

*I Mina'Trentai Dos Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>319-32 (LS)</b>	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO CREATING THE "COMPUTER SPYWARE PROTECTION ACT,"	04/14/14 12:32 p.m.	04/14/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary			<b>Fiscal Note Request 04/15/14</b>



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
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Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

April 15, 2014

VIA E-MAIL

[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

**John A. Rios**  
**Director**  
**Bureau of Budget & Management Research**  
**P.O. Box 2950**  
**Hagåtña, Guam 96910**

**RE: Request for Fiscal Notes– Bill Nos. 309-32 (COR), 310-32(LS), 311-32(LS), 312-32(LS), 313-32(LS), 314-32(LS), 315-32(LS), 316-32(LS), 317-32(LS), 318-32(LS), 319-32(LS), and 320-32(LS)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

**Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
309-32 (COR)	V.C.Pangelinan B. J.F. Cruz	AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.
310-32 (LS)	FRANK B. AGUON, JR.	AN ACT TO ADD A NEW §55104, §55104.1, §55104.2, §55104.3 TO CHAPTER 55, DIVISION 3, TITLE 10, GUAM CODE ANNOTATED; RELATIVE TO THE ESTABLISHMENT OF PHYSICAL FITNESS STANDARDS AND POLICIES FOR PUBLIC SAFETY AND LAW ENFORCEMENT UNIFORM PERSONNEL; AND SHALL HENCEFORTH BE KNOWN AS THE “FIT TO SERVE AND PROTECT ACT OF 2014”.
311-32 (LS)	FRANK B. AGUON, JR.	AN ACT RELATIVE TO APPROPRIATING THE FUNDS AVAILABLE IN THE LIMITED GAMING FUND IN FISCAL YEAR 2013-2014 IN ACCORDANCE WITH PUBLIC LAW 32-060.
312-32 (LS)	FRANK B. AGUON, JR.	AN ACT RELATIVE TO APPROPRIATING THE FUNDS IN THE GMHA HEALTHCARE TRUST AND DEVELOPMENT FUND TO THE GUAM MEMORIAL HOSPITAL AUTHORITY PURSUANT TO PUBLIC LAW 32-060; BY AMENDING SUBSECTION “(B)” OF §97103, CHAPTER 97, ARTICLE 1, TITLE 10, GUAM CODE ANNOTATED.
313-32 (LS)	Brant T. McCreddie V. Anthony Ada Chris M. Dueñas Michael T. Limtiaco Tommy Morrison Aline A. Yamashita, Ph.D. FRANK B. AGUON, JR. Dennis G. Rodriguez, Jr.	AN ACT TO CREATE A NEW ARTICLE 6 TO CHAPTER 90 TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CONSTRUCTION AND RENOVATION OF THE DEPARTMENT OF CORRECTIONS ADULT CORRECTIONAL FACILITY TO ENSURE THE SAFETY OF THE PEOPLE OF GUAM; WHICH SHALL COLLECTIVELY BE CITED AS “THE DEPARTMENT OF CORRECTIONS CONSTRUCTION INITIATIVE ACT OF 2014”.
314-32 (LS)	Aline A. Yamashita, Ph.D	AN ACT TO ADD A NEW CHAPTER 81 TO TITLE 21, GUAM CODE ANNOTATED RELATIVE TO CREATING A STREAMLINED AND EXPEDITED PROCESS FOR REZONING REAL PROPERTY FOR CONSTRUCTING SMALL PROJECTS BY PARTIALLY PRIVATIZING THE PROCESS.
315-32 (LS)	Michael F.Q. San Nicolas	AN ACT TO APPROPRIATE TWO HUNDRED NINETY-TWO THOUSAND EIGHT HUNDRED DOLLARS (\$292,800) TO FUND PROGRAMS FOR DRUG AND ALCOHOL TREATMENT SERVICES AND EMERGENCY YOUTH SHELTER FOR HOMELESS, RUNAWAY, AND ABUSED YOUTH, BY ADDING A NEW §11 TO CHAPTER XI OF PUBLIC LAW 32-068.

