

MINA BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) REGULAR SESSION

BILL NO. 341 (EC).

INTRODUCED BY:

F. B. AGUON, JR. 

AN ACT RELATIVE TO PROVIDING FREE ACCESS TO HIGH SPEED WIRELESS INTERNET SERVICE TO THE PEOPLE OF GUAM AT ALL PUBLIC FACILITIES, TO INCLUDE SCHOOLS, LIBRARIES, COMMUNITY CENTERS, SENIOR CITIZEN CENTERS, AND GOVERNMENT OFFICES; THROUGH THE ESTABLISHMENT OF A PUBLIC-PRIVATE PARTNERSHIP IN EXCHANGE FOR THE USE OF PUBLIC FACILITIES AND PROPERTIES BY THE SERVICE PROVIDER.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent.

3 The Liheslaturan Guahan finds that technological advances in
4 communication and in transacting various forms of business activity has
5 evolved into the extensive use of the internet system. This form of
6 immediate communication and in doing business has become extremely
7 important in today's society, and it is critical that the island community is
8 provided the greatest access possible. Thus it is essential that the
9 government of Guam grants increased accessibility and training in the use
10 of the internet service, through making such technological services
11 available in public facilities such as schools, libraries, community centers,
12 senior citizen centers, and government offices. The internet service has also

1 become an extremely useful and significant educational tool that is being
2 applied in Guam's public schools and in other educational facilities, and
3 has proven to be a very positive method in the education of our students.

4 The Liheslaturan Guahan further finds that there presently are a
5 number of privately-owned internet service providers who have through
6 their generous efforts offered free or limited access to internet service to
7 several of our public schools and libraries. The services provided by these
8 businesses have exhibited the increasing interest by Guam's residents in
9 the use of the internet service. Furthermore, due to this important method
10 of communication, many cities throughout the United States are exploring
11 the establishment of public-private partnerships between government and
12 the business community in an effort to increase public access and free use
13 of the internet. It is important that Guam also explores similar
14 arrangements that would ultimately benefit the entire community.

15 Therefore, in an effort to provide island-wide public access and use of
16 the internet service to the people of Guam, it is the intent of I Liheslaturan
17 Guahan to explore innovative approaches in the provision of direct access
18 to high-speed internet service in public facilities, particularly our schools,
19 libraries, community centers, senior citizen centers, and government
20 offices. This provision would therefore provide for the authorization for
21 the government of Guam to enter into a public-private partnership with a
22 Guam internet business service provider that would be able to provide
23 such free and direct internet access to the island community in public

1 facilities, in exchange for the opportunity to utilize public facilities, lands,
2 or properties for the location of antennas or other service-related
3 equipments.

4 **Section 2. Public Access to High Speed Wireless Internet Service by the**
5 **Community of Guam.**

6 The Maga'lahren Guahan, through the Department of Administration,
7 is hereby authorized to acquire high speed wireless internet service at no
8 cost to the people of Guam or the government of Guam for Guam's public
9 schools, public libraries, community centers, senior citizen centers, and
10 other government offices, as deemed necessary. Such services shall be
11 provided through the establishment of a public-private partnership, a
12 partnership between the government of Guam and a private business
13 internet service provider. The acquisition of free high speed wireless
14 internet service shall be in accordance with the following provisions:

- 15 a.) Any acquisition of high speed wireless internet service for
16 public facilities and offices as outlined herein shall be in
17 accordance with the procurement rules and regulations of the
18 government of Guam;
- 19 b.) Public access to high-speed wireless internet service shall be
20 made available to the island community in public schools,
21 public libraries, community centers, senior citizen centers,
22 government offices and agencies, and in other facilities deemed
23 beneficial to enhancing government service to the community.

1 The provision of the internet service shall extend to all branches
2 of the government of Guam;

3 c.) The acquisition and provision of high speed wireless internet
4 service entered into between any private entity and the
5 government of Guam shall be at no cost to the government or
6 the people of Guam; thereby any costs associated with the
7 provision of such service shall be borne by the private entity,
8 and shall be so stated in any final agreement between affected
9 parties;

10 d.) The provision of high speed wireless internet service may
11 include any instrument or hardware required to avail a person
12 of the use of such service;

13 e.) In exchange for the provision of free high-speed wireless
14 internet service to the public, I Maga'lahaen Guahan is hereby
15 authorized to enter into an agreement with a private entity for
16 the use of public properties, to include power poles, buildings,
17 and real estate, at no cost or at a nominal cost to the private
18 business;

19 f.) The private business selected to provide high speed wireless
20 internet service shall be empowered to occupy, use and
21 maintain any government facility or asset, such access and use
22 shall be subject to the terms and conditions outlined through
23 any agreement entered into between the government of Guam

1 and the private entity, and shall be restricted to activities
2 relating to the provision of the internet service, related and
3 ancillary service;

4 g.) Any agreement entered into between the government of Guam
5 and a private entity for the use of public property, building, or
6 assets in excess of five (5) years shall be approved by I
7 Liheslaturan Guahan;

8 h.) Government of Guam agencies, instrumentalities, or public
9 corporation shall hereby work in collaboration with I
10 Maga'lahren Guahan to insure proper implementation and
11 compliance with the provisions contained in this Act.

12 **Section 3. Issuance of a Request for Proposal.**

13 The Maga'lahren Guahan, through the Department of Administration,
14 shall prepare and issue a request for proposal for the provision of free high
15 speed wireless internet service by a private business service provider in
16 accordance with the provisions contained in Section 2 of this Act no later
17 than Ninety (90) days upon the enactment of this provision.

18 **Section 4. Severability Clause.**

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