



Refer to  
Legislative Secretary

OFFICE OF THE GOVERNOR  
GUAM

Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 6-30-99  
Time: 7:57  
Rec'd by: [Signature]  
Print Name: Charles  
0825799-0197

JUN 30 1999

The Honorable Antonio R. Unpingco  
Speaker  
I Mina'Bente Singko na Liheslaturan Guåhan  
Twenty-Fifth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACCOUNTS RECEIVABLE ACCOUNT	
Received By	<u>[Signature]</u>
Time	<u>10:49 am</u>
Date	<u>7-1-99</u>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 170 (COR), "AN ACT TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO ESTABLISH A SURCHARGE ON LOCAL EXCHANGE TELEPHONE SERVICE AND COMMERCIAL MOBILE RADIO SERVICE TO FUND AN ISLAND-WIDE ENHANCED "911" EMERGENCY TELEPHONE SYSTEM", which I have signed into law today as **Public Law No. 25-55**.

This legislation supports the necessary personnel, equipment, and system needed to properly operate a "911" emergency system. The legislation authorizes a surcharge, in an amount to be set by the Public Utilities Commission, which is to be collected by local exchange carriers and commercial mobile radio service providers.

The money collected is to be placed in a separate fund administered by the Department of Administration.

Recipients of life-line rates for lower income persons, as well as telecommunication services that are incapable of "911" access, are not subject to the surcharge.

Very truly yours,

[Signature]  
Madeleine Z. Bordallo  
Maga'lahaen Guåhan, Akto  
Acting Governor of Guam

Attachment: copy attached for signed bill or overridden bill  
original attached for vetoed bill

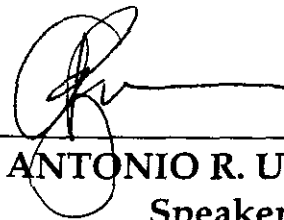
cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

00332

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 170 (COR), "AN ACT TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO ESTABLISH A SURCHARGE ON LOCAL EXCHANGE TELEPHONE SERVICE AND COMMERCIAL MOBILE RADIO SERVICE TO FUND AN ISLAND-WIDE ENHANCED "911" EMERGENCY TELEPHONE SYSTEM," was on the 15<sup>th</sup> day of June, 1999, duly and regularly passed.



---

ANTONIO R. UNPINGCO  
Speaker

Attested:



---

JOANNE M.S. BROWN  
Senator and Legislative Secretary

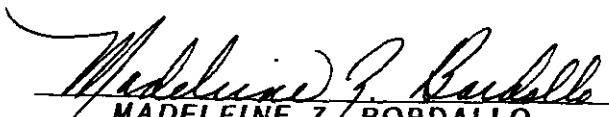
-----  
This Act was received by I Maga'lahaen Guahan this 15<sup>th</sup> day of June, 1999,  
at 5:50 o'clock P.M.



---

Assistant Staff Officer  
Maga'laha's Office

APPROVED:



---

MADELEINE Z. BORDALLO  
Akto I Maga'lahaen Guahan  
Acting Governor of Guam

Date: 6/30/99

Public Law No. 25-55

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

**Bill No. 170 (COR)**

As substituted by the  
Committee on Transportation,  
Telecommunications and Micronesian Affairs.

Introduced by:

C. A. Leon Guerrero

J. C. Salas

K. S. Moylan

F. B. Aguon, Jr.

E. C. Bermudes

A. C. Blaz

J. M.S. Brown

E. B. Calvo

M. G. Camacho

Mark Forbes

L. F. Kasperbauer

A. C. Lamorena, V

V. C. Pangelinan

S. A. Sanchez, II

A. R. Unpingco

**AN ACT TO AUTHORIZE THE PUBLIC UTILITIES  
COMMISSION TO ESTABLISH A SURCHARGE ON  
LOCAL EXCHANGE TELEPHONE SERVICE AND  
COMMERCIAL MOBILE RADIO SERVICE TO FUND  
AN ISLAND-WIDE ENHANCED "911" EMERGENCY  
TELEPHONE SYSTEM.**

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

2           **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that the  
3 existing "911" system is antiquated and insufficient for the Island's emergency

1 reporting needs, and that there is a need to establish a new, enhanced "911"  
2 system to better protect the health and safety of Island residents. *I Liheslaturan*  
3 *Guåhan* further finds that in order to fund the new, enhanced "911" system, a  
4 surcharge on Local Exchange Telephone Service and Commercial Mobile Radio  
5 Service should be established.

6 **Section 2. Authorization to Establish Surcharge.** (a) The Public  
7 Utilities Commission ("Commission") shall establish and amend, as  
8 required, a monthly surcharge to be known as the "911 Surcharge" to be paid  
9 by Local Exchange Telephone and Commercial Mobile Radio Service  
10 subscribers.

11 (b) The Commission may establish different rates for residential,  
12 government and business subscribers.

13 (c) The "911 Surcharge" shall be established by the Commission at  
14 a rate *not* to exceed One Dollar (\$1.00) per month per access line, up to a  
15 maximum of twenty-five (25) access lines per account bill rendered for local  
16 exchange telephone service, and at a rate *not* to exceed One Dollar (\$1.00)  
17 per month per account number for commercial mobile radio service, up to  
18 a maximum of twenty-five (25) account numbers per account bill rendered  
19 per month.

20 (d) The purpose of the "911 Surcharge" is to fund the just and  
21 reasonable expenses of operating and maintaining the "911" system, which  
22 shall be the responsibility of the Guam Fire Department ("Department").  
23 The Department shall petition the Commission, in accordance with  
24 Commission rules, for the establishment of a "911 Surcharge," and for its  
25 amendment from time to time; *however*, the Commission may on its own

1 initiative examine the adequacy of the surcharge at any time.

2 (e) It is the intent of *I Liheslaturan Guåhan* that the "911 Surcharge"  
3 authorized by this Chapter *not* necessarily provide the total funding  
4 required for establishing or providing the "911" service.

5 (f) In the event the surcharge is insufficient to cover the annual  
6 "911" system operating costs, as determined by the Commission, then the  
7 Commission shall immediately notify *I Liheslaturan Guåhan* of the shortfall,  
8 and the Department shall request an appropriation in its annual budget to  
9 cover any such shortfall.

10 (g) In exercising its responsibilities under this Act, the Commission  
11 shall have the powers and duties prescribed in its enabling legislation,  
12 Chapter 12 of Title 12 of the Guam Code Annotated.

13 (h) Surcharge revenues shall *not* be expended by the Department  
14 for the procurement of supplies, equipment or services in excess of Five  
15 Hundred Thousand Dollars (\$500,000.00), without the *prior* approval of the  
16 Commission as to the prudence and reasonableness of the procurement.

17 **Section 3. Collection of "911 Surcharge."** (a) Each Local  
18 Exchange Carrier ("LEC") and Commercial Mobile Radio Service ("CMRS")  
19 provider shall collect the surcharge as established by the Commission, and  
20 identify such as a separate line item on its invoice.

21 (b) Each LEC or CMRS provider shall remit the amounts collected  
22 to the Department of Administration no later than forty-five (45) days *after*  
23 the end of the month in which the amount is collected.

24 (c) Each LEC or CMRS provider shall be authorized to deduct from  
25 such remittances its actual expenses incurred for collection services,

1 maintaining the PSAP database, and for reports and audits as may be  
2 required by the Commission; *provided*, such deductions are consistent with  
3 a Commission-approved budget for such expenses.

4 (d) The surcharges collected pursuant to this Section are *not* subject  
5 to any tax, fee or assessment, nor are they considered revenue of the LEC or  
6 CMRS provider.

7 (e) Each LEC or CMRS provider is authorized to deduct from its  
8 "911" receipts, amounts necessary to cover the Commission's expenses in  
9 conducting the regulatory activities required in this Act, to be billed by the  
10 Commission on a *pro-rata* basis.

11 (f) For purposes of this Act, a "*CMRS provider*" means a provider  
12 of wireless cellular telephone service, or wireless personal communications  
13 service.

14 **Section 4. Creation of Special Fund.** There is hereby created, separate  
15 and apart from all other funds of the government, the "*Enhanced 911 Emergency*  
16 *Reporting System Fund*" ("Fund") to be administered by the Department of  
17 Administration. The Fund is created to provide a source of funding for costs  
18 associated with an enhanced "911" Emergency Reporting System. All the "911"  
19 surcharges collected by each LEC and CMRS provider shall be paid into the Fund.  
20 The money collected and interest earned shall be used by the Department solely  
21 for enhanced "911" equipment and system costs as described in this Act.

22 **Section 5. Exemptions from Surcharge.** Recipients of life-line rates  
23 for local exchange telephone service, and telecommunication services that are  
24 incapable of "911" access, including, but not limited to, interstate and  
25 international interconnections, internet service providers data access trunks,

1 paging trunks, inbound trunks for PBX service and leased circuits are exempted  
2 from the "911 Surcharge."

3 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider  
4 collecting the surcharges shall *not* be responsible for uncollectible surcharges, and  
5 shall have no obligation to take any legal action to enforce collection of the  
6 surcharge. The LEC or CMRS provider shall provide quarterly to the Commission  
7 a list of the names, addresses and telephone numbers of any and all subscribers  
8 who have identified to the LEC or CMRS provider their refusal to pay the "911"  
9 fee.

10 Nothing in this Chapter shall be construed to prevent the government from  
11 taking appropriate actions to collect such surcharges designated by the LEC or  
12 CMRS provider as uncollectible.

13 **Section 7. Definition of "911" Equipment and System.** (a) For  
14 purposes of this Act, "*enhanced 911 equipment*" means the equipment  
15 dedicated to the operation of, or use in, the establishment, operation or  
16 maintenance of an enhanced "911" system, including customer premises  
17 equipment, automatic number identification, or automatic location  
18 identification controllers and display units, printers, recorders, software and  
19 other essential communication equipment required by the system.

20 (b) "*Enhanced 911 system*" means a telephone system consisting of  
21 network, database and enhanced "911" equipment that uses the single three  
22 (3) digit number "911" for reporting a fire, police, medical or other  
23 emergency situation, and that enables the users of a public telephone  
24 system to reach a public safety answering point ("PSAP") to report  
25 emergencies by dialing "911."

1           (c)    “Enhanced 911 database for wireline service” means the subscriber  
2           name, address and number; and for wireless service means the subscriber  
3           name and number, and location consistent with the Federal  
4           Communications Commission Order Number 94-102.

5           (d)    An enhanced 911 system includes the personnel required to  
6           acquire, install, operate and maintain the system.

7           (e)    Each LEC and CMRS provider shall be responsible for  
8           establishing and maintaining an appropriate network to deliver “911” calls  
9           to the PSAP, and in maintaining the database for use in the PSAP.

10          **Section 8. Yearly Reports.** The Department shall prepare and submit to  
11          *I Maga’lahen Guâhan* and to the Speaker of *I Liheslaturan Guâhan* a yearly  
12          assessment report on the enhanced “911” system, to include the number and types  
13          of calls received; the number and types of emergencies in which emergency  
14          personnel were dispatched; deficiencies, *if any*, in the system compared to other  
15          operations in the United States mainland; new system or equipment changes that  
16          will be made or required in the future; and any other information that is useful in  
17          evaluating the effectiveness of the “911” system.

18          **Section 9. Confidentiality of Records.**           Any record, recording or  
19          information, or portions thereof, obtained by a public agency, or a public safety  
20          agency, for the purpose of providing services in an emergency, and which reveals  
21          the name, address, telephone number or personal information about, or  
22          information which may identify any person requesting emergency service by  
23          accessing an emergency telephone number “911” system, is confidential, *except*  
24          that such record or information may be disclosed to a public safety agency. The  
25          exemption applies only to the name, address, telephone number or personal



1 information about, or information which may identify any person requesting  
2 emergency services or reporting an emergency while such information is in the  
3 custody of the public agency or public safety agency providing emergency  
4 services.

5 A LEC or CMRS provider shall *not* be liable for damages to any person  
6 resulting from or in connection with such LEC's or CMRS provider's provision of  
7 lawful assistance to any law enforcement officer in connection with any lawful  
8 investigation or other law enforcement activity by such law enforcement officer,  
9 *unless* the LEC or CMRS provider acted in a wanton or willful manner.

10 **Section 10. False "911" Calls.** Whoever accesses the number  
11 "911" for the purpose of making a false alarm, threat, complaint or reporting false  
12 information which could result in the emergency response of any public safety  
13 agency is guilty of a misdemeanor of the first degree.

14 **Section 11. Violations of this Act.** Any person or entity which  
15 the Commission determines has violated any provision of this Act, or any  
16 Commission order, shall be given proper notice and be allowed a reasonable  
17 opportunity to cure the violation. Thereafter, in the event of failure to cure, the  
18 Commission may refer the violation to the Attorney General's Office for  
19 prosecution. Any person or entity that, having the responsibility of complying  
20 with this Act or a Commission order, fails to cure such violation shall be fined a  
21 civil penalty *not* to exceed Ten Thousand Dollars (\$10,000.00) per infraction. Any  
22 such penalty shall be deposited into the Fund.

23 **Section 12. Service Providers Shall Not Charge for "911" Calls.**  
24 Any telecommunications service that has the capability of reaching the PSAP by  
25 voice communication, including, but not limited to, public and private pay

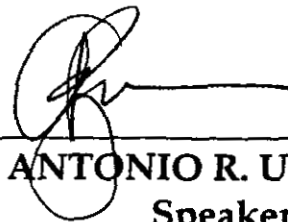
1 phones, shall *not* charge for any calls placed to the PSAP by dialing "911."

2       **Section 13.       Public Education.**       The Department may use monies  
3 from its budget to educate the public on the "911" system. Education may  
4 include, but is not limited to, confirming with all residents their actual street  
5 addresses. The Department may reimburse the monies used to educate the public  
6 on the "911" system from the Fund.

**MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN**  
**1999 (FIRST) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN**

This is to certify that Substitute Bill No. 170 (COR), "AN ACT TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO ESTABLISH A SURCHARGE ON LOCAL EXCHANGE TELEPHONE SERVICE AND COMMERCIAL MOBILE RADIO SERVICE TO FUND AN ISLAND-WIDE ENHANCED "911" EMERGENCY TELEPHONE SYSTEM," was on the 15<sup>th</sup> day of June, 1999, duly and regularly passed.




ANTONIO R. UNPINGCO  
Speaker

Attested:



JOANNE M.S. BROWN  
Senator and Legislative Secretary

.....  
This Act was received by I Maga'lahaen Guahan this 18<sup>th</sup> day of June, 1999,  
at 5:50 o'clock P.M.



Assistant Staff Officer  
Maga'laha's Office

APPROVED:

\_\_\_\_\_  
CARL T. C. GUTIERREZ  
I Maga'lahaen Guahan

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 170 (COR), "AN ACT TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO ESTABLISH A SURCHARGE ON LOCAL EXCHANGE TELEPHONE SERVICE AND COMMERCIAL MOBILE RADIO SERVICE TO FUND AN ISLAND-WIDE ENHANCED "911" EMERGENCY TELEPHONE SYSTEM," was on the 15<sup>th</sup> day of June, 1999, duly and regularly passed.

\_\_\_\_\_  
**ANTONIO R. UNPINGCO**  
Speaker

Attested:

\_\_\_\_\_  
**JOANNE M.S. BROWN**  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahen Guahan* this \_\_\_\_\_ day of \_\_\_\_\_, 1999,  
at \_\_\_\_\_ o'clock \_\_\_\_\_.M.

\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahi's Office*

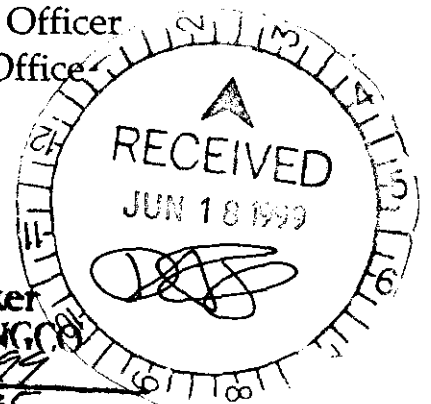
APPROVED:

\_\_\_\_\_  
CARL T. C. GUTIERREZ  
*I Maga'lahen Guahan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 6/18/99  
Time: 1:35  
Rec'd by: [Signature]  
Print Name: Laure



**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

**Bill No. 170 (COR)**

As substituted by the  
Committee on Transportation,  
Telecommunications and Micronesian Affairs.

Introduced by:

C. A. Leon Guerrero  
J. C. Salas  
K. S. Moylan  
F. B. Aguon, Jr.  
E. C. Bermudes  
A. C. Blaz  
J. M.S. Brown  
E. B. Calvo  
M. G. Camacho  
Mark Forbes  
L. F. Kasperbauer  
A. C. Lamorena, V  
V. C. Pangelinan  
S. A. Sanchez, II  
A. R. Unpingco

**AN ACT TO AUTHORIZE THE PUBLIC UTILITIES  
COMMISSION TO ESTABLISH A SURCHARGE ON  
LOCAL EXCHANGE TELEPHONE SERVICE AND  
COMMERCIAL MOBILE RADIO SERVICE TO FUND  
AN ISLAND-WIDE ENHANCED "911" EMERGENCY  
TELEPHONE SYSTEM.**

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

2        **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that the  
3 existing "911" system is antiquated and insufficient for the Island's emergency

1 reporting needs, and that there is a need to establish a new, enhanced "911"  
2 system to better protect the health and safety of Island residents. *I Liheslaturan*  
3 *Guåhan* further finds that in order to fund the new, enhanced "911" system, a  
4 surcharge on Local Exchange Telephone Service and Commercial Mobile Radio  
5 Service should be established.

6 **Section 2. Authorization to Establish Surcharge.** (a) The Public  
7 Utilities Commission ("Commission") shall establish and amend, as  
8 required, a monthly surcharge to be known as the "911 Surcharge" to be paid  
9 by Local Exchange Telephone and Commercial Mobile Radio Service  
10 subscribers.

11 (b) The Commission may establish different rates for residential,  
12 government and business subscribers.

13 (c) The "911 Surcharge" shall be established by the Commission at  
14 a rate *not* to exceed One Dollar (\$1.00) per month per access line, up to a  
15 maximum of twenty-five (25) access lines per account bill rendered for local  
16 exchange telephone service, and at a rate *not* to exceed One Dollar (\$1.00)  
17 per month per account number for commercial mobile radio service, up to  
18 a maximum of twenty-five (25) account numbers per account bill rendered  
19 per month.

20 (d) The purpose of the "911 Surcharge" is to fund the just and  
21 reasonable expenses of operating and maintaining the "911" system, which  
22 shall be the responsibility of the Guam Fire Department ("Department").  
23 The Department shall petition the Commission, in accordance with  
24 Commission rules, for the establishment of a "911 Surcharge," and for its  
25 amendment from time to time; *however*, the Commission may on its own

1 initiative examine the adequacy of the surcharge at any time.

2 (e) It is the intent of *I Liheslaturan Guåhan* that the "911 Surcharge"  
3 authorized by this Chapter *not* necessarily provide the total funding  
4 required for establishing or providing the "911" service.

5 (f) In the event the surcharge is insufficient to cover the annual  
6 "911" system operating costs, as determined by the Commission, then the  
7 Commission shall immediately notify *I Liheslaturan Guåhan* of the shortfall,  
8 and the Department shall request an appropriation in its annual budget to  
9 cover any such shortfall.

10 (g) In exercising its responsibilities under this Act, the Commission  
11 shall have the powers and duties prescribed in its enabling legislation,  
12 Chapter 12 of Title 12 of the Guam Code Annotated.

13 (h) Surcharge revenues shall *not* be expended by the Department  
14 for the procurement of supplies, equipment or services in excess of Five  
15 Hundred Thousand Dollars (\$500,000.00), without the *prior* approval of the  
16 Commission as to the prudence and reasonableness of the procurement.

17 **Section 3. Collection of "911 Surcharge."** (a) Each Local  
18 Exchange Carrier ("LEC") and Commercial Mobile Radio Service ("CMRS")  
19 provider shall collect the surcharge as established by the Commission, and  
20 identify such as a separate line item on its invoice.

21 (b) Each LEC or CMRS provider shall remit the amounts collected  
22 to the Department of Administration no later than forty-five (45) days *after*  
23 the end of the month in which the amount is collected.

24 (c) Each LEC or CMRS provider shall be authorized to deduct from  
25 such remittances its actual expenses incurred for collection services,

1 maintaining the PSAP database, and for reports and audits as may be  
2 required by the Commission; *provided*, such deductions are consistent with  
3 a Commission-approved budget for such expenses.

4 (d) The surcharges collected pursuant to this Section are *not* subject  
5 to any tax, fee or assessment, nor are they considered revenue of the LEC or  
6 CMRS provider.

