4%) Gross Receipts Tax On The Sale Of Medicine, Pharmaceuticals, Medical Equipment, Medical Supplies, Provision Of Medical Services And The Use Tax On The Importation Of Medical Equipment And Specifically Utilize These Revenues To Fund The Medically Indigent Program, And To Add New Subsections (p), (q), (r), (s), And (t) To §2906 Of Chapter 2, Article 9, Title 10, Of The Guam Code Annotated, Relative To Establishing The Medically Indigent Fund Within The Department Of Public Health And Social Services.

Individuals wishing to provide verbal/written testimony, please sign your name on the roster sheet available at the legislative staff table



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TWENTY-EIGHTH GUAM LEGISLATURE

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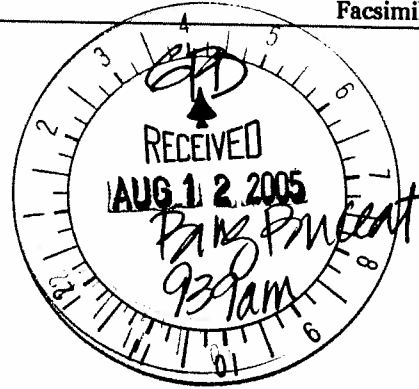
OFFICE OF FINANCE AND BUDGET

COPY

E-Mail address: sencalvo@eccomm.com
155 Hesler Street Hagåtña, Guam 96910

Telephone: (671) 475-8801
Facsimile: (671) 475-8805

August 10, 2005



Mr. Frank Ishizaki
Chief of Police
Guam Police Department
233 Central Avenue
Tiyán, Guam 96913

Håfa adai, Chief Ishizaki:

Please be advised that the Committee on Finance, Taxation, and Commerce has scheduled public hearings on Thursday and Friday, August 18 and 19, 2005, 9:30 a.m. at *I Liheslaturan Guåhan's* Public Hearing Room. The Committee will receive written and verbal testimonies from the Public on the following measures:

Thursday, August 18, 2005, 9:30 a.m.:

Bill 131 (EC): An Act To Strengthen The Enforcement Of Accessible Parking For Persons With Disabilities Act Through The Amendment Of Sections 3401.1 (h) And (e) Of Article 4 Of Chapter 3 Of Title 16, Guam Code Annotated; By Adding A New Item (3)(d) To Section 12108 Of Chapter 12 Of Title 16, Guam Code Annotated; And To Appropriate Five Thousand Dollars (\$5,000) To The Department Of Integrated Services For Individuals With Disabilities (DISID) For Training Of Persons Designated To Issue Citations.

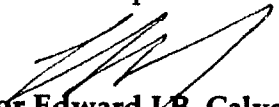
Bill 134 (EC): An Act To Repeal And Re-Enact Subsections (F) And (H) Of Section 3401.1, Article 4, Chapter 3 Of Title 16, Guam Code Annotated, Relative To Accessible Parking For Persons With Disabilities And To Appropriate The Sum Of Five Thousand Dollars (\$5000.00) To The Guam Community College To Fund The Cost Of The Training Of Volunteers Appointed By The Chief Of Police To Issue Citations To Enforce The Accessible Parking Laws.

Friday, August 19, 2005, 9:30 a.m.:

Bill 135 (EC): An Act Relative To Limiting The Availability Of An Individual's Social Security In order To Reduce Identity Theft.

Bill 146 (EC): An Act To Add A New Chapter 55a To 10 Guam Code Annotated, Constituting The "Public Safety And Forensic Laboratory Building Act" And To Appropriate The Sum Of Fifteen Million Dollars (\$15,000,000) From The Proceeds Of Sale Of The Guam Telephone Authority For The Construction Of Public Safety Facilities.

Copies of the aforementioned bills may be obtained at *I Liheslaturan Guåhan's* website, http://guamlegislature.com/28th_Guam_Legislature/Bills-Introduced-28th.htm The *Committee* encourages verbal testimony, however, written testimony is preferred and should be submitted to my office by 12 noon the day prior to the public hearing. Should you be unable to attend, please contact my office at 475-8801 as soon as possible. *Si Yu'os Ma'åse'!*



Senator Edward J.B. Calvo



MINA'BE E OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE

Chairman
COMMITTEE ON FINANCE, TAXATION & COMMERCE

OFFICE OF FINANCE AND BUDGET

COPY

E-Mail address: sencalvo@ecomm.com
155 Hesler Street Hagåtña, Guam 96910

Telephone: (671) 475-8801
Facsimile: (671) 475-8805

August 10, 2005

Social Security Administration
Guam Office, Suite 300
655 Harmon Loop Road
Dededo, Guam 96918

Håfa adai:

The Committee on Finance, Taxation, and Commerce has scheduled a public hearing on Thursday, August 18, 2005, 9:30 a.m. at *I Liheslaturan Guåhan's* Public Hearing Room in *Hagåtña*. The *Committee* will receive written and verbal testimonies from the Public regarding the following measure:

- **Bill 135 (EC):** An Act Relative To Limiting The Availability Of An Individual's Social Security In order To Reduce Identity Theft.