<b>Bill Nos.</b>	<b>Sponsors</b>	<b>Title</b>
<b>316-32(LS)</b>	Benjamin J.F. Cruz	AN ACT TO REPEAL AND REENACT §3105, CHAPTER 3 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO RESPONSIBLY RAISING THE MINIMUM WAGE.
<b>317-32 (LS)</b>	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF 9GCA RELATIVE TO THE CRIME OF PHISHING.
<b>318-32 (LS)</b>	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO CREATING THE “COMPUTER PROTECTION ACT,”
<b>319-32 (LS)</b>	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO CREATING THE “COMPUTER SPYWARE PROTECTION ACT,”
<b>320-32 (LS)</b>	V.C. Pangelinan	AN ACT TO ADD A NEW CHAPTER 53 TO DIVISION 2, AND TO ADD A NEW SECTION 70134 TO CHAPTER 70, DIVISION 3, TITLE 11 OF THE GUAM CODE ANNOTATED, RELATIVE THE CREATION OF THE GUAM QUALIFIED RETIREMENT PLAN AND TRUST ACT.



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April 14, 2014

### MEMORANDUM

**To: Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From: Senator Rory J. Respicio**   
*Chairperson of the Committee on Rules*

**Subject: Referral of Bill No. 319-32(LS)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 319-32(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.


*Si Yu'os Ma'åse!*

Attachment

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2014 (SECOND) Regular Session

Bill No. 319-32 (LS)

Introduced by:

T. A. Morrison 

AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 46,  
TITLE 9, GUAM CODE ANNOTATED RELATIVE TO  
CREATING THE “COMPUTER SPYWARE PROTECTION  
ACT,”

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2

3 Section 1. A new Article 3 is *added* to Chapter 46 of 9GCA to read:

4

5

“Article 3

6

COMPUTER SPYWARE PROTECTION ACT

7

8 §46.301. **Title.** This Act may be cited as the “Computer Spyware Protection Act.”

9

10 §46.302. **Legislative Intent.** *I Liheslaturan Guåhan* finds that spyware is a problem that  
11 adversely affects nearly every computer connected to the internet. Spyware is a catch-all  
12 term for computer programs that can track computer users' movements online. There are  
13 hundreds of programs that range from innocuous “ad-ware,” which generates pop-up  
14 advertisements, to more dangerous programs that can record a user’s keystrokes to gather  
15 personal information such as credit card numbers and passwords without their knowledge  
16 and forward this information to another entity without the consumer’s consent. Spyware is  
17 a serious problem that can create substantial privacy risks, increase the risk of identity

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1 theft, and cause serious degradation to personal and business computers that can cost  
2 millions of dollars in lost productivity.

3

4 It is the intent of I Liheslatura to protect owners and operators of computers in Guam from  
5 the use of spyware and malware that is deceptively or surreptitiously installed on the  
6 owner's or the operator's computer.

7

8 **§46.303. Definitions**

9

10 (1) "Cause to be copied" means to distribute or transfer computer software, or any  
11 component thereof. Such term shall not include providing:

12

13 (a) a transmission, routing, provision of intermediate temporary storage, or  
14 caching of software;

15

16 (b) a storage or hosting medium, such as a compact disk, web site, or  
17 computer server through which the software was distributed by a third party;  
18 or

19

20 (c). an information location tool, such as a directory, index, reference,  
21 pointer, or hypertext link, through which the user of the computer located  
22 the software.

23

24 (2) "Computer software" means a sequence of instructions written in any programming  
25 language that is executed on a computer. "Computer software" does not include a data  
26 component of a web page that is not executable independently of the web page.