7 (e) Each LEC or CMRS provider is authorized to deduct from its  
8 "911" receipts, amounts necessary to cover the Commission's expenses in  
9 conducting the regulatory activities required in this Act, to be billed by the  
10 Commission on a *pro-rata* basis.

11 (f) For purposes of this Act, a "*CMRS provider*" means a provider  
12 of wireless cellular telephone service, or wireless personal communications  
13 service.

14 **Section 4. Creation of Special Fund.** There is hereby created, separate  
15 and apart from all other funds of the government, the "*Enhanced 911 Emergency*  
16 *Reporting System Fund*" ("Fund") to be administered by the Department of  
17 Administration. The Fund is created to provide a source of funding for costs  
18 associated with an enhanced "911" Emergency Reporting System. All the "911"  
19 surcharges collected by each LEC and CMRS provider shall be paid into the Fund.  
20 The money collected and interest earned shall be used by the Department solely  
21 for enhanced "911" equipment and system costs as described in this Act.

22 **Section 5. Exemptions from Surcharge.** Recipients of life-line rates  
23 for local exchange telephone service, and telecommunication services that are  
24 incapable of "911" access, including, but not limited to, interstate and  
25 international interconnections, internet service providers data access trunks,



1 paging trunks, inbound trunks for PBX service and leased circuits are exempted  
2 from the "911 Surcharge."

3 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider  
4 collecting the surcharges shall *not* be responsible for uncollectible surcharges, and  
5 shall have no obligation to take any legal action to enforce collection of the  
6 surcharge. The LEC or CMRS provider shall provide quarterly to the Commission  
7 a list of the names, addresses and telephone numbers of any and all subscribers  
8 who have identified to the LEC or CMRS provider their refusal to pay the "911"  
9 fee.

10 Nothing in this Chapter shall be construed to prevent the government from  
11 taking appropriate actions to collect such surcharges designated by the LEC or  
12 CMRS provider as uncollectible.

13 **Section 7. Definition of "911" Equipment and System.** (a) For  
14 purposes of this Act, "*enhanced 911 equipment*" means the equipment  
15 dedicated to the operation of, or use in, the establishment, operation or  
16 maintenance of an enhanced "911" system, including customer premises  
17 equipment, automatic number identification, or automatic location  
18 identification controllers and display units, printers, recorders, software and  
19 other essential communication equipment required by the system.

20 (b) "*Enhanced 911 system*" means a telephone system consisting of  
21 network, database and enhanced "911" equipment that uses the single three  
22 (3) digit number "911" for reporting a fire, police, medical or other  
23 emergency situation, and that enables the users of a public telephone  
24 system to reach a public safety answering point ("PSAP") to report  
25 emergencies by dialing "911."

1 (c) "Enhanced 911 database for wireline service" means the subscriber  
2 name, address and number; and for wireless service means the subscriber  
3 name and number, and location consistent with the Federal  
4 Communications Commission Order Number 94-102.

5 (d) An enhanced 911 system includes the personnel required to  
6 acquire, install, operate and maintain the system.

7 (e) Each LEC and CMRS provider shall be responsible for  
8 establishing and maintaining an appropriate network to deliver "911" calls  
9 to the PSAP, and in maintaining the database for use in the PSAP.

10 **Section 8. Yearly Reports.** The Department shall prepare and submit to  
11 *I Maga'lahaen Guåhan* and to the Speaker of *I Liheslaturan Guåhan* a yearly  
12 assessment report on the enhanced "911" system, to include the number and types  
13 of calls received; the number and types of emergencies in which emergency  
14 personnel were dispatched; deficiencies, *if any*, in the system compared to other  
15 operations in the United States mainland; new system or equipment changes that  
16 will be made or required in the future; and any other information that is useful in  
17 evaluating the effectiveness of the "911" system.

18 **Section 9. Confidentiality of Records.** Any record, recording or  
19 information, or portions thereof, obtained by a public agency, or a public safety  
20 agency, for the purpose of providing services in an emergency, and which reveals  
21 the name, address, telephone number or personal information about, or  
22 information which may identify any person requesting emergency service by  
23 accessing an emergency telephone number "911" system, is confidential, *except*  
24 that such record or information may be disclosed to a public safety agency. The  
25 exemption applies only to the name, address, telephone number or personal

1 information about, or information which may identify any person requesting  
2 emergency services or reporting an emergency while such information is in the  
3 custody of the public agency or public safety agency providing emergency  
4 services.

5 A LEC or CMRS provider shall *not* be liable for damages to any person  
6 resulting from or in connection with such LEC's or CMRS provider's provision of  
7 lawful assistance to any law enforcement officer in connection with any lawful  
8 investigation or other law enforcement activity by such law enforcement officer,  
9 *unless* the LEC or CMRS provider acted in a wanton or willful manner.

10 **Section 10. False "911" Calls.** Whoever accesses the number  
11 "911" for the purpose of making a false alarm, threat, complaint or reporting false  
12 information which could result in the emergency response of any public safety  
13 agency is guilty of a misdemeanor of the first degree.

14 **Section 11. Violations of this Act.** Any person or entity which  
15 the Commission determines has violated any provision of this Act, or any  
16 Commission order, shall be given proper notice and be allowed a reasonable  
17 opportunity to cure the violation. Thereafter, in the event of failure to cure, the  
18 Commission may refer the violation to the Attorney General's Office for  
19 prosecution. Any person or entity that, having the responsibility of complying  
20 with this Act or a Commission order, fails to cure such violation shall be fined a  
21 civil penalty *not* to exceed Ten Thousand Dollars (\$10,000.00) per infraction. Any  
22 such penalty shall be deposited into the Fund.

23 **Section 12. Service Providers Shall *Not* Charge for "911" Calls.**  
24 Any telecommunications service that has the capability of reaching the PSAP by  
25 voice communication, including, but not limited to, public and private pay

1 phones, shall *not* charge for any calls placed to the PSAP by dialing "911."

2       **Section 13.       Public Education.**       The Department may use monies  
3 from its budget to educate the public on the "911" system. Education may  
4 include, but is not limited to, confirming with all residents their actual street  
5 addresses. The Department may reimburse the monies used to educate the public  
6 on the "911" system from the Fund.

6

# I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 6/15/99

## VOTING SHEET

Bill No. 170 (COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT ROLL CALL
AGUON, Frank B., Jr.					✓
BERMUDES, Eulogio C.	✓				
BLAZ, Anthony C.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V					✓
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

13    0    0    0    2

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



June 7, 1999

**The Honorable Antonio R. Unpingco**  
**Speaker**  
**Mina'bente Singko na Liheslaturan Guahan**  
**155 Hesler Street**  
**Hagåtña, Guam 96910**

Dear Mr. Speaker,

The Committee on Transportation, Telecommunications and Micronesian Affairs, to which was referred **Bill No. 170, "An act to authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and Commercial mobile radio service to fund an islandwide enhanced "911" emergency telephone system"**, has had the same under consideration and now wishes to report back with the recommendation **To Pass**.

The Committee votes are as follows:

To Pass	<u>7</u>
Not to Pass	<u>0</u>
Abstain	<u>0</u>
Inactive File	<u>0</u>

A copy of the Committee Report and all pertinent documents are attached for your information and file.

Sincerely,



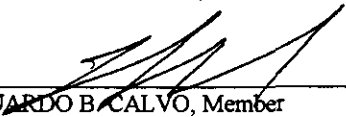
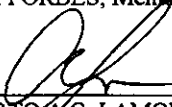
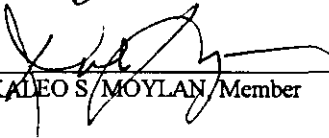
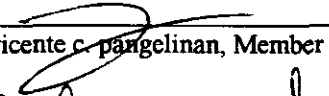
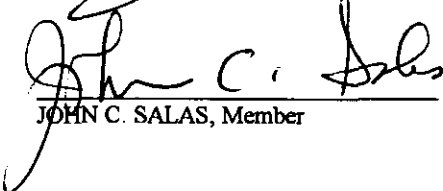
**CARLOTTA A. LEON GUERRERO**  
Chairperson

attachments

**Committee on Transportation, Telecommunications and Micronesian Affairs**  
*Mina'Bente Singko Na Liheslaturan Guåhan*

**Voting Record**

**Bill No. 170, "An Act to authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and commercial mobile radio service to fund an island-wide enhanced 911 emergency telephone system "**

	<b><u>TO PASS</u></b>	<b><u>NOT TO PASS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>INACTIVE FILE</u></b>
 CARLOTTA A. LEON GUERRERO, Chair	✓	_____	_____	_____
 ANTONIO R. UNPINGCO, Ex-officio	✓	_____	_____	_____
_____ ANTHONY C. BLAZ, Member	_____	_____	_____	_____
_____ JOANNE M.S. BROWN, Member	_____	_____	_____	_____
 EDUARDO B. CALVO, Member	✓	_____	_____	_____
_____ MARK FORBES, Member	_____	_____	_____	_____
 ALBERTO A.C. LAMORENA V, Member	✓	_____	_____	_____
 KALEO S. MOYLAN, Member	✓	_____	_____	_____
 VICENTE C. PANGELINAN, Member	✓	_____	_____	_____
 JOHN C. SALAS, Member	✓	_____	_____	_____
_____ SIMON A. SANCHEZ II, Member	_____	_____	_____	_____

**COMMITTEE ON TRANSPORTATION, TELECOMMUNICATIONS  
AND MICRONESIAN AFFAIRS**

**I Mina'Bente Singko na Liheslaturan Guahan  
Twenty-fifth Guam Legislature  
155 Hesler Street, Hagåtña, Guam 96910**

**COMMITTEE REPORT**

**ON**

**BILL NO. 170**

**“An act to authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and commercial mobile radio service to fund an island-wide enhanced “911” emergency telephone service.”**

**COMMITTEE MEMBERS**

**Chairman:** Sen. Carlotta A. Leon Guerrero

**Ex-Officio member:** Speaker Antonio R. Unpingco

Sen. Anthony C. Blaz

Sen. Joanne M.S. Brown

Sen. Eduardo B. Calvo

Sen. Mark Forbes

Sen. Alberto A.C. Lamorena V

Sen. Kaleo S. Moylan

Sen. Vicente C. Pangelinan

Sen. Simon A. Sanchez II

Sen. John C. Salas



## **PUBLIC HEARING SCHEDULE**

The Committee on Transportation, Telecommunication and Micronesian Affairs conducted a Public Hearing on Tuesday, April 6, 1999 at 9:00 a.m. in the Public Hearing room of *I Liheslaturan Guahan* Temporary Building in Hagåtña.

**Committee Members present:** Sen. Carlotta A. Leon Guerrero, Chair  
Sen. Eduardo B. Calvo  
Sen. Kaleo S. Moylan  
Sen. Joanne M.S. Brown  
Sen. Alberto C. Lamorena V  
Sen. Vicente C. Pangelinan  
Sen. John C. Salas

## **SUMMARY OF TESTIMONY**

Mr. Tony P. Rabon, Assistant Fire Chief, Guam Fire Department testified in support of the bill saying the current 911 system has outlived its intended life span, and a new funding source would assure a well maintained service that the community deserves. Mr. Vincent P. Arriola, General Manager of the Guam Telephone Authority suggested the bill include funding for a public education campaign so GTA subscribers understand the 911 surcharge is not a billable service associated with their phone service. Mr. Joaquin S. Santos, Jr. testifying as a private citizen said the surcharge is necessary but that a cost study should be conducted before it is implemented. Mr. Santos testified that the Legislature should first determine how sophisticated the 911 system to be implemented should be. He said the extent of the required database will be a big part of the cost of the system. Mr. Robert F. Kelley, Jr., Special Assistant to the Governor, testified that the Administration has recognized that the government of Guam needs a well-managed and properly funded Emergency 911 telephone system, and that a 911 surcharge is a reasonable method of funding this vital function. He testified that the Department of Revenue and Taxation should be the agency designated to collect the surcharge and that the Guam Fire Department should be the Fund Administrator. He also said the Legislature is the appropriate body to determine the amount of the surcharge, and not the Public Utilities Commission.

## **COMMITTEE FINDINGS**

The Committee finds that the existing 911 emergency telephone system is antiquated and needs to be replaced in order to protect the health and safety of island residents, and that a 911 surcharge on telecommunications customers is an appropriate and reasonable method of funding the operation of a 911 system.

## **COMMITTEE RECOMMENDATION**

The Committee on Transportation, Telecommunications and Micronesian Affairs hereby reports out Bill No. 170 to *I Mina'Bente Singko na Liheslaturan Guahan* with the recommendation **To Pass.**

1 subscribers.

2 (c) The "911" surcharge shall be established by the Commission at a rate not to  
3 exceed one dollar per month per access line up to a maximum of twenty five access  
4 lines per account bill rendered for local exchange telephone service, and at a rate not  
5 to exceed one dollar per month per account number for commercial mobile radio  
6 service up to a maximum of twenty five account numbers per account bill rendered per  
7 month.

8 (d) The purpose of the "911" surcharge is to fund the just and reasonable  
9 expenses of operating and maintaining the "911" system, which shall be the  
10 responsibility of the Guam Fire Department ("Department"). The Department shall  
11 petition the Commission, in accordance with Commission rules, for the establishment  
12 of a "911" surcharge and for its amendment from time to time; however, the  
13 Commission may on its own initiative examine the adequacy of the surcharge at any  
14 time.

15 (e) It is the intent of *I Liheslatura* that the "911" surcharge authorized by this  
16 Chapter not necessarily provide the total funding required for establishing or providing  
17 the "911" service.

18 (f) In the event the surcharge is insufficient to cover the annual "911" system  
19 operating costs as determined by the Commission, then the Commission shall  
20 immediately notify *I Liheslatura* of the shortfall, and the Department shall request an  
21 appropriation in its annual budget to cover any such shortfall.

22 (g) In exercising its responsibilities under this Act, the Commission shall have  
23 the powers and duties prescribed in its enabling legislation (Chapter 12 of Title 12 of  
24 the Guam Code Annotated).

25 (h) Surcharge revenues shall not be expended by the Department for the

1 procurement of supplies, equipment or services in excess of five hundred thousand  
2 dollars (\$500,000.00) without the prior approval of the Commission as to the prudence  
3 and reasonableness of the procurement.

4 **Section 3. Collection of "911" Surcharge.**

5 (a) Each Local Exchange Carrier ("LEC") and Commercial Mobile Radio  
6 Service ("CMRS") provider shall collect the surcharge as established by the  
7 Commission, and identify such as a separate line item on its invoice.

8 (b) Each LEC or CMRS provider shall remit the amounts collected to the  
9 Department of Administration no later than forty five (45) days after the end of the  
10 month in which the amount is collected.

11 (c) Each LEC or CMRS provider shall be authorized to deduct from such  
12 remittances its actual expenses incurred for collection services, maintaining the PSAP  
13 database, and for reports and audits as may be required by the Commission, provided  
14 such deductions are consistent with a Commission-approved budget for such expenses.

15 (d) The surcharges collected pursuant to this section are not subject to any tax,  
16 fee, or assessment, nor are they considered revenue of the LEC or CMRS provider.

17 (e) Each LEC or CMRS provider is authorized to deduct from its "911" receipts,  
18 amounts necessary to cover the Commission's expenses in conducting the regulatory  
19 activities required in this Act, to be billed by the Commission on a pro-rata basis.

20 (f) For purposes of this Act, a CMRS provider means a provider of wireless  
21 cellular telephone service or wireless personal communications service.

22 **Section 4. Creation of Special Fund.** There is hereby created, separate and  
23 apart from all other funds of the government, the "*Enhanced "911" Emergency*  
24 *Reporting System Fund ("Fund")*" to be administered by the Department of  
25 Administration. The Fund is created to provide a source of funding for costs associated

1 with an Enhanced "911" Emergency Reporting System. All the "911" surcharges  
2 collected by each LEC and CMRS provider shall be paid into the Fund. The money  
3 collected and interest earned shall be used by the Department solely for enhanced  
4 "911" equipment and system costs as described in this Act.

5 **Section 5. Exemptions from surcharge.** Recipients of Life-line rates for local  
6 exchange telephone service, and telecommunication services that are incapable of  
7 "911" access, including but not limited to, interstate and international interconnections,  
8 Internet Service Providers data access trunks, paging trunks, inbound trunks for PBX  
9 service and leased circuits are exempted from the "911" surcharge.

10 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider collecting  
11 the surcharges shall not be responsible for uncollectible surcharges, and shall have no  
12 obligation to take any legal action to enforce collection of the surcharge. The LEC or  
13 CMRS provider shall provide quarterly to the Commission a list of the names,  
14 addresses, and telephone numbers of any and all subscribers who have identified to the  
15 LEC or CMRS provider their refusal to pay the "911" fee. Nothing in this chapter shall  
16 be construed to prevent the government from taking appropriate actions to collect such  
17 surcharges designated by the LEC or CMRS provider as uncollectible.

18 **Section 7. Definition of "911" Equipment and System.**

19 (a) For purposes of this Act, enhanced "911" equipment means the equipment  
20 dedicated to the operation of, or use in, the establishment, operation, or maintenance  
21 of an enhanced "911" system, including customer premises equipment, automatic  
22 number identification or automatic location identification controllers and display units,  
23 printers, recorders, software, and other essential communication equipment required  
24 by the system.

25 (b) Enhanced "911" system means a telephone system consisting of network,

1 database, and enhanced "911" equipment that uses the single three digit number 911  
2 for reporting a fire, police, medical, or other emergency situation, and that enables the  
3 users of a public telephone system to reach a public safety answering point ("PSAP")  
4 to report emergencies by dialing "911".

5 (c) Enhanced "911" database for wireline service means the subscriber name,  
6 address, and number; and for wireless service means the subscriber name and number,  
7 and location consistent with the Federal Communications Commission Order Number  
8 94-102.

9 (d) An enhanced "911" system includes the personnel required to acquire,  
10 install, operate and maintain the system.

11 (e) Each LEC and CMRS provider shall be responsible for establishing and  
12 maintaining an appropriate network to deliver "911" calls to the PSAP, and in  
13 maintaining the database for use in the PSAP.

14 **Section 8. Yearly Reports.** The Department shall prepare and submit to *I*  
15 *Magalahi* and to the Speaker of *I Liheslatura* a yearly assessment report on the  
16 enhanced "911" system to include the number and types of calls received, the number  
17 and types of emergencies in which emergency personnel were dispatched, deficiencies,  
18 if any, in the system compared to other operations in the United States mainland, new  
19 system or equipment changes that will be made or required in the future, and any other  
20 information that is useful in evaluating the effectiveness of the "911" system.

21 **Section 9. Confidentiality of Records.** Any record, recording, or information,  
22 or portions thereof, obtained by a public agency or a public safety agency for the  
23 purpose of providing services in an emergency and which reveals the name, address,  
24 telephone number, or personal information about, or information which may identify  
25 any person requesting emergency service by accessing an emergency telephone number

1 “911” system is confidential, except that such record or information may be disclosed  
2 to a public safety agency. The exemption applies only to the name, address, telephone  
3 number or personal information about, or information which may identify any person  
4 requesting emergency services or reporting an emergency while such information is in  
5 the custody of the public agency or public safety agency providing emergency services.  
6 A LEC or CMRS provider shall not be liable for damages to any person resulting from  
7 or in connection with such LEC’s or CMRS provider’s provision of lawful assistance  
8 to any law enforcement officer in connection with any lawful investigation or other law  
9 enforcement activity by such law enforcement officer unless the LEC or CMRS  
10 provider acted in a wanton or willful manner.

11 **Section 10. False “911” Calls.** Whoever accesses the number “911” for the  
12 purpose of making a false alarm, threat, complaint or reporting false information which  
13 could result in the emergency response of any public safety agency is guilty of a  
14 misdemeanor of the first degree.

15 **Section 11. Violations of this Act.** Any person or entity which the Commission  
16 determines has violated any provision of this Act or any Commission order, shall be  
17 given proper notice and be allowed a reasonable opportunity to cure the violation.  
18 Thereafter, in the event of failure to cure, the Commission may refer the violation to the  
19 Attorney General’s Office for prosecution. Any person or entity that, having the  
20 responsibility of complying with this Act or a Commission order, fails to cure such  
21 violation, shall be fined a civil penalty not to exceed Ten-thousand dollars (\$10,000.00)  
22 per infraction. Any such penalty shall be deposited into the Fund.

23 **Section 12. Service Providers shall not charge for “911” Calls.** Any  
24 telecommunications service that has the capability of reaching the PSAP by voice  
25 communication, including but not limited to public and private pay phones, shall not

1 charge for any calls placed to the PSAP by dialing "911".

2           **Section 13. Public Education.** The Department may use monies from its  
3 budget to educate the public on the "911" system. Education may include, but is not  
4 limited to, confirming with all residents their actual street addresses. The Department  
5 may reimburse the monies used to educate the public on the "911" system from the  
6 Fund.

I MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 170

SANCHEZ

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Amended Section (C), line 2, after the word "a", insert the word "initial"

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

Date 6/14, 1999

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)

[Signature]  
Clerk of Legislature

      
Speaker

Ass't. Amend. Clerk  
Engrossment Staff



*Not entertained*

I MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 170

SANCHEZ

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur: *On page 2*

Delete sections e) & f)

*911* Add new section e) <sup>cited in sec 11</sup> The Commission may adjust the ~~change~~ per-line sur-charge after two years of enactment upon justification presented by the "Department" and after thorough review of the adequacy of the Dept's justifications, as allowed to the PNC in their powers & duties presented in the PNC enabling legislation (Chapters 12 of Title 12 of GCA)

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

Date \_\_\_\_\_, 1999

Floor Amendment No. \_\_\_\_\_ 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)

\_\_\_\_\_  
Clerk of Legislature

\_\_\_\_\_  
Speaker

Ass't. Amend. Clerk  
Engrossment Staff

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

RECEIVED  
99 MAR 29 PM 2 55 Jg

Bill No. 170/c/a

Introduced by:

C.A. Leon Guerrero  
J. C. Salas  
K.S. Moylan

**AN ACT TO AUTHORIZE THE PUBLIC UTILITIES  
COMMISSION TO ESTABLISH A SURCHARGE ON  
LOCAL EXCHANGE TELEPHONE SERVICE AND  
COMMERCIAL MOBILE RADIO SERVICE TO  
FUND AN ISLAND-WIDE ENHANCED "911"  
EMERGENCY TELEPHONE SYSTEM.**

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

2           **Section 1. Legislative findings.** *I Liheslatura* finds that the existing "911"  
3 system is antiquated and insufficient for the island's emergency reporting needs, and  
4 that there is a need to establish a new Enhanced "911" system to better protect the  
5 health and safety of island residents. *I Liheslatura* further finds that in order to fund  
6 the new enhanced "911" system, a surcharge on Local Exchange Telephone Service  
7 and Commercial Mobile Radio Service should be established.

8           **Section 2. Authorization to establish surcharge.** The Public Utilities  
9 Commission ("Commission") shall establish and amend, as required, a monthly  
10 surcharge to be known as the "911" surcharge to be paid by Local Exchange Telephone  
11 and Commercial Mobile Radio Service subscribers. The Commission may establish  
12 different rates for residential and business subscribers. The "911" surcharge shall be  
13 established by the Commission at a rate not to exceed one dollar per month per access

1 line up to a maximum of twenty five access lines per account bill rendered for local  
2 exchange telephone service, and at a rate not to exceed one dollar per month per  
3 account number for commercial mobile radio service. The purpose of the "911"  
4 surcharge is to fund the just and reasonable expenses of operating and maintaining the  
5 "911" system, which shall be the responsibility of the Guam Fire Department  
6 ("Department"). The Department shall petition the Commission, in accordance with  
7 Commission rules, for the establishment of a "911" surcharge and for its amendment  
8 , from time to time; however, the Commission may on its own initiative examine the  
9 adequacy of the surcharge at any time. The Commission shall immediately notify *I*  
10 *Liheslatura* in the event there is a shortfall between the annual "911" system costs of  
11 service, as determined by the Commission, and the projected "911" surcharge revenues.  
12 Each Local Exchange Carrier ("LEC") and Commercial Mobile Radio Service  
13 ("CMRS") provider shall be responsible for establishing and maintaining an  
14 appropriate network to deliver "911" calls to the public safety answering point  
15 ("PSAP") and in maintaining the database for the name, address, and location of each  
16 telephone for use in the PSAP. Each LEC and CMRS provider shall collect and remit  
17 the surcharge to the Department of Administration in accordance with section 5 below.  
18 In exercising its responsibilities under this Act, the Commission shall have the powers  
19 and duties prescribed in its enabling legislation (Chapter 12 of Title 12 of the Guam  
20 Code Annotated). Surcharge revenues shall not be expended by the Department for the  
21 procurement of supplies, equipment or services in excess of Five Hundred thousand  
22 (\$500,000.00) without the prior approval of the Commission as to the prudence and  
23 reasonableness of the procurement. The Commission shall require that each LEC or  
24 CMRS provider imposing a surcharge identify such as a separate line item on its  
25 invoice. Recipients of Life-line rates for local exchange telephone service are

1 exempted from the "911" surcharge. For purposes of this Act, a CMRS provider  
2 means a provider of wireless cellular telephone service or wireless personal  
3 communications service.

4 **Section 3. Creation of Special Fund.** There is hereby created, separate and  
5 apart from all other funds of the government, the "*Enhanced "911" Emergency*  
6 *Reporting System Fund ("Fund")*" to be administered by the Department of  
7 Administration. The Fund is created to provide a source of funding for costs associated  
8 with an Enhanced "911" Emergency Reporting System. All the "911" surcharges  
9 collected by each LEC and CMRS provider shall be paid into the Fund. The money  
10 collected and interest earned shall be used by the Guam Fire Department solely for  
11 enhanced "911" equipment and system costs as described in Section 4.

12 **Section 4. Definition of "911" Equipment and System.** It is the intent of *I*  
13 *Liheslatura* that the "911" surcharge authorized by this Chapter not necessarily provide  
14 the total funding required for establishing or providing the "911" service. In the event  
15 the surcharge, as established by the Commission, is insufficient to cover the annual  
16 "911" system operating costs as determined by the Commission, then the Guam Fire  
17 Department shall request an appropriation in its annual budget to cover any such  
18 shortfall. For purposes of this Act, enhanced "911" equipment means the equipment  
19 dedicated to the operation of, or use in, the establishment, operation, or maintenance  
20 of an enhanced "911" system, including customer premises equipment, automatic  
21 number identification or automatic location identification controllers and display units,  
22 printers, recorders, software, and other essential communication equipment required  
23 by the system. Enhanced "911" system means a telephone system consisting of  
24 network, database, and enhanced "911" equipment that uses the single three digit  
25 number 911 for reporting a fire, police, medical, or other emergency situation, and that

1 enables the users of a public telephone system to reach a PSAP to report emergencies  
2 by dialing "911". An enhanced "911" system includes the personnel required to  
3 acquire, install, operate and maintain the system.

4 **Section 5. Collection of "911" Surcharge.** Each LEC or CMRS provider  
5 collecting such surcharge shall remit to the Department of Administration the amounts  
6 collected no later than forty five (45) days after the end of the month in which the  
7 amount is collected. Each LEC or CMRS provider shall be authorized to deduct from  
8 such remittances its actual expenses incurred for collection services, maintaining the  
9 PSAP database, and for reports as may be required by the Commission, provided such  
10 deductions are consistent with a Commission-approved budget for such expenses. In  
11 addition, each LEC or CMRS provider is authorized to deduct from its "911" receipts,  
12 amounts necessary to cover the Commission's expenses in conducting the regulatory  
13 activities required in this Act, to be billed by the Commission on a pro-rata basis.

14 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider collecting  
15 such surcharges shall not be responsible for uncollectible surcharges. The LEC or  
16 CMRS provider shall provide quarterly to the Commission a list of the names,  
17 addresses, and telephone numbers of any and all subscribers who have identified to the  
18 LEC or CMRS provider their refusal to pay the "911" fee. Nothing in this chapter shall  
19 be construed to prevent the government from taking appropriate actions to collect such  
20 surcharges designated by the LEC or CMRS provider as uncollectible.

21 **Section 7. Yearly Reports.** The Department shall prepare and submit to *I*  
22 *Magalahi* and to the Speaker of *I Liheslatura* a yearly assessment report on the  
23 enhanced "911" system to include the number and types of calls received, the number  
24 and types of emergencies in which emergency personnel were dispatched, deficiencies,  
25 if any, in the system compared to other operations in the United States mainland, new

1 system or equipment changes that will be made or required in the future, and any other  
2 information that is useful in evaluating the effectiveness of the "911" system.

3 **Section 8. Confidentiality of records.** Any record, recording, or information,  
4 or portions thereof, obtained by a public agency or a public safety agency for the  
5 purpose of providing services in an emergency and which reveals the name, address,  
6 telephone number, or personal information about, or information which may identify  
7 any person requesting emergency service by accessing an emergency telephone number  
8 "911" system is confidential, except that such record or information may be disclosed  
9 to a public safety agency. The exemption applies only to the name, address, telephone  
10 number or personal information about, or information which may identify any person  
11 requesting emergency services or reporting an emergency while such information is in  
12 the custody of the public agency or public safety agency providing emergency services.  
13 A LEC or CMRS provider shall not be liable for damages to any person resulting from  
14 or in connection with such LEC's or CMRS provider's provision of lawful assistance  
15 to any investigative or law enforcement officer in connection with any lawful  
16 investigation or other law enforcement activity by such law enforcement officer unless  
17 the LEC or CMRS provider acted in a wanton or willful manner.

18 **Section 9. False "911" calls.** Whoever accesses the number "911" for the  
19 purpose of making a false alarm, threat, complaint or reporting false information which  
20 could result in the emergency response of any public safety agency is guilty of a  
21 misdemeanor of the first degree.

22 **Section 10. Violations of this Act.** Any person or entity which the Commission  
23 determines has violated any provision of this Act or any Commission order, shall be  
24 allowed a reasonable opportunity to cure the violation. Thereafter, in the event of  
25 failure to cure, the Commission may refer the violation to the Attorney General's Office

1 for prosecution. Any person or entity that, having the responsibility of complying with  
2 this Act or a Commission order, fails to cure such violation, shall be fined a civil  
3 penalty not to exceed Ten-thousand dollars (\$10,000.00) per infraction. Any such  
4 penalty shall be deposited into the Fund.



**Guam Telephone Authority  
Aturidat Tiliifon Guahan**

Post Office Box 9008 • Tamuning, Guam 96931 • Telephone: (671) 646-1421/5527 • Fax: (671) 649-GTA1(4821)  
624 North Marine Drive, Tamuning, Guam 96911

**April 6, 1999**

**Senator Carlotta A. Leon Guerrero  
Chairperson, Committee on Transportation,  
Telecommunications & Micronesian Affairs  
Twenty-fifth Guam Legislature  
3rd Floor, Union Bank Building  
194 Hernan Cortez Avenue  
Hagatna, Guam 96910**

**Håfa Adai Senator Leon Guerrero and committee members.**

**This is in response to your proposed Bill No. 170 to establish funding for the enhanced 911 services. First, I would like to take this time to thank you and your staff for the opportunity to discuss this proposed bill with my staff as well as representatives from the Guam Fire Department, Guam Memorial Hospital and the Public Utilities Commission.**

**I understand the initial funding for the 911 system rests with a grant from FEMA and that matching funds would come from the Guam Fire Department. Further, I understand that the initial budget for the entire system, personnel, and other ancillary charges comes close to or about \$3.0 million. The proposed surcharge would only address annual operating costs.**

**If GTA were to collect the surcharge, GTA subscribers must understand that this is not a billable service associated with their phone service. Because of this, I believe funding would be needed to notify and educate the public on the surcharge. I would suggest that the bill either come with an appropriation for public education**





costs or that the Guam Fire Department fund these expenses within their approved operating budget.

We agree with Section 5 that authorizes GTA to deduct first our actual expenses for billing, collecting, and maintaining the PSAP database as determined by a PUC approved budget. This off-set of our administrative costs from the monthly remittance to the fund is fair and reasonable. If another agency such as the Department of Revenue & Taxation is designated as the collector of the surcharge, we would appreciate some provision mandating that as a service provider, GTA receive full and fair payment first.

Additionally, the proposed bill calls for the surcharge to be charged to landline subscribers as well as cellular subscribers. As you know, GTA offers both services. It is our understanding that if a customer has landline service as well as cellular service, that person shall be charged for each number. Further, it is our understanding that subscribers of any other wireless provider of phone service such as Guam Cell would be responsible to pay for the surcharge for their services.

For the committee's information, GTA currently services over 45,300 residential lines and 32,700 business lines.

With regard to auditing the remittances, if GTA would be collecting the proposed surcharge and have direct involvement in the remittances to the fund, who will perform the annual audit as well as pay for the audit? I have two suggestions that you may want to consider. One, GTA will include the audit activity in our annual audit and reduce one month's remittance by that cost, or two, an independent auditor be summoned with the expense borne by the Guam Fire Department. Also, it is our

understanding that the bill only requires to remit what has been collected. We are not responsible for the uncollectible surcharges.

I believe this covers the concerns GTA would like resolved prior to passage of the bill. Again, I would like to thank you, your Committee, and your staff for the opportunity to respond to your proposed legislation.

Should you wish to discuss this issue further, I am available at your convenience.

Senseramente,



VINCENT P. ARRIOLA

General Manager

STATEMENT OF JOAQUIN S. SANTOS, JR  
157 Mama Sandy Street  
Nimitz Hill, Piti, Guam  
Tel: (671) 472 5280.

Reference to BILL NO. 170: AN ACT TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO ESTABLISH A SURCHARGE, ON LOCAL EXCHANGE TELEPHONE SERVICE, AND COMMERCIAL MOBILE RADIO SERVICE TO FUND AN ISLAND-WIDE ENHANCED "911" EMERGENCY TELEPHONE SYSTEM

My name is Joaquin Santos, Jr. and I am here to testify against the enactment of Bill No. 170 at this time. At the onset, I am not opposed to the implementation of a "911" surcharge. I am convinced it is necessary however, I believe that a cost study must first be presented to this body before any bill is introduced in the assessment of an appropriate surcharge to rate payers for the operation and maintenance of the Enhanced 911 (E911) system. The two components in the study should include the Public Safety Answering Point (PSAP) requirement and the requisite information that should be contained in the customer data base (CDR). To arbitrarily direct that the Public Utilities Commission shall establish 911 surcharge not to exceed one dollar per month may be too premature. There are questions that must be answered such as HOW sophisticated a 911 system should be implemented, WHO is best qualified to operate, maintain and support the system, WHAT percentage of the surcharge revenue should be reimbursed the Local Exchange Telephone Service and Commercial Mobile Radio Service providers for the operation and maintenance of the customer data base. The authors of this bill have already concluded that the existing 911 is antiquated and insufficient for the island. If we are to separate this statement into two parts, the Public Safety Answering Point and the customer data base, I would agree.

On the wire line (LEC) provider side, Guam Telephone Authority currently maintains the customer data base (CDR) which feeds information to the PSAP. The CDR contains bare essential information reflecting subscriber name, telephone number, and address. There are perhaps software/hardware upgrades that GTA failed to procure as part of the upgrade of the E911 CDR. Similar information could be provided on the wireless side (CMRS). The proposed Bill 170 somewhat defines the E911. It is not too clear whether this definition applies to the existing E911 system, or the E911 system that we want. If this is the E-911 Stated Requirement, then we know that the information feed surcharge of not more than one dollar per month may be adequate. This body must determine HOW sophisticated a 911 system should be implemented, and not merely providing only the ANI, customer address, PSAP and display units. In the ANI component of the CDR, should additional information of those members of the household requiring medical assistance be included, such as those with heart condition using pace makers or those who are dependent on oxygen? Mapping of the geographical area of the caller which identifies street names, house numbers, landmark sites are critical in directing the emergency response vehicle(s) to the site. How reliable is the map location which outline street names and house numbers? Are the emergency response teams geographically designated and established on this island to have the nearest unit respond to the emergency 911 call? Global Positioning System (GPS) is also important in tracking the location of emergency vehicle(s). Sensors and detectors in cell sites must be able to fix the exact location of mobile subscribers dialing 911 for emergency and must continue to follow the caller's location as they roam from one cell site to another. If we want the E911 to be upgraded to this level of sophistication, then one dollar surcharge is inadequate per subscriber line.

The bill proposes that the Guam Fire Department shall have the responsibility of the 911 system. The Pacific Daily News article of April 3 also stated that the Fire Department will hire twenty full time employees. These twenty employees will be manning five PSAP positions on a twenty four hour coverage. The PSAP can be under the Fire Department but I believe it should be created, tasked and assigned a mission of providing and supporting emergency services only. The individual in charge of the PSAP should have the responsibility and accountability for determining the number of PSAP operators required,

all requisite training, and should be the individual identifying, determining and generating requirements for system upgrades.

The LEC or CMRS provider is to use discretion in deducting cost for the collection of customer data base information, purging, upgrade and maintenance of the CDR. Unless there is a cost study that actually determines the actual cost plus a profitable margin for the maintenance and operation of the CDR, it is difficult to determine how much of the dollar amount collected should be kept by the LEC or CMRS. Should it be 10% or 60% of every surcharge dollar collected? The allowance for local service competition as a direct result of the Telecommunications Act of 1996, must be an open reminder that the maintenance and operation of the CDR to feed the PSAP reliable information shouldn't be free. There is cost associated and borne by the LEC and CMRS provider for this service, and every LEC and CMRS provider must be able to recover their cost. This cost should be imbedded and be part of the 911 surcharge.

This committee should determine the E911 requirement, the cost associated with the operation and maintenance of the CDR and the PSAP positions. You owe it to the people of Guam to create an efficient and reliable 911 emergency service provider funded through the application of a 911 surcharge paid by the rate payers that is reasonable and just.

**TESTIMONY ON BILL 170**

**BY**

**TONY P. RABON**

**Assistant Fire Chief, Guam Fire Department**

**To the Committee on Transportation, Telecommunications, and  
Micronesian Affairs**

**Mina' Bente Singko na Liheslaturan Guahan**

**Hafa Adai yan Saluda para hamyo todos:**

**Madam Chair, distinguished members of the Committee on Transportation, Telecommunications, and Micronesian Affairs:**

**I am Assistant Fire Chief Tony P. Rabon, currently the Chief of the Emergency 911/Communications Bureau of the Guam Fire Department.**

**I am here on behalf of the Guam Fire Department to testify in favor of the intent of Bill 170 to establish a surcharge on Local Exchange Carriers (LEC) and Commercial Mobile Radio Service (CMRS) to fund an island-wide Enhanced 911 Emergency Telephone System.**

**The island is currently being covered with, as you well know, a 911 system that has outlived its intended life span. It is antiquated and not cost effective to upgrade.**

**This needed funding source would certainly assure a well maintained and equipped enhanced 911 service that our community deserves.**

**We see the introduction of this bill as a positive and proactive approach to finally addressing our 911 dilemma.**

**We have provided this committee with the Fire Department's E-911/Communications Bureau Executive Summary Report detailing our future course of action for the next three years should the necessary funding become available. We intend to fulfill our commitment in**

**upgrading the quality and standard of service should all these efforts by the Legislature, and the Administration become a reality.**

**In closing, there may still be some technical adjustments necessary in the language of this bill to address the appropriate administering department of the 911 surcharge, as well as defining who shall be the rate setter and the specific rates to be assessed, notwithstanding, the Guam Fire Department supports the intent of this direly needed legislation.**

**Thank-you for the opportunity presented to the Guam Fire Department in expressing its testimony on Bill 170.**

**Si Yu'os Ma'ase'.**

April 6, 1999

Testimony of: Robert F. Kelley, Jr.

Office of the Governor

Presented to: Committee on Transportation, Telecommunications and  
Micronesian Affairs

**Hearing on Bill 170**

**An Act to Authorize the Public Utilities Commission to Establish a Surcharge on  
Local Exchange Telephone Service and Commercial Mobile Radio Service to Fund an  
Island-Wide Enhanced "911" Emergency Telephone System**

Good morning Chairwomen Leon Guerrero and Members of the Committee:

I am Robert F. Kelley, Jr. I am a Special Assistant to the Governor. My area of responsibility includes Telecommunications issues.

This administration has recognized that the Government of Guam needs a well-managed and properly funded Emergency 911 Telephone System. This service is absolutely necessary to provide access to emergency public safety services to the people of Guam. The 911 service has saved lives and has resulted in an improved criminal justice system.

Communities throughout America have dealt with the issue of how to fund this essential service. Many communities have determined that it should be funded through a surcharge or "special tax" designated specifically for 911 services. A 911 surcharge is a reasonable method for funding this vital function Guam.

I have a concern about the role of the Public Utilities Commission (PUC) in the assessment of this surcharge. Under section 252 of the Telecommunications Act, the role of the PUC is to provide regulations that will enhance competition and not continue in the traditional role as a rate regulator. In the proposed bill, you are asking the PUC to expand its role as a rate setter and oversee the collection of a surcharge.



I recommend that the Legislature establish a 911 operations fund. This fund should receive its funding from a competitively neutral surcharge assessed on all users of Guam telecommunications services capable of accessing 911 service. The Department of Revenue and Taxation should be the agency designated to collect this surcharge the Guam Fire Department should be designated the Fund Administrator. The Guam Legislature is the appropriate body to determine the amount of the surcharge based upon an approved budget and any general fund subsidies for the fund. It is not only an improper role for the PUC to oversee the surcharge in light of the current roles being defined for them but is also a function that they are not staffed to assume. The Department of Revenue and Taxation is staffed to collect this surcharge and it currently is the government agency with this function.

