

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN

2018 (SECOND) Regular Session

LEGISLATIVE SESSION VOTING RECORD

| Bill No. 325-34 (COR) As amended by the Committee on Housing, Utilities, Public Safety, and Homeland Security. | | Speaker Antonio R. Unpingco Legislative Session Hall December 17, 2018 | | | | |
|--|-----|---|--------------------------|-------------------------|--------|---------|
| NAME | Aye | Nay | Not Voting/ Abstained | Out During Roll Call | Absent | Excused |
| Senator Thomas C. ADA | ✓ | | | | | |
| Senator FRANK B. AGUON, JR. | ✓ | | | | | |
| Senator William M. CASTRO | ✓ | | | | | |
| Senator James V. ESPALDON | ✓ | | | | | |
| Senator Fernando Barcinas ESTEVES | ✓ | | | | | |
| Senator Régine Biscoe LEE | ✓ | | | | | |
| Senator Tommy MORRISON | ✓ | | | | | |
| Senator Louise B. MUÑA | | | | | ✓ | ✓ |
| Senator Telena Cruz NELSON | ✓ | | | | | |
| Senator Dennis G. RODRIGUEZ, Jr. | ✓ | | | | | |
| Senator Joe S. San AGUSTIN | ✓ | | | | | |
| Senator Michael F.Q. SAN NICOLAS | ✓ | | | | | |
| Acting Speaker Therese M. TERLAJE | ✓ | | | | | |
| Senator Mary Camacho TORRES | ✓ | | | | | |

TOTAL: 13

Aye

Nay

Not Voting/
Abstained

Out During
Roll Call

1

Absent

1

Excused

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

I = Pass

I MINA'TRENTAI KUÁTTRO 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.

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Introduced by:

Telena Cruz Nelson

**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

1 out of the Fund have brought to light questionable financial management practices
2 by the governmental entities responsible for the Fund. The public admission from a
3 senior administration official that monies were transferred out of the Fund for
4 purposes not related to the emergency response system is in direct contravention to
5 local and federal statutes.

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

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

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

16 **“§ 12311. Violations of This Act.**

17 (a) Any person or persons who believe that a violation of a provision
18 of this Act, or of an order of the Commission, has occurred, may file a written
19 complaint to the Commission describing such violation. The Commission
20 *shall* investigate said complaint and arrive at a determination within thirty (30)
21 days of the complaint submission.

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

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

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

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

8 **Section 4. Severability.** If any provision of this Act or its application to any
9 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
10 *not* affect other provisions or applications of this Act that can be given effect without
11 the invalid provisions or application, and to this end the provisions of this Act are
12 severable.