27

1 (3) "Computer virus" means a computer program or other set of instructions that is  
2 designed to degrade the performance of or disable a computer or computer network and is  
3 designed to have the ability to replicate itself on other computers or computer networks  
4 without the authorization of the owners of those computers or computer networks.  
5

6 (4) "Damage" means any significant impairment to the integrity or availability of data,  
7 software, a system, or information.  
8

9 (5) "Execute," when used with respect to computer software, means the performance of  
10 the functions or the carrying out of the instructions of the computer software.  
11

12 (6) "Intentionally deceptive" means any of the following:  
13

14 a. An intentionally and materially false or fraudulent statement.  
15

16 b. A statement or description that intentionally omits or misrepresents  
17 material information in order to deceive an owner or operator of a computer.  
18

19 c. An intentional and material failure to provide a notice to an owner or  
20 operator regarding the installation or execution of computer software for the  
21 purpose of deceiving the owner or operator.  
22

23 (7) "Internet" means the global information system that is logically linked together by a  
24 globally unique address space based on the internet protocol (IP), or its subsequent  
25 extensions, and that is able to support communications using the transmission control  
26 protocol/internet protocol (TCP/IP) suite, or its subsequent extensions, or other IP-  
27 compatible protocols, and that provides, uses, or makes accessible, either publicly or



1 privately, high-level services layered on the communications and related infrastructure  
2 described in this subsection.

3

4 (8) "Owner or operator" means the owner or lessee of a computer, or a person using such  
5 computer with the owner or lessee's authorization, but does not include a person who  
6 owned a computer prior to the first retail sale of the computer.

7

8 (9) "Message" means a graphical or text communication presented to an authorized user of  
9 a computer.

10

11 (10) "Person" means any individual, partnership, corporation, limited liability company,  
12 or other organization, or any combination thereof.

13

14 (11) "Personally identifiable information" means any of the following information if it  
15 allows the entity holding the information to identify the owner or operator of a computer:

16

17 a. The first name or first initial in combination with the last name.

18

19 b. A home or other physical address including street name.

20

21 c. Personal identification code in conjunction with a password required to  
22 access an identified account, other than a password, personal identification  
23 number or other identification number transmitted by an authorized user to  
24 the issuer of the account or its agent.

25

26 d. Social security number, tax identification number, driver's license number,  
27 passport number, or any other government-issued identification number.

28

1 e. Account balance, overdraft history, or payment history that personally  
2 identifies an owner or operator of a computer.  
3

4 **§46.304. Prohibitions, Use of Software**

5 It is unlawful for a person who is not an owner or operator of a computer to cause  
6 computer software to be copied on such computer knowingly or with conscious avoidance  
7 of actual knowledge or willfully, and to use such software to do any of the following:  
8

9 (1) Modify, through intentionally deceptive means, settings of a computer that control any  
10 of the following:  
11

12 a. The web page that appears when an owner or operator launches an Internet  
13 browser or similar computer software used to access and navigate the  
14 Internet.  
15

16 b. The default provider or web proxy that an owner or operator uses to access  
17 or search the Internet.  
18

19 c. An owner's or an operator's list of bookmarks used to access web pages.  
20

21 (2) Collect, through intentionally deceptive means, personally identifiable information  
22 through any of the following means:  
23

24 a. The use of a keystroke-logging function that records all or substantially all  
25 keystrokes made by an owner or operator of a computer and transfers that  
26 information from the computer to another person.  
27

1 b. In a manner that correlates personally identifiable information with data  
2 regarding all or substantially all of the Web sites visited by an owner or  
3 operator, other than Web sites operated by the person providing such  
4 software, if the computer software was installed in a manner designed to  
5 conceal from all authorized users of the computer the fact that the software is  
6 being installed..

7  
8 c. By extracting from the hard drive of an owner's or an operator's computer,  
9 an owner's or an operator's social security number, tax identification number,  
10 driver's license number, passport number, any other government-issued  
11 identification number, account balances, or overdraft history for a purpose  
12 unrelated to any of the purposes of the software or service described to an  
13 authorized user.