It is important that the fund be adequate to cover the personal costs, all telephone charges required for supporting the service, all maintenance for the 911 system, and an adequate reserve fund for system improvement.

It is also important that a 911 fund be competitively neutral. This is the only requirement addressed by the Telecommunications Act. You should not set a different rate for wireline versus non-wireline or new local carriers versus the incumbent carriers. This surcharge should be also be explicit and simple to administer by the telecommunications carriers acting on behalf of the government to collect the funds.

It is important that the act specifically exempt certain telecommunications services that would not function with the 911 service. The exempted services should include interstate and international interconnections, Internet Service Provider's data access trunks, paging trunks, inbound trunks for PBX's, leased circuits and other telecommunications services incapable of 911 access. The Lifeline exemption is important and is adequate as proposed.

I would recommend that the Guam Legislature also consider adding provisions to the act requiring 911 access without charge from all services, including wireline and wireless as well as all payphones on Guam. In addition, the 911 access must be available from all telephone systems on Guam capable of making outgoing calls.

The legislature may want to also provide a sanction for misuse of the 911 system that false short of the acts specified in Section 9 of the Bill. This sanction could be enforced against parties that misuse the 911 system but fall short of the thresholds specified on Section 9.




**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN**  
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetmon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu  
Kabisiyon Mayurat*

**APR 05 1999**

**MEMORANDUM**

**TO:** Chairperson  
Committee on Transportation, Telecommunications, and  
Micronesian Affairs

**FROM:** Chairman   
Committee on Rules, Government Reform, Reorganization  
and Federal Affairs

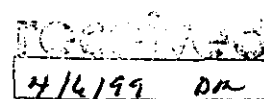
**SUBJECT:** Principal Referral – Bill No. 170

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

**MARK FORBES**

Attachment





**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**TWENTY-FIFTH GUAM LEGISLATURE**  
155 Hesler Street, Hagåtña, Guam 96910

June 14, 1999

( DATE )

**FILE**

Memorandum

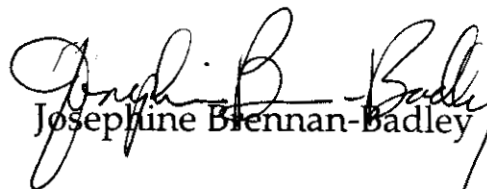
To: Senator Carlotta A. Leon Guerrero

From: Clerk of the Legislature

Subject: Report on Bill No. 170 (cor)

Pursuant to §7.04 of Rule VII of the 25<sup>th</sup> Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 170 (cor), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.

  
Josephine Brennan-Badley

Attachment

ACKNOWLEDGEMENT RECEIPT  
Received By: [Signature]  
Time: 1:30  
Date: 6/14/99



June 7, 1999

**The Honorable Antonio R. Unpingco**  
**Speaker**  
**Mina'bente Singko na Liheslaturan Guahan**  
**155 Hesler Street**  
**Hagåtña, Guam 96910**

Dear Mr. Speaker,

The Committee on Transportation, Telecommunications and Micronesian Affairs, to which was referred **Bill No. 170, "An act to authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and Commercial mobile radio service to fund an islandwide enhanced "911" emergency telephone system"**, has had the same under consideration and now wishes to report back with the recommendation **To Pass**.

The Committee votes are as follows:

To Pass	<u>7</u>
Not to Pass	<u>0</u>
Abstain	<u>0</u>
Inactive File	<u>0</u>

A copy of the Committee Report and all pertinent documents are attached for your information and file.

Sincerely,

**CARLOTTA A. LEON GUERRERO**  
Chairperson

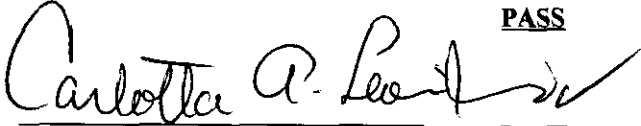


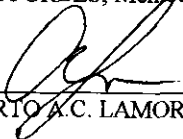
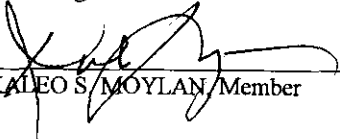

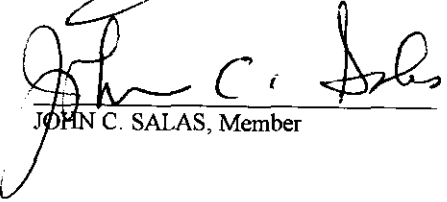
attachments

**Committee on Transportation, Telecommunications and Micronesia Affairs**

*Mina Bente Singko Na Liheslaturan Guåhan*

**Voting Record**

**Bill No. 170, "An Act to authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and commercial mobile radio service to fund an island-wide enhanced 911 emergency telephone system"**

	<b><u>TO PASS</u></b>	<b><u>NOT TO PASS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>INACTIVE FILE</u></b>
 CARLOTTA A. LEON GUERRERO, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ANTONIO R. UNPINGCO, Ex-officio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ANTHONY C. BLAZ, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOANNE M.S. BROWN, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 EDUARDO B. CALVO, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARK FORBES, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ALBERTO A.C. LAMORENA V, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 KALEO S. MOYLAN, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 VICENTE C. PANGELINAN, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JOHN C. SALAS, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SIMON A. SANCHEZ II, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMITTEE ON TRANSPORTATION, TELECOMMUNICATIONS  
AND MICRONESIAN AFFAIRS**

**I Mina'Bente Singko na Liheslaturan Guahan  
Twenty-fifth Guam Legislature  
155 Hesler Street, Hagåtña, Guam 96910**

**COMMITTEE REPORT**

**ON**

**BILL NO. 170**

**“An act to authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and commercial mobile radio service to fund an island-wide enhanced “911” emergency telephone service.”**

**COMMITTEE MEMBERS**

**Chairman:** Sen. Carlotta A. Leon Guerrero

**Ex-Officio member:** Speaker Antonio R. Unpingco

Sen. Anthony C. Blaz

Sen. Joanne M.S. Brown

Sen. Eduardo B. Calvo

Sen. Mark Forbes

Sen. Alberto A.C. Lamorena V

Sen. Kaleo S. Moylan

Sen. Vicente C. Pangelinan

Sen. Simon A. Sanchez II

Sen. John C. Salas

## **PUBLIC HEARING SCHEDULE**

The Committee on Transportation, Telecommunication and Micronesia Affairs conducted a Public Hearing on Tuesday, April 6, 1999 at 9:00 a.m. in the Public Hearing room of *I Liheslaturan Guahan* Temporary Building in Hagåtña.

**Committee Members present:** Sen. Carlotta A. Leon Guerrero, Chair  
Sen. Eduardo B. Calvo  
Sen. Kaleo S. Moylan  
Sen. Joanne M.S. Brown  
Sen. Alberto C. Lamorena V  
Sen. Vicente C. Pangelinan  
Sen. John C. Salas

## **SUMMARY OF TESTIMONY**

Mr. Tony P. Rabon, Assistant Fire Chief, Guam Fire Department testified in support of the bill saying the current 911 system has outlived its intended life span, and a new funding source would assure a well maintained service that the community deserves. Mr. Vincent P. Arriola, General Manager of the Guam Telephone Authority suggested the bill include funding for a public education campaign so GTA subscribers understand the 911 surcharge is not a billable service associated with their phone service. Mr. Joaquin S. Santos, Jr. testifying as a private citizen said the surcharge is necessary but that a cost study should be conducted before it is implemented. Mr. Santos testified that the Legislature should first determine how sophisticated the 911 system to be implemented should be. He said the extent of the required database will be a big part of the cost of the system. Mr. Robert F. Kelley, Jr., Special Assistant to the Governor, testified that the Administration has recognized that the government of Guam needs a well-managed and properly funded Emergency 911 telephone system, and that a 911 surcharge is a reasonable method of funding this vital function. He testified that the Department of Revenue and Taxation should be the agency designated to collect the surcharge and that the Guam Fire Department should be the Fund Administrator. He also said the Legislature is the appropriate body to determine the amount of the surcharge, and not the Public Utilities Commission.

## **COMMITTEE FINDINGS**

The Committee finds that the existing 911 emergency telephone system is antiquated and needs to be replaced in order to protect the health and safety of island residents, and that a 911 surcharge on telecommunications customers is an appropriate and reasonable method of funding the operation of a 911 system.

## **COMMITTEE RECOMMENDATION**

The Committee on Transportation, Telecommunications and Micronesia Affairs hereby reports out Bill No. 170 to *I Mina'Bente Singko na Liheslaturan Guahan* with the recommendation **To Pass.**

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

**Bill No. 170 (COR)**

As substituted by the Committee on Transportation,  
Telecommunication and Micronesian Affairs

Introduced by:

C.A. Leon Guerrero  
J. C. Salas  
K.S. Moylan

**AN ACT TO AUTHORIZE THE PUBLIC UTILITIES  
COMMISSION TO ESTABLISH A SURCHARGE ON  
LOCAL EXCHANGE TELEPHONE SERVICE AND  
COMMERCIAL MOBILE RADIO SERVICE TO  
FUND AN ISLAND-WIDE ENHANCED "911"  
EMERGENCY TELEPHONE SYSTEM.**

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

**Section 1. Legislative findings.** *I Liheslatura* finds that the existing "911" system is antiquated and insufficient for the island's emergency reporting needs, and that there is a need to establish a new Enhanced "911" system to better protect the health and safety of island residents. *I Liheslatura* further finds that in order to fund the new enhanced "911" system, a surcharge on Local Exchange Telephone Service and Commercial Mobile Radio Service should be established.

**Section 2. Authorization to Establish Surcharge.**

(a) The Public Utilities Commission ("Commission") shall establish and amend, as required, a monthly surcharge to be known as the "911" surcharge to be paid by Local Exchange Telephone and Commercial Mobile Radio Service subscribers.

(b) The Commission may establish different rates for residential and business



1 subscribers.

2 (c) The "911" surcharge shall be established by the Commission at a rate not to  
3 exceed one dollar per month per access line up to a maximum of twenty five access  
4 lines per account bill rendered for local exchange telephone service, and at a rate not  
5 to exceed one dollar per month per account number for commercial mobile radio  
6 service up to a maximum of twenty five account numbers per account bill rendered per  
7 month.

8 (d) The purpose of the "911" surcharge is to fund the just and reasonable  
9 expenses of operating and maintaining the "911" system, which shall be the  
10 responsibility of the Guam Fire Department ("Department"). The Department shall  
11 petition the Commission, in accordance with Commission rules, for the establishment  
12 of a "911" surcharge and for its amendment from time to time; however, the  
13 Commission may on its own initiative examine the adequacy of the surcharge at any  
14 time.

15 (e) It is the intent of *I Liheslatura* that the "911" surcharge authorized by this  
16 Chapter not necessarily provide the total funding required for establishing or providing  
17 the "911" service.

18 (f) In the event the surcharge is insufficient to cover the annual "911" system  
19 operating costs as determined by the Commission, then the Commission shall  
20 immediately notify *I Liheslatura* of the shortfall, and the Department shall request an  
21 appropriation in its annual budget to cover any such shortfall.

22 (g) In exercising its responsibilities under this Act, the Commission shall have  
23 the powers and duties prescribed in its enabling legislation (Chapter 12 of Title 12 of  
24 the Guam Code Annotated).

25 (h) Surcharge revenues shall not be expended by the Department for the

1 procurement of supplies, equipment or services in excess of five hundred thousand  
2 dollars (\$500,000.00) without the prior approval of the Commission as to the prudence  
3 and reasonableness of the procurement.

4 **Section 3. Collection of "911" Surcharge.**

5 (a) Each Local Exchange Carrier ("LEC") and Commercial Mobile Radio  
6 Service ("CMRS") provider shall collect the surcharge as established by the  
7 Commission, and identify such as a separate line item on its invoice.

8 (b) Each LEC or CMRS provider shall remit the amounts collected to the  
9 Department of Administration no later than forty five (45) days after the end of the  
10 month in which the amount is collected.

11 (c) Each LEC or CMRS provider shall be authorized to deduct from such  
12 remittances its actual expenses incurred for collection services, maintaining the PSAP  
13 database, and for reports and audits as may be required by the Commission, provided  
14 such deductions are consistent with a Commission-approved budget for such expenses.

15 (d) The surcharges collected pursuant to this section are not subject to any tax,  
16 fee, or assessment, nor are they considered revenue of the LEC or CMRS provider.

17 (e) Each LEC or CMRS provider is authorized to deduct from its "911" receipts,  
18 amounts necessary to cover the Commission's expenses in conducting the regulatory  
19 activities required in this Act, to be billed by the Commission on a pro-rata basis.

20 (f) For purposes of this Act, a CMRS provider means a provider of wireless  
21 cellular telephone service or wireless personal communications service.

22 **Section 4. Creation of Special Fund.** There is hereby created, separate and  
23 apart from all other funds of the government, the "*Enhanced "911" Emergency*  
24 *Reporting System Fund ("Fund")*" to be administered by the Department of  
25 Administration. The Fund is created to provide a source of funding for costs associated

1 with an Enhanced "911" Emergency Reporting System. All the "911" surcharges  
2 collected by each LEC and CMRS provider shall be paid into the Fund. The money  
3 collected and interest earned shall be used by the Department solely for enhanced  
4 "911" equipment and system costs as described in this Act.

5 **Section 5. Exemptions from surcharge.** Recipients of Life-line rates for local  
6 exchange telephone service, and telecommunication services that are incapable of  
7 "911" access, including but not limited to, interstate and international interconnections,  
8 Internet Service Providers data access trunks, paging trunks, inbound trunks for PBX  
9 service and leased circuits are exempted from the "911" surcharge.

10 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider collecting  
11 the surcharges shall not be responsible for uncollectible surcharges, and shall have no  
12 obligation to take any legal action to enforce collection of the surcharge. The LEC or  
13 CMRS provider shall provide quarterly to the Commission a list of the names,  
14 addresses, and telephone numbers of any and all subscribers who have identified to the  
15 LEC or CMRS provider their refusal to pay the "911" fee. Nothing in this chapter shall  
16 be construed to prevent the government from taking appropriate actions to collect such  
17 surcharges designated by the LEC or CMRS provider as uncollectible.

18 **Section 7. Definition of "911" Equipment and System.**

19 (a) For purposes of this Act, enhanced "911" equipment means the equipment  
20 dedicated to the operation of, or use in, the establishment, operation, or maintenance  
21 of an enhanced "911" system, including customer premises equipment, automatic  
22 number identification or automatic location identification controllers and display units,  
23 printers, recorders, software, and other essential communication equipment required  
24 by the system.

25 (b) Enhanced "911" system means a telephone system consisting of network,

1 database, and enhanced "911" equipment that uses the single three digit number 911  
2 for reporting a fire, police, medical, or other emergency situation, and that enables the  
3 users of a public telephone system to reach a public safety answering point ("PSAP")  
4 to report emergencies by dialing "911".

5 (c) Enhanced "911" database for wireline service means the subscriber name,  
6 address, and number; and for wireless service means the subscriber name and number,  
7 and location consistent with the Federal Communications Commission Order Number  
8 94-102.

9 (d) An enhanced "911" system includes the personnel required to acquire,  
10 install, operate and maintain the system.

11 (e) Each LEC and CMRS provider shall be responsible for establishing and  
12 maintaining an appropriate network to deliver "911" calls to the PSAP, and in  
13 maintaining the database for use in the PSAP.

14 **Section 8. Yearly Reports.** The Department shall prepare and submit to *I*  
15 *Magalahi* and to the Speaker of *I Liheslatura* a yearly assessment report on the  
16 enhanced "911" system to include the number and types of calls received, the number  
17 and types of emergencies in which emergency personnel were dispatched, deficiencies,  
18 if any, in the system compared to other operations in the United States mainland, new  
19 system or equipment changes that will be made or required in the future, and any other  
20 information that is useful in evaluating the effectiveness of the "911" system.

21 **Section 9. Confidentiality of Records.** Any record, recording, or information,  
22 or portions thereof, obtained by a public agency or a public safety agency for the  
23 purpose of providing services in an emergency and which reveals the name, address,  
24 telephone number, or personal information about, or information which may identify  
25 any person requesting emergency service by accessing an emergency telephone number

1 “911” system is confidential, except that such record or information may be disclosed  
2 to a public safety agency. The exemption applies only to the name, address, telephone  
3 number or personal information about, or information which may identify any person  
4 requesting emergency services or reporting an emergency while such information is in  
5 the custody of the public agency or public safety agency providing emergency services.  
6 A LEC or CMRS provider shall not be liable for damages to any person resulting from  
7 or in connection with such LEC’s or CMRS provider’s provision of lawful assistance  
8 to any law enforcement officer in connection with any lawful investigation or other law  
9 enforcement activity by such law enforcement officer unless the LEC or CMRS  
10 provider acted in a wanton or willful manner.

11 **Section 10. False “911” Calls.** Whoever accesses the number “911” for the  
12 purpose of making a false alarm, threat, complaint or reporting false information which  
13 could result in the emergency response of any public safety agency is guilty of a  
14 misdemeanor of the first degree.

15 **Section 11. Violations of this Act.** Any person or entity which the Commission  
16 determines has violated any provision of this Act or any Commission order, shall be  
17 given proper notice and be allowed a reasonable opportunity to cure the violation.  
18 Thereafter, in the event of failure to cure, the Commission may refer the violation to the  
19 Attorney General’s Office for prosecution. Any person or entity that, having the  
20 responsibility of complying with this Act or a Commission order, fails to cure such  
21 violation, shall be fined a civil penalty not to exceed Ten-thousand dollars (\$10,000.00)  
22 per infraction. Any such penalty shall be deposited into the Fund.

23 **Section 12. Service Providers shall not charge for “911” Calls.** Any  
24 telecommunications service that has the capability of reaching the PSAP by voice  
25 communication, including but not limited to public and private pay phones, shall not

1 charge for any calls placed to the PSAP by dialing "911".

2           **Section 13. Public Education.** The Department may use monies from its  
3 budget to educate the public on the "911" system. Education may include, but is not  
4 limited to, confirming with all residents their actual street addresses. The Department  
5 may reimburse the monies used to educate the public on the "911" system from the  
6 Fund.

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN  
1999 (FIRST) Regular Session

RECEIVED  
99 MAR 29 PM 2 55 Jg

Bill No. 120/cd

Introduced by:

C.A. Leon Guerrero  
J. C. Salas  
K.S. Moylan

**AN ACT TO AUTHORIZE THE PUBLIC UTILITIES  
COMMISSION TO ESTABLISH A SURCHARGE ON  
LOCAL EXCHANGE TELEPHONE SERVICE AND  
COMMERCIAL MOBILE RADIO SERVICE TO  
FUND AN ISLAND-WIDE ENHANCED "911"  
EMERGENCY TELEPHONE SYSTEM.**

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

**Section 1. Legislative findings.** *I Liheslatura* finds that the existing "911" system is antiquated and insufficient for the island's emergency reporting needs, and that there is a need to establish a new Enhanced "911" system to better protect the health and safety of island residents. *I Liheslatura* further finds that in order to fund the new enhanced "911" system, a surcharge on Local Exchange Telephone Service and Commercial Mobile Radio Service should be established.

**Section 2. Authorization to establish surcharge.** The Public Utilities Commission ("Commission") shall establish and amend, as required, a monthly surcharge to be known as the "911" surcharge to be paid by Local Exchange Telephone and Commercial Mobile Radio Service subscribers. The Commission may establish different rates for residential and business subscribers. The "911" surcharge shall be established by the Commission at a rate not to exceed one dollar per month per access

1 line up to a maximum of twenty five access lines per account bill rendered for local  
2 exchange telephone service, and at a rate not to exceed one dollar per month per  
3 account number for commercial mobile radio service. The purpose of the "911"  
4 surcharge is to fund the just and reasonable expenses of operating and maintaining the  
5 "911" system, which shall be the responsibility of the Guam Fire Department  
6 ("Department"). The Department shall petition the Commission, in accordance with  
7 Commission rules, for the establishment of a "911" surcharge and for its amendment  
8 , from time to time; however, the Commission may on its own initiative examine the  
9 adequacy of the surcharge at any time. The Commission shall immediately notify /  
10 *Liheslatura* in the event there is a shortfall between the annual "911" system costs of  
11 service, as determined by the Commission, and the projected "911" surcharge revenues.  
12 Each Local Exchange Carrier ("LEC") and Commercial Mobile Radio Service  
13 ("CMRS") provider shall be responsible for establishing and maintaining an  
14 appropriate network to deliver "911" calls to the public safety answering point  
15 ("PSAP") and in maintaining the database for the name, address, and location of each  
16 telephone for use in the PSAP. Each LEC and CMRS provider shall collect and remit  
17 the surcharge to the Department of Administration in accordance with section 5 below.  
18 In exercising its responsibilities under this Act, the Commission shall have the powers  
19 and duties prescribed in its enabling legislation (Chapter 12 of Title 12 of the Guam  
20 Code Annotated). Surcharge revenues shall not be expended by the Department for the  
21 procurement of supplies, equipment or services in excess of Five Hundred thousand  
22 (\$500,000.00) without the prior approval of the Commission as to the prudence and  
23 reasonableness of the procurement. The Commission shall require that each LEC or  
24 CMRS provider imposing a surcharge identify such as a separate line item on its  
25 invoice. Recipients of Life-line rates for local exchange telephone service are



1 exempted from the "911" surcharge. For purposes of this Act, a CMRS provider  
2 means a provider of wireless cellular telephone service or wireless personal  
3 communications service.

