

*I Mina Trentai Kuåttro 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>325-34 (COR)</b> As amended by the Committee on Housing, Utilities, Public Safety and Homeland Security.	Telena C. Nelson	AN ACT TO AMEND § 12311 OF ARTICLE 3, CHAPTER 12, TITLE 12, GUAM CODE ANNOTATED RELATIVE TO THE "911" SURCHARGE AND THE ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND AND TO CREATING CRIMINAL LIABILITY FOR VIOLATIONS OF SAID ARTICLE.	7/18/18 2:36 p.m.	7/26/18	Committee on Housing, Utilities, Public Safety, and Homeland Security	9/19/18 9:00 a.m.	10/1/18 3:37 p.m.  As amended by the Committee on Housing, Utilities, Public Safety, and Homeland Security	Fiscal Note Request 7/27/18  Fiscal Note 8/7/18	
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>PUBLIC LAW</b>	<b>LAPSED</b>	<b>NOTES</b>	
	12/10/18	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.	12/17/18	12/17/18 5:30 p.m.	12/28/18	34-169	12/29/2018	Received: 12/31/18 Mess and Comm. Doc. No. 34GL-18-2733.	

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 Kudttro Na Liheslaturan Guåhan*  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

Vice Speaker Therese M. Terlaje

3492-19-2733

DEC 31 2018

Time: 11:20

Received by: *[Signature]*

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,*

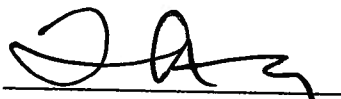
EDDIE BAZA CALVO

2019 JAN -2 AM 9:25

*I MINA'TRENTAI KUATTRO 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 17<sup>th</sup> day of December 2018, duly and regularly passed.



Therese M. Terlaje  
Acting Speaker

Attested:



Régine Biscoe Lee  
Legislative Secretary

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



Assistant Staff Officer  
*Maga'låhi's* Office

APPROVED:

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

Date: DEC 29 2018

Public Law No. 34-109

*I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN*  
**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.**

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

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

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

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

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

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

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

24 **“§ 12311: Violations of This Act.**

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

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

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

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

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

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

15 **Section 4. 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 *shall*  
17 *not* affect other provisions or applications of this Act that can be given effect without  
18 the invalid provisions or application, and to this end the provisions of this Act are  
19 severable.