14  
15 (3) Prevent, through intentionally deceptive means, an owner's or an operator's reasonable  
16 efforts to block the installation of or execution of, or to disable, computer software by  
17 causing computer software that the owner or operator has properly removed or disabled to  
18 automatically reinstall or reactivate on the computer without the authorization of an  
19 authorized user.

20  
21 (4) Intentionally misrepresent that computer software will be uninstalled or disabled by an  
22 owner's or an operator's action.

23  
24 (5) Through intentionally deceptive means, remove, disable, or render inoperative  
25 security, antispymware, or antivirus computer software installed on an owner's or an  
26 operator's computer.

27  
28 (6) Enable use of an owner's or an operator's computer to do any of the following:

1  
2 a. Accessing or using a modem or Internet service for the purpose of causing  
3 damage to an owner's or an operator's computer or causing an owner or  
4 operator , or a third party affected by such conduct to incur financial charges  
5 for a service that the owner or operator did not authorize.

6  
7 b. Opening multiple, sequential, stand-alone messages in an owner's or an  
8 operator's computer without the authorization of an owner or operator and  
9 with knowledge that a reasonable computer user could not close the messages  
10 without turning off the computer or closing the software application in which  
11 the messages appear; provided that this paragraph shall not apply to  
12 communications originated by the computer's operating system, originated  
13 by a software application that the user chooses to activate, originated by a  
14 service provider that the user chooses to use, or presented for any of the  
15 purposes described in §46.306.

16  
17 c. Transmitting or relaying commercial electronic mail or a computer virus  
18 from the computer, where the transmission or relaying is initiated by a person  
19 other than the authorized user and without the authorization of an authorized  
20 user.

21  
22 (7) Modify any of the following settings related the computer's access to, or use of, the  
23 Internet:

24  
25 a. Settings that protect information about an owner or operator for the  
26 purpose of taking personally identifiable information of the owner or  
27 operator.  
28

1 b. Security settings for the purpose of causing damage to a computer.

2  
3 c. Settings that protect the computer from the uses identified in subsection (6)  
4 of this section.

5  
6 (8) Prevent, without the authorization of an owner or operator, an owner's or an operator's  
7 reasonable efforts to block the installation of, or to disable, computer software by doing  
8 any of the following:

9  
10 a. Presenting the owner or operator with an option to decline installation of  
11 computer software with knowledge that, when the option is selected by the  
12 authorized user, the installation nevertheless proceeds.

13  
14 b. Falsely representing that computer software has been disabled.

15  
16 c. Requiring in an intentionally deceptive manner the user to access the  
17 Internet to remove the software with knowledge or reckless disregard of the  
18 fact that the software frequently operates in a manner that prevents the user  
19 from accessing the Internet.

20  
21 d. Changing the name, location or other designation information of the  
22 software for the purpose of preventing an authorized user from locating the  
23 software to remove it.

24  
25 e. Using randomized or intentionally deceptive filenames, directory folders,  
26 formats, or registry entries for the purpose of avoiding detection and removal  
27 of the software by an authorized user.

1 f. Causing the installation of software in a particular computer directory or  
2 computer memory for the purpose of evading authorized users' attempts to  
3 remove the software from the computer;

4  
5 g. Requiring, without the authority of the owner of the computer, that an  
6 authorized user obtain a special code or download software from a third party  
7 to uninstall the software.

8  
9 **§46.305. Other Prohibitions**

10 It is unlawful for a person who is not an owner or operator of a computer to do any of the  
11 following with regard to the computer:

12  
13 (1) Induce an owner or operator to install a computer software component onto the  
14 owner's or the operator's computer by intentionally misrepresenting that installing  
15 computer software is necessary for security or privacy reasons or in order to open, view,  
16 or play a particular type of content.

17  
18 (2) Using intentionally deceptive means to cause the execution of a computer software  
19 component with the intent of causing the computer to use such component in a manner  
20 that violates any other provision of this Article.