4 **Section 3. Creation of Special Fund.** There is hereby created, separate and  
5 apart from all other funds of the government, the "*Enhanced "911" Emergency*  
6 *Reporting System Fund ("Fund")*" to be administered by the Department of  
7 Administration. The Fund is created to provide a source of funding for costs associated  
8 with an Enhanced "911" Emergency Reporting System. All the "911" surcharges  
9 collected by each LEC and CMRS provider shall be paid into the Fund. The money  
10 collected and interest earned shall be used by the Guam Fire Department solely for  
11 enhanced "911" equipment and system costs as described in Section 4.

12 **Section 4. Definition of "911" Equipment and System.** It is the intent of *I*  
13 *Liheslatura* that the "911" surcharge authorized by this Chapter not necessarily provide  
14 the total funding required for establishing or providing the "911" service. In the event  
15 the surcharge, as established by the Commission, is insufficient to cover the annual  
16 "911" system operating costs as determined by the Commission, then the Guam Fire  
17 Department shall request an appropriation in its annual budget to cover any such  
18 shortfall. For purposes of this Act, enhanced "911" equipment means the equipment  
19 dedicated to the operation of, or use in, the establishment, operation, or maintenance  
20 of an enhanced "911" system, including customer premises equipment, automatic  
21 number identification or automatic location identification controllers and display units,  
22 printers, recorders, software, and other essential communication equipment required  
23 by the system. Enhanced "911" system means a telephone system consisting of  
24 network, database, and enhanced "911" equipment that uses the single three digit  
25 number 911 for reporting a fire, police, medical, or other emergency situation, and that

1 enables the users of a public telephone system to reach a PSAP to report emergencies  
2 by dialing "911". An enhanced "911" system includes the personnel required to  
3 acquire, install, operate and maintain the system.

4 **Section 5. Collection of "911" Surcharge.** Each LEC or CMRS provider  
5 collecting such surcharge shall remit to the Department of Administration the amounts  
6 collected no later than forty five (45) days after the end of the month in which the  
7 amount is collected. Each LEC or CMRS provider shall be authorized to deduct from  
8 such remittances its actual expenses incurred for collection services, maintaining the  
9 PSAP database, and for reports as may be required by the Commission, provided such  
10 deductions are consistent with a Commission-approved budget for such expenses. In  
11 addition, each LEC or CMRS provider is authorized to deduct from its "911" receipts,  
12 amounts necessary to cover the Commission's expenses in conducting the regulatory  
13 activities required in this Act, to be billed by the Commission on a pro-rata basis.

14 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider collecting  
15 such surcharges shall not be responsible for uncollectible surcharges. The LEC or  
16 CMRS provider shall provide quarterly to the Commission a list of the names,  
17 addresses, and telephone numbers of any and all subscribers who have identified to the  
18 LEC or CMRS provider their refusal to pay the "911" fee. Nothing in this chapter shall  
19 be construed to prevent the government from taking appropriate actions to collect such  
20 surcharges designated by the LEC or CMRS provider as uncollectible.

21 **Section 7. Yearly Reports.** The Department shall prepare and submit to *I*  
22 *Magalahi* and to the Speaker of *I Liheslatura* a yearly assessment report on the  
23 enhanced "911" system to include the number and types of calls received, the number  
24 and types of emergencies in which emergency personnel were dispatched, deficiencies,  
25 if any, in the system compared to other operations in the United States mainland, new

1 system or equipment changes that will be made or required in the future, and any other  
2 information that is useful in evaluating the effectiveness of the "911" system.

3 **Section 8. Confidentiality of records.** Any record, recording, or information,  
4 or portions thereof, obtained by a public agency or a public safety agency for the  
5 purpose of providing services in an emergency and which reveals the name, address,  
6 telephone number, or personal information about, or information which may identify  
7 any person requesting emergency service by accessing an emergency telephone number  
8 "911" system is confidential, except that such record or information may be disclosed  
9 to a public safety agency. The exemption applies only to the name, address, telephone  
10 number or personal information about, or information which may identify any person  
11 requesting emergency services or reporting an emergency while such information is in  
12 the custody of the public agency or public safety agency providing emergency services.  
13 A LEC or CMRS provider shall not be liable for damages to any person resulting from  
14 or in connection with such LEC's or CMRS provider's provision of lawful assistance  
15 to any investigative or law enforcement officer in connection with any lawful  
16 investigation or other law enforcement activity by such law enforcement officer unless  
17 the LEC or CMRS provider acted in a wanton or willful manner.

18 **Section 9. False "911" calls.** Whoever accesses the number "911" for the  
19 purpose of making a false alarm, threat, complaint or reporting false information which  
20 could result in the emergency response of any public safety agency is guilty of a  
21 misdemeanor of the first degree.

22 **Section 10. Violations of this Act.** Any person or entity which the Commission  
23 determines has violated any provision of this Act or any Commission order, shall be  
24 allowed a reasonable opportunity to cure the violation. Thereafter, in the event of  
25 failure to cure, the Commission may refer the violation to the Attorney General's Office

1 for prosecution. Any person or entity that, having the responsibility of complying with  
2 this Act or a Commission order, fails to cure such violation, shall be fined a civil  
3 penalty not to exceed Ten-thousand dollars (\$10,000.00) per infraction. Any such  
4 penalty shall be deposited into the Fund.



**Guam Telephone Authority**  
**Aturidat Tilifon Guahan**

Post Office Box 9008 • Tamuning, Guam 96931 • Telephone: (671) 646-1427/5527 • Fax: (671) 649-GTA1(4821)  
624 North Marine Drive, Tamuning, Guam 96911

April 6, 1999

Senator Carlotta A. Leon Guerrero  
Chairperson, Committee on Transportation,  
Telecommunications & Micronesian Affairs  
Twenty-fifth Guam Legislature  
3rd Floor, Union Bank Building  
194 Hernan Cortez Avenue  
Hagatna, Guam 96910

Håfa Adai Senator Leon Guerrero and committee members.

This is in response to your proposed Bill No. 170 to establish funding for the enhanced 911 services. First, I would like to take this time to thank you and your staff for the opportunity to discuss this proposed bill with my staff as well as representatives from the Guam Fire Department, Guam Memorial Hospital and the Public Utilities Commission.

I understand the initial funding for the 911 system rests with a grant from FEMA and that matching funds would come from the Guam Fire Department. Further, I understand that the initial budget for the entire system, personnel, and other ancillary charges comes close to or about \$3.0 million. The proposed surcharge would only address annual operating costs.

If GTA were to collect the surcharge, GTA subscribers must understand that this is not a billable service associated with their phone service. Because of this, I believe funding would be needed to notify and educate the public on the surcharge. I would suggest that the bill either come with an appropriation for public education



costs or that the Guam Fire Department fund these expenses within their approved operating budget.

We agree with Section 5 that authorizes GTA to deduct first our actual expenses for billing, collecting, and maintaining the PSAP database as determined by a PUC approved budget. This off-set of our administrative costs from the monthly remittance to the fund is fair and reasonable. If another agency such as the Department of Revenue & Taxation is designated as the collector of the surcharge, we would appreciate some provision mandating that as a service provider, GTA receive full and fair payment first.

Additionally, the proposed bill calls for the surcharge to be charged to landline subscribers as well as cellular subscribers. As you know, GTA offers both services. It is our understanding that if a customer has landline service as well as cellular service, that person shall be charged for each number. Further, it is our understanding that subscribers of any other wireless provider of phone service such as Guam Cell would be responsible to pay for the surcharge for their services.

For the committee's information, GTA currently services over 45,300 residential lines and 32,700 business lines.

With regard to auditing the remittances, if GTA would be collecting the proposed surcharge and have direct involvement in the remittances to the fund, who will perform the annual audit as well as pay for the audit? I have two suggestions that you may want to consider. One, GTA will include the audit activity in our annual audit and reduce one month's remittance by that cost, or two, an independent auditor be summoned with the expense borne by the Guam Fire Department. Also, it is our

understanding that the bill only requires to remit what has been collected. We are not responsible for the uncollectible surcharges.

I believe this covers the concerns GTA would like resolved prior to passage of the bill. Again, I would like to thank you, your Committee, and your staff for the opportunity to respond to your proposed legislation.

Should you wish to discuss this issue further, I am available at your convenience.

Senseramente,



**VINCENT P. ARRIOLA**  
General Manager

STATEMENT OF JOAQUIN S. SANTOS, JR  
157 Mama Sandy Street  
Nimitz Hill, Piti, Guam  
Tel: (671) 472 5280.

Reference to BILL NO. 170: AN ACT TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO ESTABLISH A SURCHARGE, ON LOCAL EXCHANGE TELEPHONE SERVICE, AND COMMERCIAL MOBILE RADIO SERVICE TO FUND AN ISLAND-WIDE ENHANCED "911" EMERGENCY TELEPHONE SYSTEM

My name is Joaquin Santos, Jr. and I am here to testify against the enactment of Bill No. 170 at this time. At the onset, I am not opposed to the implementation of a "911" surcharge. I am convinced it is necessary however, I believe that a cost study must first be presented to this body before any bill is introduced in the assessment of an appropriate surcharge to rate payers for the operation and maintenance of the Enhanced 911 (E911) system. The two components in the study should include the Public Safety Answering Point (PSAP) requirement and the requisite information that should be contained in the customer data base (CDR). To arbitrarily direct that the Public Utilities Commission shall establish 911 surcharge not to exceed one dollar per month may be too premature. There are questions that must be answered such as HOW sophisticated a 911 system should be implemented, WHO is best qualified to operate, maintain and support the system, WHAT percentage of the surcharge revenue should be reimbursed the Local Exchange Telephone Service and Commercial Mobile Radio Service providers for the operation and maintenance of the customer data base. The authors of this bill have already concluded that the existing 911 is antiquated and insufficient for the island. If we are to separate this statement into two parts, the Public Safety Answering Point and the customer data base, I would agree.

On the wire line (LEC) provider side, Guam Telephone Authority currently maintains the customer data base (CDR) which feeds information to the PSAP. The CDR contains bare essential information reflecting subscriber name, telephone number, and address. There are perhaps software/hardware upgrades that GTA failed to procure as part of the upgrade of the E911 CDR. Similar information could be provided on the wireless side (CMRS). The proposed Bill 170 somewhat defines the E911. It is not too clear whether this definition applies to the existing E911 system, or the E911 system that we want. If this is the E-911 Stated Requirement, then we know that the information feed surcharge of not more than one dollar per month may be adequate. This body must determine HOW sophisticated a 911 system should be implemented, and not merely providing only the ANI, customer address, PSAP and display units. In the ANI component of the CDR, should additional information of those members of the household requiring medical assistance be included, such as those with heart condition using pace makers or those who are dependent on oxygen? Mapping of the geographical area of the caller which identifies street names, house numbers, landmark sites are critical in directing the emergency response vehicle(s) to the site. How reliable is the map location which outline street names and house numbers? Are the emergency response teams geographically designated and established on this island to have the nearest unit respond to the emergency 911 call? Global Positioning System (GPS) is also important in tracking the location of emergency vehicle(s). Sensors and detectors in cell sites must be able to fix the exact location of mobile subscribers dialing 911 for emergency and must continue to follow the caller's location as they roam from one cell site to another. If we want the E911 to be upgraded to this level of sophistication, then one dollar surcharge is inadequate per subscriber line.

The bill proposes that the Guam Fire Department shall have the responsibility of the 911 system. The Pacific Daily News article of April 3 also stated that the Fire Department will hire twenty full time employees. These twenty employees will be manning five PSAP positions on a twenty four hour coverage. The PSAP can be under the Fire Department but I believe it should be created, tasked and assigned a mission of providing and supporting emergency services only. The individual in charge of the PSAP should have the responsibility and accountability for determining the number of PSAP operators required,



all requisite training, and should be the individual identifying, determining and generating requirements for system upgrades.

The LEC or CMRS provider is to use discretion in deducting cost for the collection of customer data base information, purging, upgrade and maintenance of the CDR. Unless there is a cost study that actually determines the actual cost plus a profitable margin for the maintenance and operation of the CDR, it is difficult to determine how much of the dollar amount collected should be kept by the LEC or CMRS. Should it be 10% or 60% of every surcharge dollar collected? The allowance for local service competition as a direct result of the Telecommunications Act of 1996, must be an open reminder that the maintenance and operation of the CDR to feed the PSAP reliable information shouldn't be free. There is cost associated and borne by the LEC and CMRS provider for this service, and every LEC and CMRS provider must be able to recover their cost. This cost should be imbedded and be part of the 911 surcharge.

*This committee should determine the E911 requirement, the cost associated with the operation and maintenance of the CDR and the PSAP positions. You owe it to the people of Guam to create an efficient and reliable 911 emergency service provider funded through the application of a 911 surcharge paid by the rate payers that is reasonable and just.*

**TESTIMONY ON BILL 170**  
**BY**  
**TONY P. RABON**  
**Assistant Fire Chief, Guam Fire Department**

**To the Committee on Transportation, Telecommunications, and  
Micronesian Affairs  
Mina' Bente Singko na Liheslaturan Guahan**

**Hafa Adai yan Saluda para hamyo todos:**

**Madam Chair, distinguished members of the Committee on Transportation, Telecommunications, and Micronesian Affairs:**

**I am Assistant Fire Chief Tony P. Rabon, currently the Chief of the Emergency 911/Communications Bureau of the Guam Fire Department.**

**I am here on behalf of the Guam Fire Department to testify in favor of the intent of Bill 170 to establish a surcharge on Local Exchange Carriers (LEC) and Commercial Mobile Radio Service (CMRS) to fund an island-wide Enhanced 911 Emergency Telephone System.**

**The island is currently being covered with, as you well know, a 911 system that has outlived its intended life span. It is antiquated and not cost effective to upgrade.**

**This needed funding source would certainly assure a well maintained and equipped enhanced 911 service that our community deserves.**

**We see the introduction of this bill as a positive and proactive approach to finally addressing our 911 dilemma.**

**We have provided this committee with the Fire Department's E-911/Communications Bureau Executive Summary Report detailing our future course of action for the next three years should the necessary funding become available. We intend to fulfill our commitment in**

**upgrading the quality and standard of service should all these efforts by the Legislature, and the Administration become a reality.**

**In closing, there may still be some technical adjustments necessary in the language of this bill to address the appropriate administering department of the 911 surcharge, as well as defining who shall be the rate setter and the specific rates to be assessed, notwithstanding, the Guam Fire Department supports the intent of this direly needed legislation.**

**Thank-you for the opportunity presented to the Guam Fire Department in expressing its testimony on Bill 170.**

**Si Yu'os Ma'ase'.**

April 6, 1999

Testimony of: Robert F. Kelley, Jr.

Office of the Governor

Presented to: Committee on Transportation, Telecommunications and  
Micronesian Affairs

Hearing on Bill 170

**An Act to Authorize the Public Utilities Commission to Establish a Surcharge on  
Local Exchange Telephone Service and Commercial Mobile Radio Service to Fund an  
Island-Wide Enhanced "911" Emergency Telephone System**

Good morning Chairwomen Leon Guerrero and Members of the Committee:

I am Robert F. Kelley, Jr. I am a Special Assistant to the Governor. My area of responsibility includes Telecommunications issues.

This administration has recognized that the Government of Guam needs a well-managed and properly funded Emergency 911 Telephone System. This service is absolutely necessary to provide access to emergency public safety services to the people of Guam. The 911 service has saved lives and has resulted in an improved criminal justice system.

Communities throughout America have dealt with the issue of how to fund this essential service. Many communities have determined that it should be funded through a surcharge or "special tax" designated specifically for 911 services. A 911 surcharge is a reasonable method for funding this vital function Guam.

I have a concern about the role of the Public Utilities Commission (PUC) in the assessment of this surcharge. Under section 252 of the Telecommunications Act, the role of the PUC is to provide regulations that will enhance competition and not continue in the traditional role as a rate regulator. In the proposed bill, you are asking the PUC to expand its role as a rate setter and oversee the collection of a surcharge.

I recommend that the Legislature establish a 911 operations fund. This fund should receive its funding from a competitively neutral surcharge assessed on all users of Guam telecommunications services capable of accessing 911 service. The Department of Revenue and Taxation should be the agency designated to collect this surcharge the Guam Fire Department should be designated the Fund Administrator. The Guam Legislature is the appropriate body to determine the amount of the surcharge based upon an approved budget and any general fund subsidies for the fund. It is not only an improper role for the PUC to oversee the surcharge in light of the current roles being defined for them but is also a function that they are not staffed to assume. The Department of Revenue and Taxation is staffed to collect this surcharge and it currently is the government agency with this function.

It is important that the fund be adequate to cover the personal costs, all telephone charges required for supporting the service, all maintenance for the 911 system, and an adequate reserve fund for system improvement.

It is also important that a 911 fund be competitively neutral. This is the only requirement addressed by the Telecommunications Act. You should not set a different rate for wireline versus non-wireline or new local carriers versus the incumbent carriers. This surcharge should be also be explicit and simple to administer by the telecommunications carriers acting on behalf of the government to collect the funds.

It is important that the act specifically exempt certain telecommunications services that would not function with the 911 service. The exempted services should include interstate and international interconnections, Internet Service Provider's data access trunks, paging trunks, inbound trunks for PBX's, leased circuits and other telecommunications services incapable of 911 access. The Lifeline exemption is important and is adequate as proposed.

I would recommend that the Guam Legislature also consider adding provisions to the act requiring 911 access without charge from all services, including wireline and wireless as well as all payphones on Guam. In addition, the 911 access must be available from all telephone systems on Guam capable of making outgoing calls.

*False*  
The legislature may want to also provide a sanction for misuse of the 911 system that false short of the acts specified in Section 9 of the Bill. This sanction could be enforced against parties that misuse the 911 system but fall short of the thresholds specified on Section 9.



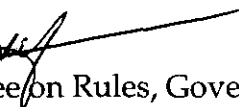
**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu  
Kabisiyon Mayuråt*

**APR 05 1999**

**MEMORANDUM**

**TO:** Chairperson  
Committee on Transportation, Telecommunications, and  
Micronesia Affairs

**FROM:** Chairman   
Committee on Rules, Government Reform, Reorganization  
and Federal Affairs

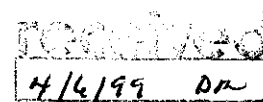
**SUBJECT:** Principal Referral – Bill No. 170

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

**MARK FORBES**

Attachment



MAR 29 1999

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN  
1999 (FIRST) Regular Session**

Bill No. 170(kop)

Introduced by:

C.A. Leon Guerrero *clg*  
J. C. Salas *Salas*  
K.S. Moylan *Y*

**AN ACT TO AUTHORIZE THE PUBLIC UTILITIES  
COMMISSION TO ESTABLISH A SURCHARGE ON  
LOCAL EXCHANGE TELEPHONE SERVICE AND  
COMMERCIAL MOBILE RADIO SERVICE TO  
FUND AN ISLAND-WIDE ENHANCED "911"  
EMERGENCY TELEPHONE SYSTEM.**

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

2 **Section 1. Legislative findings.** *I Liheslatura* finds that the existing "911"  
3 system is antiquated and insufficient for the island's emergency reporting needs, and  
4 that there is a need to establish a new Enhanced "911" system to better protect the  
5 health and safety of island residents. *I Liheslatura* further finds that in order to fund  
6 the new enhanced "911" system, a surcharge on Local Exchange Telephone Service  
7 and Commercial Mobile Radio Service should be established.