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Si Yu'os Ma'åse'!


Senator Edward J.B. Calvo


Dennis Clark
8-12-05



MINA'BE' TE OCHO NA LIHESLATURAN GUÅHAN
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August 11, 2005

Confirmation and Public Hearing Notice

5 GCA §8108 (Special)

The Committee on Finance, Taxation, and Commerce has scheduled public and confirmation hearings beginning on Thursday, August 18, 2005 thru Friday, August 19, 2005 at *I Liheslaturan Guåhan's* Public Hearing Room in *Hagåtña*. The *Committee* solicits any written and verbal testimonies from the Public on the following appointments by *I Maga'låhen Guåhan* and on the following measures:

Thursday, August 18, 2005, 9:30 a.m. (*continuation of June 14, 2005 Public Hearing*):

- Governor's appointment of Lourdes T. Sanchez to serve as a member of the GEDCA Board of Directors.
- Governor's appointment of Dennis Larsen to serve as a member of the Alcohol Beverage Control Board.
- **Bill 95 (EC)**: An Act To Authorize The Director Of The Department Of Revenue And Taxation To Hire An Attorney To Represent The Department In Litigation Concerning The Affairs Of The Department And To Appropriate The Sum Of One Hundred Thousand Dollars For Such Purpose.
- **Bill 106 (LS)**: An Act To Appropriate The Sum Of Seven Hundred Forty-Five Thousand Dollars (\$745,000) From The General Fund To The Guam Fire Department For Personnel Expenses Such As Promotions, Specialty Pay And/Or Differential Pay, And Uniform Stipends.
- **Bill 109 (EC)**: An Act To Earmark The Proceeds Of The Sale Of GTA To Pay For Contributions Owed To The Government Of Guam Retirement Fund By The Department Of Education And Guam Memorial Hospital Authority.
- **Bill 116 (LS)**: An Act To Allow Contributors To The Construction, Development, Upgrading, Repair And Maintenance Of Any Community Recreational Or Sports Facilities To Be Eligible For Tax Credits, Through The Amendment Of Sections 77402 And 77403(a) Of Article 4 Of Chapter 77 Of Division 2 Of Title 12, Guam Code Annotated.
- **Bill 130 (EC)**: An Act To Amend 11 GCA §1111 To Allow Expenditures From The Public School Library Resources Fund.
- **Bill 131 (EC)**: An Act To Strengthen The Enforcement Of Accessible Parking For Persons With Disabilities Act Through The Amendment Of Sections 3401.1 (h) And (e) Of Article 4 Of Chapter 3

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8-11-05

Of Title 16, Guam Code Annotated; By Adding A New Item (3)(d) To Section 12108 Of Chapter 12 Of Title 16, Guam Code Annotated; And To Appropriate Five Thousand Dollars (\$5,000) To The Department Of Integrated Services For Individuals With Disabilities (DISID) For Training Of Persons Designated To Issue Citations.

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cc: All Senators Clerk's Office All Media
Protocol Office Audio/Visual
Executive Director all media

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 135 (EC)

Introduced by:

J. T. Won Pat
RAY TENORIO

AN ACT RELATIVE TO LIMITING THE
AVAILABILITY OF AN INDIVIUDAL'S SOCIAL
SECURITY INORDER TO REDUCE IDENTITY
THEFT.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
3 that nationwide the broad use and public exposure of Social Security
4 Numbers has been a major contributor to the tremendous growth in identity
5 theft and other forms of credit fraud. Therefore it is the intent of the *I*
6 *Liheslaturan Guåhan* to significantly reduce the risks to individuals of the
7 inappropriate disclosure and misuse of Social Security Numbers by limiting
8 their use and display.

9 Section 2. Limiting the Availability of an Individual's Social Security
10 Number. (a) No person, including any public or private entity, shall:

11 (1) Publicly post or display in any manner an individual's Social
12 Security number.

1 (2) Print an individual's Social Security number on any card required for
2 the individual to access products or services provided by the person
3 or entity.

4 (3) Print an individual's Social Security number on any materials that
5 are mailed to the individual, unless Guam or federal law requires the Social
6 Security number to be on the document to be mailed, except that applications
7 and forms sent by mail may include Social Security numbers.

8 (b). Nothing in this section shall prevent the government of Guam from
9 using a Social Security number for internal verification and administrative
10 purposes, so long as the use does not result in, or require the release of, the
11 Social Security number to persons not designated by the public agency to
12 perform associated functions authorized by law.

13 (c) The Office of Attorney General shall enforce this act by bringing an
14 action for injunctive relief in the Superior Court of Guam.

15 (d) This act takes effect ninety (90) days after enactment.

16 **Section 3. Severability.** If any provision of this Law or its application
17 to any person or circumstance is found to be invalid or contrary to law, such
18 invalidity shall not affect other provisions or applications of this Law which
19 can be given effect without the invalid provisions or application, and to this
20 end the provisions of this Law are severable.