21  
22 **§46.306. Exceptions**

23 §§46.304 and 46.305 shall not apply to the monitoring of, or interaction with, an owner's  
24 or an operator's Internet or other network connection, service, or computer, by a  
25 telecommunications carrier, cable operator, computer hardware or software provider, or  
26 provider of information service or interactive computer service for network or computer  
27 security purposes, diagnostics, technical support, maintenance, repair, network  
28 management, authorized updates of computer software or system firmware, authorized

1 remote system management, or detection or prevention of the unauthorized use of or  
2 fraudulent or other illegal activities in connection with a network, service, or computer  
3 software, including scanning for and removing computer software prescribed under this  
4 Article.

5  
6 **§46.307. Remedies**

7 (1) The attorney general, an Internet service provider or software company that expends  
8 resources in good faith assisting authorized users harmed by a violation of this Article, or  
9 a trademark owner whose mark is used to deceive authorized users in violation of this  
10 Article, may bring a civil action against a person who violates any provision of this  
11 Article to recover actual damages, liquidated damages of at least one thousand dollars per  
12 violation of this Article, not to exceed one million dollars for a pattern or practice of such  
13 violations, attorney fees, and costs.

14  
15 (2) The court may increase a damage award to an amount equal to not more than three  
16 times the amount otherwise recoverable under subsection 1 if the court determines that the  
17 defendant committed the violation willfully and knowingly.

18  
19 (3) The court may reduce liquidated damages recoverable under subsection 1, to a  
20 minimum of one hundred dollars, not to exceed one hundred thousand dollars for each  
21 violation if the court finds that the defendant established and implemented practices and  
22 procedures reasonably designed to prevent a violation of this Article.

23  
24 (4) In the case of a violation of §46.304(6)a. that causes a telecommunications carrier or  
25 provider of voice over internet protocol service to incur costs for the origination,  
26 transport, or termination of a call triggered using the modem or Internet-capable device of  
27 a customer of such telecommunications carrier or provider as a result of such violation,

1 the telecommunications carrier may bring a civil action against the violator to recover any  
2 or all of the following—

3 a. the charges such carrier or provider is obligated to pay to another carrier or  
4 to an information service provider as a result of the violation, including but  
5 not limited to charges for the origination, transport or termination of the call;

6  
7 b. costs of handling customer inquiries or complaints with respect to amounts  
8 billed for such calls;

9  
10 c. costs and a reasonable attorneys' fee; and

11  
12 d. an order to enjoin the violation.  
13

14 (5) For purposes of a civil action under paragraphs (1), (2) and (3) any single action or  
15 conduct that violates more than one paragraph of this Article shall be considered multiple  
16 violations based on the number of such paragraphs violated.  
17

18 **§46.308. Good Samaritan**

19 (1) No provider of computer software or of an interactive computer service may be held  
20 liable for identifying, naming, removing, disabling, or otherwise affecting a computer  
21 program through any action voluntarily undertaken, or service provided, where the  
22 provider:

23  
24 a. Intends to identify accurately, prevent the installation or execution of,  
25 remove, or disable another computer program on a computer of a customer of  
26 such provider; and  
27



1           b. Reasonably believes the computer program exhibits behavior that violates  
2 this act; and

3  
4           c. Notifies the authorized user and obtains clear and conspicuous consent  
5 before undertaking such action or providing such service.

6  
7 (2) A provider of computer software or interactive computer service is entitled to  
8 protection under this section only if such provider:

9  
10           a. Has established internal practices and procedures to evaluate computer  
11 programs reasonably designed to determine whether or not a computer  
12 program exhibits behavior that violates this act; and

13  
14           b. Has established a process for managing disputes and inquiries regarding  
15 misclassification or false positive identifications of computer programs.

16 Nothing in this section is intended to limit the ability of the Attorney General,  
17 or a district attorney to bring an action against a provider of computer  
18 software or of an interactive computer service.