8 **Section 2. Authorization to establish surcharge.** The Public Utilities  
9 Commission ("Commission") shall establish and amend, as required, a monthly  
10 surcharge to be known as the "911" surcharge to be paid by Local Exchange Telephone  
11 and Commercial Mobile Radio Service subscribers. The Commission may establish  
12 different rates for residential and business subscribers. The "911" surcharge shall be  
13 established by the Commission at a rate not to exceed one dollar per month per access



1 line up to a maximum of twenty five access lines per account bill rendered for local  
2 exchange telephone service, and at a rate not to exceed one dollar per month per  
3 account number for commercial mobile radio service. The purpose of the "911"  
4 surcharge is to fund the just and reasonable expenses of operating and maintaining the  
5 "911" system, which shall be the responsibility of the Guam Fire Department  
6 ("Department"). The Department shall petition the Commission, in accordance with  
7 Commission rules, for the establishment of a "911" surcharge and for its amendment  
8 , from time to time; however, the Commission may on its own initiative examine the  
9 adequacy of the surcharge at any time. The Commission shall immediately notify *I*  
10 *Liheslatura* in the event there is a shortfall between the annual "911" system costs of  
11 service, as determined by the Commission, and the projected "911" surcharge revenues.  
12 Each Local Exchange Carrier ("LEC") and Commercial Mobile Radio Service  
13 ("CMRS") provider shall be responsible for establishing and maintaining an  
14 appropriate network to deliver "911" calls to the public safety answering point  
15 ("PSAP") and in maintaining the database for the name, address, and location of each  
16 telephone for use in the PSAP. Each LEC and CMRS provider shall collect and remit  
17 the surcharge to the Department of Administration in accordance with section 5 below.  
18 In exercising its responsibilities under this Act, the Commission shall have the powers  
19 and duties prescribed in its enabling legislation (Chapter 12 of Title 12 of the Guam  
20 Code Annotated). Surcharge revenues shall not be expended by the Department for the  
21 procurement of supplies, equipment or services in excess of Five Hundred thousand  
22 (\$500,000.00) without the prior approval of the Commission as to the prudence and  
23 reasonableness of the procurement. The Commission shall require that each LEC or  
24 CMRS provider imposing a surcharge identify such as a separate line item on its  
25 invoice. Recipients of Life-line rates for local exchange telephone service are

1 exempted from the "911" surcharge. For purposes of this Act, a CMRS provider  
2 means a provider of wireless cellular telephone service or wireless personal  
3 communications service.

4 **Section 3. Creation of Special Fund.** There is hereby created, separate and  
5 apart from all other funds of the government, the "*Enhanced "911" Emergency*  
6 *Reporting System Fund ("Fund")*" to be administered by the Department of  
7 Administration. The Fund is created to provide a source of funding for costs associated  
8 with an Enhanced "911" Emergency Reporting System. All the "911" surcharges  
9 collected by each LEC and CMRS provider shall be paid into the Fund. The money  
10 collected and interest earned shall be used by the Guam Fire Department solely for  
11 enhanced "911" equipment and system costs as described in Section 4.

12 **Section 4. Definition of "911" Equipment and System.** It is the intent of *I*  
13 *Liheslatura* that the "911" surcharge authorized by this Chapter not necessarily provide  
14 the total funding required for establishing or providing the "911" service. In the event  
15 the surcharge, as established by the Commission, is insufficient to cover the annual  
16 "911" system operating costs as determined by the Commission, then the Guam Fire  
17 Department shall request an appropriation in its annual budget to cover any such  
18 shortfall. For purposes of this Act, enhanced "911" equipment means the equipment  
19 dedicated to the operation of, or use in, the establishment, operation, or maintenance  
20 of an enhanced "911" system, including customer premises equipment, automatic  
21 number identification or automatic location identification controllers and display units,  
22 printers, recorders, software, and other essential communication equipment required  
23 by the system. Enhanced "911" system means a telephone system consisting of  
24 network, database, and enhanced "911" equipment that uses the single three digit  
25 number 911 for reporting a fire, police, medical, or other emergency situation, and that

1 enables the users of a public telephone system to reach a PSAP to report emergencies  
2 by dialing "911". An enhanced "911" system includes the personnel required to  
3 acquire, install, operate and maintain the system.

4 **Section 5. Collection of "911" Surcharge.** Each LEC or CMRS provider  
5 collecting such surcharge shall remit to the Department of Administration the amounts  
6 collected no later than forty five (45) days after the end of the month in which the  
7 amount is collected. Each LEC or CMRS provider shall be authorized to deduct from  
8 such remittances its actual expenses incurred for collection services, maintaining the  
9 PSAP database, and for reports as may be required by the Commission, provided such  
10 deductions are consistent with a Commission-approved budget for such expenses. In  
11 addition, each LEC or CMRS provider is authorized to deduct from its "911" receipts,  
12 amounts necessary to cover the Commission's expenses in conducting the regulatory  
13 activities required in this Act, to be billed by the Commission on a pro-rata basis.

14 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider collecting  
15 such surcharges shall not be responsible for uncollectible surcharges. The LEC or  
16 CMRS provider shall provide quarterly to the Commission a list of the names,  
17 addresses, and telephone numbers of any and all subscribers who have identified to the  
18 LEC or CMRS provider their refusal to pay the "911" fee. Nothing in this chapter shall  
19 be construed to prevent the government from taking appropriate actions to collect such  
20 surcharges designated by the LEC or CMRS provider as uncollectible.

21 **Section 7. Yearly Reports.** The Department shall prepare and submit to *I*  
22 *Magalahi* and to the Speaker of *I Liheslatura* a yearly assessment report on the  
23 enhanced "911" system to include the number and types of calls received, the number  
24 and types of emergencies in which emergency personnel were dispatched, deficiencies,  
25 if any, in the system compared to other operations in the United States mainland, new

1 system or equipment changes that will be made or required in the future, and any other  
2 information that is useful in evaluating the effectiveness of the "911" system.

3 **Section 8. Confidentiality of records.** Any record, recording, or information,  
4 or portions thereof, obtained by a public agency or a public safety agency for the  
5 purpose of providing services in an emergency and which reveals the name, address,  
6 telephone number, or personal information about, or information which may identify  
7 any person requesting emergency service by accessing an emergency telephone number  
8 "911" system is confidential, except that such record or information may be disclosed  
9 to a public safety agency. The exemption applies only to the name, address, telephone  
10 number or personal information about, or information which may identify any person  
11 requesting emergency services or reporting an emergency while such information is in  
12 the custody of the public agency or public safety agency providing emergency services.  
13 A LEC or CMRS provider shall not be liable for damages to any person resulting from  
14 or in connection with such LEC's or CMRS provider's provision of lawful assistance  
15 to any investigative or law enforcement officer in connection with any lawful  
16 investigation or other law enforcement activity by such law enforcement officer unless  
17 the LEC or CMRS provider acted in a wanton or willful manner.

18 **Section 9. False "911" calls.** Whoever accesses the number "911" for the  
19 purpose of making a false alarm, threat, complaint or reporting false information which  
20 could result in the emergency response of any public safety agency is guilty of a  
21 misdemeanor of the first degree.

22 **Section 10. Violations of this Act.** Any person or entity which the Commission  
23 determines has violated any provision of this Act or any Commission order, shall be  
24 allowed a reasonable opportunity to cure the violation. Thereafter, in the event of  
25 failure to cure, the Commission may refer the violation to the Attorney General's Office

1 for prosecution. Any person or entity that, having the responsibility of complying with  
2 this Act or a Commission order, fails to cure such violation, shall be fined a civil  
3 penalty not to exceed Ten-thousand dollars (\$10,000.00) per infraction. Any such  
4 penalty shall be deposited into the Fund.

## Committee on Transportation, Telecommunications and Micronesian Affairs

Tuesday, April 6, 1999, 9:00 a.m.

Public Hearing room, I Libeslaturan Guåhan Temporary Building

**Bill No. 170: "An Act to Authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and commercial mobile radio service to fund an island-wide enhanced "911" emergency telephone system."**

### Sign-up Sheet

Name	Organization	Contact #
1. Robert Kelley	Gov Office	'
2. Robert Torres	atly - ITE	4770000
3. Abdullah L.D. Miller	Futuristic	635-1011
✓ 4. Andrea Eberly	GFD/DPHSS	477-0742
✓ 5. Vincent P. Arrola	GTA	646-5527
✓ 6. DANNY SANTOS	GST	649 0555 ext 230
7. Tony Rabon	GFD	7342876
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

## PUBLIC HEARING NOTICE



The Legislative Committee on Transportation, Telecommunications and Micronesia Affairs will conduct a Public Hearing at **9 a.m. Tuesday, April 6, 1999**, in the Public Hearing Room of I Mina'Bente Singko na Liheslaturan Guahan Temporary Building in Hagatna. The agenda is as follows:

### **Confirmation hearing for:**

- Napoleon Carino, as acting member, Guam Mass Transit Authority Board of Directors, whose term will expire on March 18, 2002.
- Reynald Del Carmen as acting member, A.B. Won Pat Guam International Airport Authority Board of Directors, whose term will expire on March 18, 2002.
- Ralph W. Gutierrez, as acting member, A.B. Won Pat Guam International Airport Authority Board of Directors, whose term will expire on February 10, 2002.

### **Public hearing on:**

- Bill 134: "An act to amend Section 56403 of Article IV, Chapter 56, Title 18 Guam Code Annotated (Former Civil Code section 2036) relating to compulsory pilotage of vessels within Guam waters."
- Bill 136: "An act to amend Section 71110, Chapter 71, Division 2 of Title 21 Guam Code Annotated relative to underground utility damage, and to add a new Section 70116 (a) (19), Chapter 70, Division 2 of Title 21 GCA relative to the revocation, suspension and renewal of licenses, and to amend Section 53105, Chapter 53, Division 5 of Title 5 GCA relative to bonding requirements."
- Bill 170: "An act to authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and commercial mobile radio service to fund an island-wide enhanced "911" emergency telephone system."

---

ADA Coordinator: Betty Ann Guerrero. The public is welcome to attend. For additional information please call the Office of Senator Carlotta A. Leon Guerrero at 472-3416. You may fax your testimony to 477-1323.

MAR 25 1999

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

Bill No. 170 EOA

Introduced by

C.A. Leon Guerrero *cg*  
J. C. Salas *Salas*  
K.S. Moylan

**AN ACT TO AUTHORIZE THE PUBLIC UTILITIES  
COMMISSION TO ESTABLISH A SURCHARGE ON  
LOCAL EXCHANGE TELEPHONE SERVICE AND  
COMMERCIAL MOBILE RADIO SERVICE TO  
FUND AN ISLAND-WIDE ENHANCED "911"  
EMERGENCY TELEPHONE SYSTEM.**

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

**Section 1. Legislative findings.** *I Liheslatura* finds that the existing "911" system is antiquated and insufficient for the island's emergency reporting needs, and that there is a need to establish a new Enhanced "911" system to better protect the health and safety of island residents. *I Liheslatura* further finds that in order to fund the new enhanced "911" system, a surcharge on Local Exchange Telephone Service and Commercial Mobile Radio Service should be established.

**Section 2. Authorization to establish surcharge.** The Public Utilities Commission ("Commission") shall establish and amend, as required, a monthly surcharge to be known as the "911" surcharge to be paid by Local Exchange Telephone and Commercial Mobile Radio Service subscribers. The Commission may establish different rates for residential and business subscribers. The "911" surcharge shall be established by the Commission at a rate not to exceed one dollar per month per access



1 line up to a maximum of twenty five access lines per account bill rendered for local  
2 exchange telephone service, and at a rate not to exceed one dollar per month per  
3 account number for commercial mobile radio service. The purpose of the "911"  
4 surcharge is to fund the just and reasonable expenses of operating and maintaining the  
5 "911" system, which shall be the responsibility of the Guam Fire Department  
6 ("Department"). The Department shall petition the Commission, in accordance with  
7 Commission rules, for the establishment of a "911" surcharge and for its amendment  
8 , from time to time; however, the Commission may on its own initiative examine the  
9 adequacy of the surcharge at any time. The Commission shall immediately notify *I*  
10 *Liheslatura* in the event there is a shortfall between the annual "911" system costs of  
11 service, as determined by the Commission, and the projected "911" surcharge revenues.  
12 Each Local Exchange Carrier ("LEC") and Commercial Mobile Radio Service  
13 ("CMRS") provider shall be responsible for establishing and maintaining an  
14 appropriate network to deliver "911" calls to the public safety answering point  
15 ("PSAP") and in maintaining the database for the name, address, and location of each  
16 telephone for use in the PSAP. Each LEC and CMRS provider shall collect and remit  
17 the surcharge to the Department of Administration in accordance with section 5 below.  
18 In exercising its responsibilities under this Act, the Commission shall have the powers  
19 and duties prescribed in its enabling legislation (Chapter 12 of Title 12 of the Guam  
20 Code Annotated). Surcharge revenues shall not be expended by the Department for the  
21 procurement of supplies, equipment or services in excess of Five Hundred thousand  
22 (\$500,000.00) without the prior approval of the Commission as to the prudence and  
23 reasonableness of the procurement. The Commission shall require that each LEC or  
24 CMRS provider imposing a surcharge identify such as a separate line item on its  
25 invoice. Recipients of Life-line rates for local exchange telephone service are

1 exempted from the "911" surcharge. For purposes of this Act, a CMRS provider  
2 means a provider of wireless cellular telephone service or wireless personal  
3 communications service.

4 **Section 3. Creation of Special Fund.** There is hereby created, separate and  
5 apart from all other funds of the government, the "*Enhanced "911" Emergency*  
6 *Reporting System Fund ("Fund")*" to be administered by the Department of  
7 Administration. The Fund is created to provide a source of funding for costs associated  
8 with an Enhanced "911" Emergency Reporting System. All the "911" surcharges  
9 collected by each LEC and CMRS provider shall be paid into the Fund. The money  
10 collected and interest earned shall be used by the Guam Fire Department solely for  
11 enhanced "911" equipment and system costs as described in Section 4.

12 **Section 4. Definition of "911" Equipment and System.** It is the intent of *I*  
13 *Liheslatura* that the "911" surcharge authorized by this Chapter not necessarily provide  
14 the total funding required for establishing or providing the "911" service. In the event  
15 the surcharge, as established by the Commission, is insufficient to cover the annual  
16 "911" system operating costs as determined by the Commission, then the Guam Fire  
17 Department shall request an appropriation in its annual budget to cover any such  
18 shortfall. For purposes of this Act, enhanced "911" equipment means the equipment  
19 dedicated to the operation of, or use in, the establishment, operation, or maintenance  
20 of an enhanced "911" system, including customer premises equipment, automatic  
21 number identification or automatic location identification controllers and display units,  
22 printers, recorders, software, and other essential communication equipment required  
23 by the system. Enhanced "911" system means a telephone system consisting of  
24 network, database, and enhanced "911" equipment that uses the single three digit  
25 number 911 for reporting a fire, police, medical, or other emergency situation, and that

1 enables the users of a public telephone system to reach a PSAP to report emergencies  
2 by dialing "911". An enhanced "911" system includes the personnel required to  
3 acquire, install, operate and maintain the system.

4 **Section 5. Collection of "911" Surcharge.** Each LEC or CMRS provider  
5 collecting such surcharge shall remit to the Department of Administration the amounts  
6 collected no later than forty five (45) days after the end of the month in which the  
7 amount is collected. Each LEC or CMRS provider shall be authorized to deduct from  
8 such remittances its actual expenses incurred for collection services, maintaining the  
9 PSAP database, and for reports as may be required by the Commission, provided such  
10 deductions are consistent with a Commission-approved budget for such expenses. In  
11 addition, each LEC or CMRS provider is authorized to deduct from its "911" receipts,  
12 amounts necessary to cover the Commission's expenses in conducting the regulatory  
13 activities required in this Act, to be billed by the Commission on a pro-rata basis.

14 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider collecting  
15 such surcharges shall not be responsible for uncollectible surcharges. The LEC or  
16 CMRS provider shall provide quarterly to the Commission a list of the names,  
17 addresses, and telephone numbers of any and all subscribers who have identified to the  
18 LEC or CMRS provider their refusal to pay the "911" fee. Nothing in this chapter shall  
19 be construed to prevent the government from taking appropriate actions to collect such  
20 surcharges designated by the LEC or CMRS provider as uncollectible.

21 **Section 7. Yearly Reports.** The Department shall prepare and submit to *I*  
22 *Magalahi* and to the Speaker of *I Liheslatura* a yearly assessment report on the  
23 enhanced "911" system to include the number and types of calls received, the number  
24 and types of emergencies in which emergency personnel were dispatched, deficiencies,  
25 if any, in the system compared to other operations in the United States mainland, new

1 system or equipment changes that will be made or required in the future, and any other  
2 information that is useful in evaluating the effectiveness of the "911" system.

3 **Section 8. Confidentiality of records.** Any record, recording, or information,  
4 or portions thereof, obtained by a public agency or a public safety agency for the  
5 purpose of providing services in an emergency and which reveals the name, address,  
6 telephone number, or personal information about, or information which may identify  
7 any person requesting emergency service by accessing an emergency telephone number  
8 "911" system is confidential, except that such record or information may be disclosed  
9 to a public safety agency. The exemption applies only to the name, address, telephone  
10 number or personal information about, or information which may identify any person  
11 requesting emergency services or reporting an emergency while such information is in  
12 the custody of the public agency or public safety agency providing emergency services.  
13 A LEC or CMRS provider shall not be liable for damages to any person resulting from  
14 or in connection with such LEC's or CMRS provider's provision of lawful assistance  
15 to any investigative or law enforcement officer in connection with any lawful  
16 investigation or other law enforcement activity by such law enforcement officer unless  
17 the LEC or CMRS provider acted in a wanton or willful manner.

18 **Section 9. False "911" calls.** Whoever accesses the number "911" for the  
19 purpose of making a false alarm, threat, complaint or reporting false information which  
20 could result in the emergency response of any public safety agency is guilty of a  
21 misdemeanor of the first degree.

22 **Section 10. Violations of this Act.** Any person or entity which the Commission  
23 determines has violated any provision of this Act or any Commission order, shall be  
24 allowed a reasonable opportunity to cure the violation. Thereafter, in the event of  
25 failure to cure, the Commission may refer the violation to the Attorney General's Office

1 for prosecution. Any person or entity that, having the responsibility of complying with  
2 this Act or a Commission order, fails to cure such violation, shall be fined a civil  
3 penalty not to exceed Ten-thousand dollars (\$10,000.00) per infraction. Any such  
4 penalty shall be deposited into the Fund.

Refer to  
Legislative Secretary



OFFICE OF THE GOVERNOR  
GUAM

Office of the speaker  
ANTONIO R. UNPINGCO

Date: 6-30-99

Time: 1:54 PM

Rec'd by: [Signature]

Print Name: Charlene

OS25/99-0197

JUN 30 1999

The Honorable Antonio R. Unpingco  
Speaker  
I Mina'Bente Singko na Liheslaturan Guåhan  
Twenty-Fifth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGMENT RECEIPT

Received by: [Signature]

Time: 10:49 AM

Date: 7-1-99

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 186 (COR), "AN ACT TO REPEAL AND REENACT §1.23 OF CHAPTER 1 OF TITLE 8 OF THE GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE SUPERIOR COURT OF GUAM TO ADMIT CAMERAS AND AUDIO EQUIPMENT IN COURTROOMS, BRINGING THE JUDICIAL SYSTEM TO THE PUBLIC AT LARGE", which I have signed into law today as Public Law No. 25-56.

This legislation mandates that photographs, and radio and television broadcasting, be permitted during the proceedings of the Superior Court of Guam. The basis for this change in previous policy is that modern broadcasting techniques are quiet and unobtrusive, and the new court building is built in such a way that the presence of cameras can be very unobtrusive. This will not disrupt ongoing proceedings.

The legislation also creates a task force to look into the matter of cameras in criminal and civil proceedings, and devise a one-year experiment.

The legislation specifically states that the rules and regulations on cameras shall not permit any cameras in juvenile, divorce, or other family proceedings. This continues to protect the sensitive nature of those proceedings.

Very truly yours,

[Signature]  
Madeleine Z. Bordallo

I Maga'lahaen Guåhan, Akto  
Acting Governor of Guam

Attachment: copy attached for signed bill or overridden bill  
original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

00333

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 186 (COR), AN ACT TO REPEAL AND REENACT §1.23 OF CHAPTER 1 OF TITLE 8 OF THE GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE SUPERIOR COURT OF GUAM TO ADMIT CAMERAS AND AUDIO EQUIPMENT IN COURTROOMS, BRINGING THE JUDICIAL SYSTEM TO THE PUBLIC AT LARGE," was on the 17<sup>th</sup> day of June, 1999, duly and regularly passed.

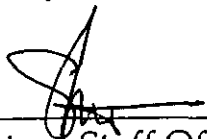
  
ANTONIO R. UNPINGCO  
Speaker

Attested:


  
JOANNE M.S. BROWN

Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahen Guahan* this 18<sup>th</sup> day of June, 1999,  
at 9:50 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
MADELEINE Z. BORDALLO  
Akto *I Maga'lahen Guahan*  
Acting Governor of Guam

Date: 6/30/99

Public Law No. 25-56

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

**Bill No. 186 (COR)**

As substituted by the Committee on  
Judiciary, Public Safety, Consumer Protection  
and Human Resources Development and  
amended on the Floor.

Introduced by:

Mark Forbes  
F. B. Aguon, Jr.  
E. C. Bermudes  
A. C. Blaz  
J. M.S. Brown  
E. B. Calvo  
M. G. Camacho  
L. F. Kasperbauer  
A. C. Lamorena, V  
C. A. Leon Guerrero  
K. S. Moylan  
V. C. Pangelinan  
J. C. Salas  
S. A. Sanchez, II  
A. R. Unpingco

**AN ACT TO REPEAL AND REENACT §1.23 OF  
CHAPTER 1 OF TITLE 8 OF THE GUAM CODE  
ANNOTATED, RELATIVE TO MANDATING THE  
SUPERIOR COURT OF GUAM TO ADMIT  
CAMERAS AND AUDIO EQUIPMENT IN  
COURTROOMS, BRINGING THE JUDICIAL  
SYSTEM TO THE PUBLIC AT LARGE.**

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



1           **Section 1. Legislative Findings and Intent.**    *I           Liheslaturan*

2   *Guåhan* finds that a Guam law dating back to the 1960s prohibits the  
3 media from bringing judicial proceedings to the general public through  
4 cameras and radio equipment. While such law made sense when it was  
5 written, because of noisy cameras and other equipment, new silent  
6 technology permits cameras and audio equipment to be brought into  
7 the courtroom with minimal intrusion. Forty-eight (48) out of fifty (50)  
8 states have changed their laws to allow cameras and audio equipment  
9 in courtrooms, some of them through ongoing experiments, and all with  
10 guidelines that protect the rights of defendants and witnesses.

11           The vast majority of states set restrictions on the broadcast and  
12 publication of court proceedings, including limitations on  
13 photographing minors, victims of sex crimes, undercover agents and the  
14 jury. Those states often also require silent-shutter still photograph  
15 cameras, and single video cameras that are shared by multiple  
16 broadcast stations. After carefully monitoring the results of  
17 experiments allowing such equipment in courtrooms, the states have  
18 found very minimal intrusion in the courtrooms and no violation of  
19 defendants' right to a fair trial.

20           *I Liheslaturan Guåhan* further finds that such an experiment would  
21 be beneficial to Guam's citizens, bringing the mass citizenry into the  
22 judicial system, while protecting the rights of defendants and victims.  
23 Open courtrooms bring needed accountability to the judicial system,  
24 while at the same time making the court system less intimidating to the  
25 average citizen.

1           Therefore, *I Liheslaturan Guåhan* intends to remove the prohibition  
2 of cameras and audio equipment from the courtrooms and set-up a  
3 public-private task force to set-up guidelines for a one (1) year  
4 experiment with such equipment in the courtrooms.

5           **Section 2.** Section 1.23 of Chapter 1 of Title 8 of the Guam Code  
6 Annotated is hereby *repealed and reenacted* to read as follows:

7                   **“Section 1.23. Photographs, Broadcasting in Courtroom**  
8 **Permitted.**       The taking of photographs in the courtroom  
9 during the progress of judicial proceedings, or radio or television  
10 broadcasting of judicial proceedings from the courtroom, shall be  
11 permitted by the Court, *subject* to restrictions in rules and  
12 regulations promulgated by the Court.”

13           **Section 3. Task Force.**       (a) The Administrator of the  
14 Superior Court of Guam (“Administrator”) shall create a task  
15 force that shall consist of a representative from the Superior Court  
16 of Guam and representatives from the Attorney General’s Office,  
17 the Public Defender Service Corporation, the Guam Bar  
18 Association, the Micronesia Chapter of the Society of Professional  
19 Journalists and any other affected party. The task force shall  
20 determine the feasibility of allowing still cameras and broadcast  
21 equipment into criminal and civil proceedings in the Superior  
22 Court of Guam, and shall develop rules and regulations for a one  
23 (1) year experiment with such equipment in the courtrooms and  
24 the evaluation of the results of that experiment. The rules and

1 regulations shall *not* permit still cameras and broadcasting  
2 equipment in juvenile, divorce or other family court proceedings.

3 (b) The task force shall submit its recommendations and  
4 rules and regulations for such an experiment to the Administrator  
5 within six (6) months of the effective date of this Act, and the  
6 Administrator shall immediately submit the recommendations  
7 and rules and regulations to *I Liheslaturan Guåhan* for its approval.


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



**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**TWENTY-FIFTH GUAM LEGISLATURE**  
155 Hesler Street, Hagåtña, Guam 96910

COPY

June 18, 1999

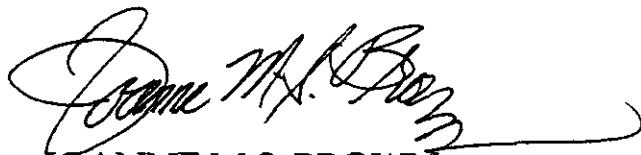
 6/18/99

The Honorable Carl T.C. Gutierrez  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Bill Nos. 129(COR), 210(LS) and 238(COR) and Substitute Bill Nos. 186(COR), 191(COR) and 225(COR) which were passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on June 17, 1999.

Sincerely,



JOANNE M.S. BROWN  
Senator and Legislative Secretary

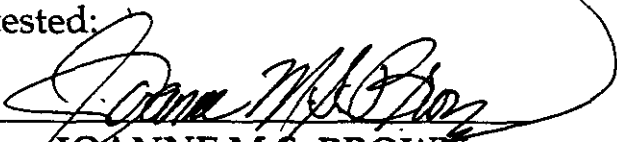
Enclosure (6)

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

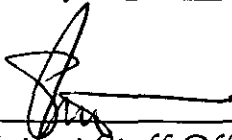
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 186 (COR), AN ACT TO REPEAL AND REENACT §1.23 OF CHAPTER 1 OF TITLE 8 OF THE GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE SUPERIOR COURT OF GUAM TO ADMIT CAMERAS AND AUDIO EQUIPMENT IN COURTROOMS, BRINGING THE JUDICIAL SYSTEM TO THE PUBLIC AT LARGE," was on the 17<sup>th</sup> day of June, 1999, duly and regularly passed.

  
ANTONIO R. UNPINGCO  
Speaker

Attested:  
  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahen Guahan* this 18<sup>th</sup> day of June, 1999,  
at 5:50 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

\_\_\_\_\_  
CARL T. C. GUTIERREZ  
*I Maga'lahen Guahan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

1           **Section 1. Legislative Findings and Intent.**    *I           Liheslaturan*

2    *Guåhan* finds that a Guam law dating back to the 1960s prohibits the  
3    media from bringing judicial proceedings to the general public through  
4    cameras and radio equipment. While such law made sense when it was  
5    written, because of noisy cameras and other equipment, new silent  
6    technology permits cameras and audio equipment to be brought into  
7    the courtroom with minimal intrusion. Forty-eight (48) out of fifty (50)  
8    states have changed their laws to allow cameras and audio equipment  
9    in courtrooms, some of them through ongoing experiments, and all with  
10   guidelines that protect the rights of defendants and witnesses.

11           The vast majority of states set restrictions on the broadcast and  
12   publication of court proceedings, including limitations on  
13   photographing minors, victims of sex crimes, undercover agents and the  
14   jury. Those states often also require silent-shutter still photograph  
15   cameras, and single video cameras that are shared by multiple  
16   broadcast stations. After carefully monitoring the results of  
17   experiments allowing such equipment in courtrooms, the states have  
18   found very minimal intrusion in the courtrooms and no violation of  
19   defendants' right to a fair trial.

20           *I Liheslaturan Guåhan* further finds that such an experiment would  
21   be beneficial to Guam's citizens, bringing the mass citizenry into the  
22   judicial system, while protecting the rights of defendants and victims.  
23   Open courtrooms bring needed accountability to the judicial system,  
24   while at the same time making the court system less intimidating to the  
25   average citizen.

1 regulations shall *not* permit still cameras and broadcasting  
2 equipment in juvenile, divorce or other family court proceedings.

3 (b) The task force shall submit its recommendations and  
4 rules and regulations for such an experiment to the Administrator  
5 within six (6) months of the effective date of this Act, and the  
6 Administrator shall immediately submit the recommendations  
7 and rules and regulations to *I Liheslaturan Guåhan* for its approval.

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

6

# I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 6/17/99

## VOTING SHEET

S Bill No. 186(COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT ROLL CALL
AGUON, Frank B., Jr.					✓
BERMUDES, Eulogio C.	✓				
BLAZ, Anthony C.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL                      14      0      0      0      1

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence





**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN**  
**TWENTY-FIFTH GUAM LEGISLATURE**  
155 Hesler Street, Hagåtña, Guam 96910

June 11, 1999

( DATE )

Memorandum

To: Senator MARK FORBES

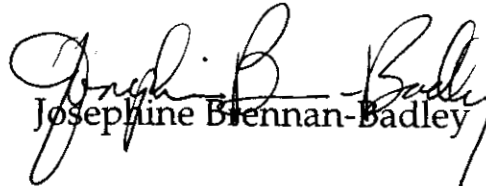
From: Clerk of the Legislature

Subject: Report on Bill No. 186 (COR)

**FILE**  
**COPY**

Pursuant to §7.04 of Rule VII of the 25<sup>th</sup> Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 186 (COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.

  
Josephine Brennan-Badley

Attachment

ACKNOWLEDGEMENT RECEIPT  
Received By: James  
Time: 10:46 am  
Date: 6/11/99



COMMITTEE ON JUDICIARY, PUBLIC SAFETY,  
CONSUMER PROTECTION, AND HUMAN RESOURCES  
DEVELOPMENT

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

JOHN CAMACHO SALAS, CHAIRMAN

June <sup>10</sup>~~14~~, 1999

99 JUN 10 PM 3 13

RECEIVED

The Honorable Antonio R. Unpingco  
Speaker  
Mina' Bente Singko na Liheslaturan Guahan  
155 Hesler Street  
Hagatna, Guam 96910

Dear Mr. Speaker:

The Committee on Judiciary, Public Safety, Consumer Protection & Human Resources Development to which was referred Bill No. 186, has had the same under consideration and now wishes to report back the same with the recommendation **TO DO PASS**, as substituted.

The Committee votes are as follows:

To Do Pass	<u>4</u>
Not To Pass	<u>0</u>
Abstain	<u>0</u>
Other (Off-Island)	<u>1</u>

A copy of the Committee's report and other pertinent documents are attached for your reference and information.

Sincerely,

Senator John Camacho Salas  
Chairman



25th GUAM LEGISLATURE

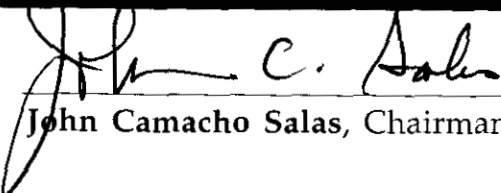

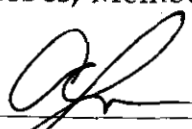
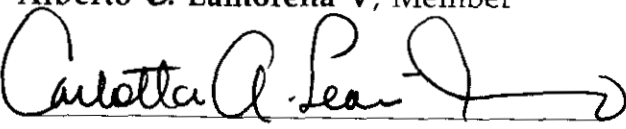
# SENATOR JOHN CAMACHO SALAS CHAIRMAN

## COMMITTEE ON JUDICIARY, PUBLIC SAFETY, CONSUMER PROTECTION AND HUMAN RESOURCES DEVELOPMENT

### VOTING SHEET

BILL NUMBER 186

TITLE AN ACT MANDATING THE SUPERIOR COURT OF GUAM TO ADMIT CAMERAS AND AUDIO EQUIPMENT IN COURTROOMS, BRINGING THE JUDICIAL SYSTEM TO THE PUBLIC AT LARGE

	TO DO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 John Camacho Salas, Chairman	<input checked="" type="checkbox"/>			
Kaleo S. Moylan, Vice-Chairman				
Frank B. Aguon, Jr., Member				
 Joanne M.S. Brown, Member	<input checked="" type="checkbox"/>			
Mark Forbes, Member				
 Alberto C. Lamorena V, Member	<input checked="" type="checkbox"/>			
 Carlotta A. Leon Guerrero, Member	<input checked="" type="checkbox"/>			
Antonio R. Unpingco, Ex-Officio				

Committee on Judiciary, Public Safety, Consumer Protection, and  
Human Resources Development  
Committee Report on Bill 186  
Publicly Heard Tuesday, May 18, 1999

*Bill 186: An act mandating the Superior Court of Guam to admit cameras and audio equipment in courtrooms, bringing the Judicial system to the public at large. Senator M. Forbes.*

**I. ATTENDANCE**

- Senator John C. Salas, Chairman
- Senator Kaleo S. Moylan, Co-Chairman
- Senator Lawrence F. Kasperbauer
- Senator Vicente C. Pangelinan

**II. MAIN SPONSORS**

Senator Mark Forbes

**III. SYNOPSIS**

Bill 186 proposes to allow media to bring in cameras and audio equipment into the Superior Court. The bill's author states that 48 states currently allow cameras and audio equipment in courtrooms, with restrictions, to bring court proceedings to the general public.

**IV. TESTIMONY**

**Gerry Lyons, News Director of HIT Radio 100 and resident of Sinajana**, provided testimony in favor of Bill 186. He read from his written testimony (attached).

**Chairman Salas** asked if there other types of privacy issues that would surface by allowing cameras into the courtroom such as libel for testimony given about someone in a public forum. Mr. Lyons noted that people are protected by that now. Anything said in open court can be quoted under protection from libel. That does not mean someone intentionally making libelous statements is protected. Perjury laws would then come into play. Chairman Salas noted that there is a case before the Supreme Court regarding the Legislature and freedom of speech and debate. Depending upon the ruling of the court, the Legislature may be muzzled from practicing that freedom. Mr. Lyons noted that the press must practice this everyday. Reporters must take notes at hearings and risk libel on what they report. Chairman Salas asked Mr. Lyons if he felt there was a difference between rendering a story versus recording a story on film or audio tape. Mr. Lyons responded that there is no difference because a story that is accurately rendered, whether it is in the newspaper, radio or television, is taken as the truth. He noted that there is no difference. There is, however, a strong psychological impact of showing trials on television.

**Chairman Salas** noted that the Committee was one of three sponsors of a study on public trust and confidence in the Judiciary. The study found that the courts enjoy a high level of trust, while the Legislature and Executive Branch enjoy much less public trust and confidence. The conclusion reached is that the level of trust in the courts may have been due to the general public not knowing what is going on behind closed doors. This is very different compared to the Legislature and Executive Branch where information is always available and people can form opinions.

**Mr. Lyons** expressed his belief that the public ought to know what is going on so that they can make an informed opinion and understand the situation. This goes beyond the shock value of televising a proceeding. People can always turn the channel or turn off the television. It is important that people know how the system works so they can give informed input.

**Senator Pangelinan** noted that the bill only provides that the court may allow the media into the courtroom. He asked if that is the system now in place. Mr. Lyons noted that

currently, media would have to get the judge's approval, a petition from media's lawyer and an agreement by the trial participant. Then, the judge would have final say whether the media is allowed in. Senator Pangelinan noted that the bill says the judge still makes the final decision. Mr. Lyons noted that he understood the bill to say that the Presiding Judge would make the final determination whereas currently, each individual judge must give approval. He did note that if the bill does not mandate allowing cameras into the courtroom, the bill should be revised to include that provision.

**Vice Chairman Moylan** agreed with Senator Pangelinan's assessment that the bill does not substantially change the current procedure to bring cameras into the courtroom and suggested that the Committee rework the language in the bill to mandate that the court allow the media to bring in visual and audio recording equipment.

**Ms. Jane Flores, Treasurer and Past President of the Micronesia Chapter of the Society of Professional Journalists**, testified in support of Bill 186. She noted that most journalists understand the restrictions imposed by the courts to protect certain defendants, witnesses and jurors. She further noted that the Superior Court is nicely set-up to film a hearing discreetly. She felt that bringing in media not only opens up the courtroom for the general public, but will have a tendency to expedite court proceedings as attorneys would be less apt to come unprepared or ask the same question several times. She also noted that as a society, we open up Legislative and Administrative proceedings to public scrutiny. She felt that judicial proceedings should also be open to such scrutiny.

**Chairman Salas** asked Ms Flores if she anticipates a cultural backlash because families may be appalled to have their members on television. Ms. Flores noted that this may initially be an issue, but that it would be a temporary concern. Further, this would be a deterrent to committing crime, knowing your face would be all over the media.

**Ms. Flores** also noted that she would support a change to the bill to mandate that media be allowed into the Superior Court once she was made aware the bill still allows a judge to decide if media is allowed.

#### V. **COMMITTEE FINDINGS & RECOMMENDATION**

The Committee recommends that the bill be amended to mandate the Superior Court to allow the media to bring in electronic recording equipment into the courtroom for a 1 year experiment. Therefore, the Committee recommends **TO DO PASS Bill 186, as substituted.**

**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

Bill No. 186 (COR)

As Substituted by the Committee on  
Judiciary, Public Safety, Consumer Protection  
and Human Resources Development

Introduced by:

Mark Forbes

**AN ACT MANDATING THE SUPERIOR COURT OF  
GUAM TO ADMIT CAMERAS AND AUDIO  
EQUIPMENT IN COURTROOMS, BRINGING THE  
JUDICIAL SYSTEM TO THE PUBLIC AT LARGE.**

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

**Section 1.** Legislative Findings and Intent. *I Liheslaturan*

*Guahan* finds that a Guam law dating back to the 1960s prohibits the media from bringing judicial proceedings to the general public through cameras and radio equipment. While such law made sense when it was written because of noisy cameras and other equipment, new silent technology permits cameras and audio equipment to be brought into the courtroom with minimal intrusion. Forty-eight out of 50 states have changed their laws to allow cameras and audio equipment in courtrooms, some of them through ongoing experiments, and all with guidelines that protect the rights of defendants and witnesses. The vast majority of states set restrictions on the broadcast and publication of court proceedings, including limitations on photographing minors, victims of sex crimes, undercover agents, and the jury. Those states often also require silent-shutter still photograph cameras and single video

1 Defender Service Corporation, the Guam Bar Association, the  
2 Micronesia Chapter of the Society of Professional Journalists and any  
3 other affected party. The task force shall determine the feasibility of  
4 allowing still cameras and broadcast equipment into criminal and  
5 civil proceedings in the Superior Court of Guam, and shall develop  
6 rules and regulations for a one-year experiment with such  
7 equipment in the courtrooms and the evaluation of the results of that  
8 experiment.

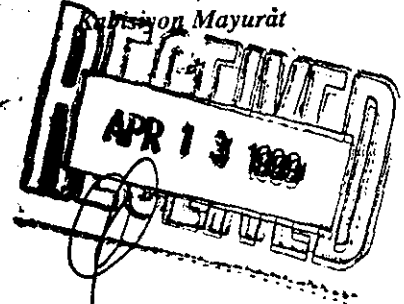
9 (b) The task force shall submit its recommendations and  
10 rules and regulations for such an experiment to the Administrator  
11 within six (6) months of the effective date of this Act, and the  
12 Administrator shall immediately submit the recommendations and  
13 rules and regulations to *I Liheslaturan Guahan* for its approval.

14 **Section 4. Severability.** If any provision of this Act or its  
15 application to any person or circumstance is found to be invalid or contrary  
16 to law, such invalidity shall not affect other provisions or applications of  
17 this Law which can be given effect without the invalid provisions or  
18 application, and to this end the provisions of this Act are severable.



**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN**  
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu  
Kabisiyon Mayurat*



**APR 13 1999**

**MEMORANDUM**

**TO:** Chairman  
Committee on Judiciary, Public Safety, Consumer Protection  
and Human Resources Development

**FROM:** Chairman ~~Mark Forbes~~  
Committee on Rules, Government Reform, Reorganization  
and Federal Affairs

**SUBJECT:** Principal Referral – Bill No. 186

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

**MARK FORBES**

Attachment



**MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session**

Bill No. 186 (COR)

Introduced by:

Mark Forbes 

---

**AN ACT TO ALLOW THE SUPERIOR COURT OF  
GUAM TO ADMIT CAMERAS AND AUDIO  
EQUIPMENT IN COURTROOMS, BRINGING THE  
JUDICIAL SYSTEM TO THE PUBLIC AT LARGE.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*

3 finds that a Guam law dating back to the 1960s prohibits the media from  
4 bringing judicial proceedings to the general public through cameras and radio  
5 equipment. While such a law made sense when it was written because of  
6 noisy cameras and other equipment, new silent technology permits cameras  
7 and audio equipment to be brought into the courtroom with minimal  
8 intrusion. Forty-eight out of the 50 states have changed their laws to allow  
9 cameras and audio equipment in courtrooms, some of them through ongoing  
10 experiments, and all with guidelines that protect the rights of defendants and  
11 witnesses.

1           The vast majority of states set restrictions on the broadcast and  
2 publication of court proceedings, including limitations on photographing  
3 minors, victims of sex crimes, undercover agents, and the jury. Those states  
4 often also require silent-shutter still photograph cameras and single video  
5 cameras that are shared by multiple broadcast stations. After carefully  
6 monitoring the results of experiments allowing such equipment in  
7 courtrooms, the states have found very minimal intrusion in the courtrooms  
8 and no violation of defendants' right to a fair trial.

9           *I Liheslaturan Guåhan* further finds that such an experiment would be  
10 beneficial to Guam's citizens, bringing the mass citizenry into the judicial  
11 system while protecting the rights of defendants and victims. Open  
12 courtrooms bring needed accountability to the judicial system, while at the  
13 same time making the court system less intimidating to the average citizen.

14           Therefore, *I Liheslaturan Guåhan* intends to remove the prohibition of  
15 cameras and audio equipment from the courtrooms and set up a public-  
16 private task force to set up guidelines for a one-year experiment with such  
17 equipment in the courtrooms.

18           **Section 2.** Section 1.23, Chapter 1, Title 8 of the Guam Code Annotated  
19 is repealed and re-enacted to read:

20                   **"§1.23.       Photographs, Broadcasting in Courtroom Permitted.**

21                   The taking of photographs in the courtroom during the progress  
22 of judicial proceedings or radio or television broadcasting of judicial  
23 proceedings from the courtroom may be permitted by the court, subject  
24 to restrictions in rules and regulations promulgated by the court."

1           **Section 3. Task Force.**       (a) The Administrator of the Superior  
2 Court of Guam (the "Administrator") shall create a task force that shall  
3 consist of a representative from the Superior Court and representatives from  
4 the Attorney General's office, the Public Defender Service Corporation, the  
5 Guam Bar Association, the Micronesia Chapter of the Society of Professional  
6 Journalists and any other affected party. The task force shall determine the  
7 feasibility of allowing still cameras and broadcast equipment into criminal  
8 and civil proceedings in the Superior Court of Guam, and shall develop rules  
9 and regulations for a one-year experiment with such equipment in the  
10 courtrooms and the evaluation of the results of that experiment.

11           (b) The task force shall submit its recommendations and rules and  
12 regulations for such an experiment to the Administrator within six (6) months  
13 of the effective date of this Act, and the Administrator shall immediately  
14 submit the recommendations and rules and regulations to the Legislature for  
15 its approval.

16           **Section 4. Severability.** If any provision of this Act or its application to  
17 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 Act which  
19 can be given effect without the invalid provisions or application, and to this  
20 end the provisions of this Act are severable.

Claris Filemaker Pro 4.0 • College degree or equivalent  
 Responsible for billing, collections, providing reports to GM,  
 bookkeeping - Knowledge in tax preparations  
 Solid accounting fundamentals


## GRAPHIC DESIGNER WANTED

Required:  
 Willing to accept new challenges • Part Time/Full Time available  
 Minimum 2 years commercial work experience • Skilled in Adobe  
 Illustrator, QuarkXPress, Adobe Photoshop • Prepress experience  
 preferred • Sketch artist a plus.

Equal Opportunity Employer  
 Send resumes to Human Resources Department  
 P.O. Box 11499, Tamuning, Guam 96931  
 email: jobopenings@hotmail.com

# OPEN HOUSE


SUNDAY, MAY 16 11:00AM - 3:00PM



## BARRIGADA HEIGHTS

- Oceanview
- 5 Bedrooms / 2.5 Bath
- Screened- Lanai/Outdoor Kitchen
- Includes Appliances
- Carport
- Typhoon Shutters
- 2,278 sf Living Area

**\*\* Asking \$390,000**



Scott P. Smith P.B.  
**BAYSIDE REALTY**  
 Office: 649-8993  
 Res: 632-6329

### PUBLIC HEARING REMINDER NOTICE

Committee on Judiciary, Public Safety, Consumer Protection  
 & Human Resources Development

Bill 77: An act to amend Subsection (a) of 5116, Title 16, G.C.A., relative to corner safety and hazardous material regulations.

Bill 120: An act to add a new 36102.1 of Chapter 36, Title 7, G.C.A., relative to allowing families to use a single petition for change of name.

Bill 123: An act to add a new Chapter 68 to Title 9, G.C.A., relative to imitation substance or drug offenses.

Bill 125: An act to add a new 70.16 to Chapter 70, Title 9, G.C.A., relative to prohibiting the tattooing, branding, scarifying and piercing on minors without the physical presence of a parent or legal guardian.

Bill 127: An act to add a new Chapter 47 to Title 9, G.C.A., relative to computer crimes.

Bill 129: An act to add a new 4121-4122 and 4123 to Chapter 4 of Title 4, G.C.A., relative to the creation of personnel rules and regulations for peace officers.

Bill 131: An act to add a new Chapter 27 to Title 16, G.C.A., relative to professional driver training schools.

Bill 132: An act to add a new Article 1A to Chapter 3 of Title 16, G.C.A., relative to the enactment of graduated driver's licenses for new drivers. This act shall be known as the Responsible Drivers Act.

Bill 143: An act to add a new Article 7 to Chapter 32 of Title 5, G.C.A., relative to requiring service and repair businesses that compensate their technicians, mechanics and other personnel by commission, disclose such information to the public.

Bill 148: An act to add a new 3346 to Article 3 of Chapter 3 of Title 16, G.C.A., relative to limiting the speed of school buses to thirty-five miles per hour (35 MPH) regardless of the posted speed limit.

Bill 158: An act to add a new 3114 Chapter 3 Title 16 G.C.A. relative to the creation of a numbering system for drivers licenses.

Bill 186: An act to allow the Superior Court of Guam to admit cameras and audio equipment in courtrooms, bringing the Judicial system to the public at large.

Tuesday, May 18, 1999, starting at 9:00 am, Legislature's Public Hearing Room  
 See our ad in the Tuesday, May 11, 1999 issue of the PDN

For additional information, contact the Office of Senator John Camacho Salas. Ph: 472-3431;  
 Fax: 472-3433; e-mail: jsalas@sensalasalas.guam.net Website: http://www.guam.net/sensalasalas  
 http://www2.ite.net/senators/sensalasalas American Disabilities Coordinator: John Meno tel: 472-3431

2 Bedroom, 1 Bath Units  
 \$800 to \$900

3 bedroom, 2 Bath Units  
 \$950 to \$1000

Water, Central Air  
 Conditioning & Cable  
 included

10 minutes to Hagåtña  
 Well-Maintained Gr  
 24-hour Security  
 Swimming Pool  
 Tennis Court  
 Gym Room

Most units with Oceanview  
 Fully Renovated Units  
 Call us today for showing • **477-8214**

# Classifieds

PRIVATE PARTY PLEASE  
**GUARANTEED**

**472-1PDN**

Sell it or you get  
 the 2nd week at half price


## COMMERCIAL LOAN OFFICER

Citizens Security Bank is seeking a motivated individual to join our team of professionals as Commercial Loan Officer. The successful candidate will have a bachelor's degree in business/finance or related field, a minimum of two years experience in commercial lending in a financial institution, extensive knowledge of commercial lending policies and procedures, good managerial, oral and written communications & sales skills, ability to analyze business and personal financial statements with good understanding of cash flow analysis, and is proficient in word processing and spreadsheet applications, Word & Excel preferred.

Please mail or fax your resumé and salary history to  
**CITIZENS SECURITY BANK**  
 P.O. Box EQ  
 Hagåtña, Guam 96932  
 Fax: 479-9092  
 Attention: Human Resources Director

*Citizens Security Bank is proud to be an equal opportunity employer and drug-free workplace.*

Member FDIC



**CITIZENS SECURITY BANK**  
 Your Banking Partner  
 Hagåtña Office • Julale Center  
 Tel 479-9000 Fax 479-9092 csb@

# Market Development Assistant

(Full-Time)

The Pacific Daily News is looking for a candidate with one to two years of general marketing

Newsroom

# Reporter



COMMITTEE ON JUDICIARY, PUBLIC SAFETY,  
CONSUMER PROTECTION, AND HUMAN RESOURCES  
DEVELOPMENT

I MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN

JOHN CAMACHO SALAS, CHAIRMAN

PUBLIC HEARING AGENDA  
LEGISLATURE'S PUBLIC HEARING ROOM

Tuesday, May 18, 1999, 7:00 p.m.

Bill 77: An act to amend Subsection (a) of §5116, Title 16, Guam Code Annotated relative to carrier safety and hazardous material regulations. *Senator C. Leon Guerrero*

Bill 120: An act to add a new §36102.1 of Chapter 36, Title 7, Guam Code Annotated, relative to allowing families to use a single petition for change of name. *Senator L. Kasperbauer*

Bill 123: An act to add a new Chapter 68 to Title 9, Guam Code Annotated, relative to imitation substance or drug offenses. *Senator L. Kasperbauer*

Bill 125: An act to add a new §70.16 to Chapter 70, Title 9, Guam Code Annotated, relative to prohibiting the tattooing, brandings, scarifying and piercing on minors without the physical presence of a parent or legal guardian. *Senator L. Kasperbauer*

Bill 127: An act to add a new Chapter 47 to Title 9, Guam Code Annotated, relative to computer crimes. *Senator L. Kasperbauer*

Bill 129: An act to add a new §§4121 4122 and 4123 to Chapter 4 of Title 4, Guam Code Annotated, relative to the creation of personnel rules and regulations for peace officers. *Senator L. Kasperbauer*

Bill 131: An act to add a new Chapter 27 to Title 16, Guam Code Annotated, relative to professional driver training schools. *Senator L. Kasperbauer*

Bill 132: An act to add a new Article 1A to Chapter 3 of Title 16, Guam Code Annotated, relative to the enactment of graduated driver's licenses for new drivers. This act shall be known as the Responsible Drivers Act. *Senator L. Kasperbauer*

Bill 143: An act to add anew Article 7 to Chapter 32 of Title 5, Guam Code Annotated, relative to requiring service and repair businesses that compensate their technicians, mechanics and other personnel by commission, disclose such information to the public. *Senator L. Kasperbauer*

Bill 148: An act to add a new §3346 to Article 3 of Chapter 3 of Title 16, Guam Code Annotated, relative to limiting the speed of school buses to thirty-five miles per hour (35 MPH) regardless of the posted speed limit. *Senator L. Kasperbauer*

Bill 158: An act to add a new §3114 Chapter 3 Title 16 Guam Code Annotated relative to the creation of a numbering system for drivers licenses. *Speaker A. Unpingco*

Bill 186: An act to allow the Superior Court of Guam to admit cameras and audio equipment in courtrooms, bringing the Judicial system to the public at large. *Senator M. Forbes*

<input type="checkbox"/> ORAL	<input type="checkbox"/> AGAINST				
<input type="checkbox"/> WRITTEN	<input type="checkbox"/> FOR		MAILING ADDRESS		NAME
TESTIMONY			ORGANIZATION		CONTACT
<input type="checkbox"/> ORAL	<input type="checkbox"/> AGAINST				
<input type="checkbox"/> WRITTEN	<input type="checkbox"/> FOR		MAILING ADDRESS		NAME
TESTIMONY			ORGANIZATION		CONTACT
<input type="checkbox"/> ORAL	<input type="checkbox"/> AGAINST				
<input type="checkbox"/> WRITTEN	<input type="checkbox"/> FOR		MAILING ADDRESS		NAME
TESTIMONY			ORGANIZATION		CONTACT
<input type="checkbox"/> ORAL	<input type="checkbox"/> AGAINST				
<input type="checkbox"/> WRITTEN	<input type="checkbox"/> FOR		MAILING ADDRESS		NAME
TESTIMONY			ORGANIZATION		CONTACT
<input type="checkbox"/> ORAL	<input type="checkbox"/> AGAINST				
<input type="checkbox"/> WRITTEN	<input type="checkbox"/> FOR		MAILING ADDRESS		NAME
TESTIMONY			ORGANIZATION		CONTACT
<input type="checkbox"/> ORAL	<input type="checkbox"/> AGAINST				
<input checked="" type="checkbox"/> WRITTEN	<input checked="" type="checkbox"/> FOR		MAILING ADDRESS Pamela Lopez 2020 1024 S. Sierra Court USA		NAME Pamela Lopez
TESTIMONY			ORGANIZATION		CONTACT 477-KOLV Pamela Lopez

AN ACT TO ALLOW THE SUPERIOR COURT OF GUAM TO ADMIT CAMERAS AND AUDIO EQUIPMENT IN COURTROOMS, BRINGING THE JUDICIAL SYSTEM TO THE PUBLIC AT LARGE  
 Title  
 Bill Number 186

Tuesday, May 18, 1999

**TESTIMONY SIGN IN SHEET**

SENATOR JOHN CAMACHO SALAS  
 CHAIRMAN  
 COMMITTEE ON JUDICIARY, PUBLIC SAFETY, CONSUMER PROTECTION AND  
 HUMAN RESOURCES DEVELOPMENT

Mina Bente Singko na  
 Liheslaturan Guahan



## KUAM Testimony on Bill 186

To the Chairman of the Committee on Judiciary:

Although KUAM was not invited to submit testimony on Bill 186, We feel as the only television news organization on Guam that it is our responsibility to come forward and provide written testimony on behalf of this legislation that would allow the public inspection of court proceedings.

KUAM is in full support of the intention of this legislation that would allow cameras as well as audio equipment in the courtrooms.

Currently, cameras are allowed in the courtrooms via the court's adoption of the Model Code of Professional Conduct. Bill 186 would statutorily solidify our authorization to enter the courts without intimidation. It is our responsibility to hold each branch of government accountable. This legislation would effectively allow our news organization to provide a more in-depth portrayal of cases that go before the judiciary.

This is the second attempt by the legislature to push through legislation with the same intent to allow cameras in the courtroom. It was former Senator Martha Ruth, a former journalist, who tried to push through legislation that would remove this restriction. The legislation failed.

KUAM looks forward to the passage of Bill 186.

Thank You,

A handwritten signature in black ink, appearing to read 'Sabrina Salas', with a long horizontal line extending to the right.

Sabrina Salas  
News Director, KUAM

Gerry Lyons  
P.O. Box 10246  
Sinajana, Guam 96926  
May 18th, 1999

The Honorable Senator John Camacho Salas  
Chair of the Committee on Judiciary  
I Mina'Bente Singko na Liheslaturan Guahan  
Hagatna, Guam

Dear Chairman Salas,

I thank you for the opportunity to testify in favor of Bill 186; an act to allow The Superior Court of Guam to admit cameras and audio equipment in courtrooms, bringing the judicial system to the public at large.

As an Assistant Producer for KITV 4 News in Honolulu Hawaii from 1983 until 1986, I had as one of my duties the task of coordinating cameras in court with the other tv news departments on the island of Oahu.

My company KITV took turns with KGMB and KHON in providing the camera, videotape recorder and camera technician to be available for court proceedings of all kinds. We shared the cost, the equipment and the stories collected in a 'pool' arrangement, which caused a maximum of convenience for all of us and a minimum of inconvenience to the court system.

The camera was placed in a side room to the actual courtroom out of view to the public...and special audio cables led from the court recording system into our multiple lead box which allowed TV News crews to plug into a master box, tape as long as they wanted to, and leave when they had enough dubbed material.



The process did not disturb the proceedings. In evaluating the system after about a year...there were some interesting findings. In most cases, judges were more attentive, lawyers less flamboyant, and witnesses more precise about their actions and words, because they knew the public was watching them and listening to them and was more attentive than ever to their actions. The 'playing to the camera' which was feared by some critics of the experiment did occur in some cases but not in all, and certainly not to the degree expected.

It is also easy to arrange rules, which disallow the taping of minors' faces in court, or the faces of victims of sexual assault in court, and my former company, KITV, and the other companies at that time cooperated fully with the process. The purpose is to inform, not dramatize.

Guam Cable TV also worked with Superior Court on a few occasions with cameras in court recording the proceedings. A few examples are: proceedings involving the Route 3A closure, the appeal lawsuit of the firing of former Director of Education Gloria Nelson and Deputy Director Ione Wolf, and court hearings on the Chamorro Land Trust Act.

To my recollection, the proceedings went smoothly and there were no complaints about the recording of the court actions by any of the attorneys or people involved in the proceedings.

Thank you for the chance to testify Mister Chairman.

A handwritten signature in black ink, appearing to read "Gregory". The signature is fluid and cursive, with a large initial "G" and a long, sweeping tail.

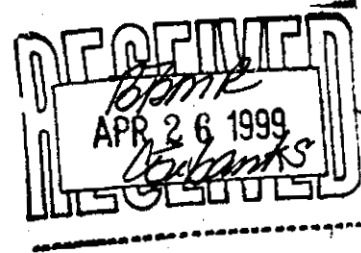


COMMITTEE ON JUDICIARY, PUBLIC SAFETY,  
CONSUMER PROTECTION, AND HUMAN RESOURCES  
DEVELOPMENT

I MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN

JOHN CAMACHO SALAS, CHAIRMAN

April 26, 1999



MEMORANDUM

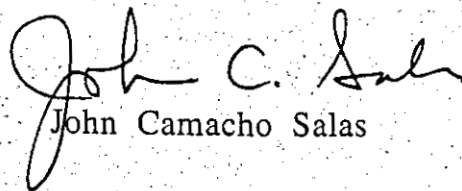
To: Director, Bureau of Budget & Management Research

From: Senator John Camacho Salas

Subject: Request for Fiscal Note

Please find attached Committee Bills 7, 26,77,120, 123, 125, 127, 129, 131, 132, 143, 148, 150, 158, 166, 174, 184, and 186 for which I respectfully request issuance of **Fiscal Notes**.

Your issuance of this fiscal note will be greatly appreciated. Thank you for your very kind assistance.

  
John Camacho Salas

Attachments



## BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Agaña, Guam 96910

CARL T.C. GUTIERREZ  
GOVERNOR

MADELEINE Z. BORDALLO  
LT. GOVERNOR

JOSEPH E. RIVERA  
DIRECTOR

FRANCES J. BALAJADIA  
DEPUTY DIRECTOR

MAY 12 1999

The Bureau requests that Bill No(s) 186 (COR) be granted a waiver pursuant to Public Law 12-229 for the following reason(s):

Bill No. 186 proposes to repeal and reenact Section 1.23 of Chapter 1 of Title 8 of the Guam Code Annotated (GCA) to allow the Superior Court of Guam to admit cameras and audio equipment into courtrooms in an attempt at "brining the judicial system to the public at large." In so far as the creation of a task force as outlined in Section 3 involves in-kind services, the proposed legislation is administrative in nature and will not pose a fiscal impact to the government of Guam.

*Joseph Rivera*  
Joseph E. Rivera  
Acting Director, BBMR  
*ams/ro*



APR 08 1999

**MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session**

Bill No. 186 (COR)

Introduced by:

Mark Forbes 

---

**AN ACT TO ALLOW THE SUPERIOR COURT OF  
GUAM TO ADMIT CAMERAS AND AUDIO  
EQUIPMENT IN COURTROOMS, BRINGING THE  
JUDICIAL SYSTEM TO THE PUBLIC AT LARGE.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*

finds that a Guam law dating back to the 1960s prohibits the media from bringing judicial proceedings to the general public through cameras and radio equipment. While such a law made sense when it was written because of noisy cameras and other equipment, new silent technology permits cameras and audio equipment to be brought into the courtroom with minimal intrusion. Forty-eight out of the 50 states have changed their laws to allow cameras and audio equipment in courtrooms, some of them through ongoing experiments, and all with guidelines that protect the rights of defendants and witnesses.

1           **Section 3. Task Force.**       (a) The Administrator of the Superior  
2 Court of Guam (the "Administrator") shall create a task force that shall  
3 consist of a representative from the Superior Court and representatives from  
4 the Attorney General's office, the Public Defender Service Corporation, the  
5 Guam Bar Association, the Micronesia Chapter of the Society of Professional  
6 Journalists and any other affected party. The task force shall determine the  
7 feasibility of allowing still cameras and broadcast equipment into criminal  
8 and civil proceedings in the Superior Court of Guam, and shall develop rules  
9 and regulations for a one-year experiment with such equipment in the  
10 courtrooms and the evaluation of the results of that experiment.

11           (b) The task force shall submit its recommendations and rules and  
12 regulations for such an experiment to the Administrator within six (6) months  
13 of the effective date of this Act, and the Administrator shall immediately  
14 submit the recommendations and rules and regulations to the Legislature for  
15 its approval.

16           **Section 4. Severability.** If any provision of this Act or its application to  
17 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 Act which  
19 can be given effect without the invalid provisions or application, and to this  
20 end the provisions of this Act are severable.