

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
294-32 (COR), P.L 32-205	D.G. RODRIGUEZ, Jr. B.J.F. CRUZ C.M. DUENAS J.T. WON PAT, Ed.D. A.A. YAMSHITA, Ph.D V.ANTHONY ADA R.J. RESPICIO B.T. McCREADIE T.A. MORRISON	AN ACT TO ESTABLISH THE "POLICE PATROL VEHICLE & EQUIPMENT REVOLVING FUND", BY ADDING A NEW SECTION § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED; AND TO PROVIDE FUNDING BY AMENDING § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES.	03/24/14 3:57 p.m.	03/24/14	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land	08/28/14 10:00 a.m.	9/25/14 11:05 a.m.	Fiscal Note Request 3/25/14 Fiscal Note Received 4/22/14
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	10/3/2014	AN ACT TO ADD A NEW § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE "POLICE PATROL VEHICLE AND EQUIPMENT REVOLVING FUND"; TO AMEND § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES; AND TO REQUIRE THE ENACTMENT OF REGULATIONS FOR THE USE OF PRIVATELY OWNED VEHICLES FOR POLICE SERVICE.	10/6/14	6:32 p.m.	10/17/2014	10/18/2014 Lapsed into Law.	32-205	As amended on the Floor. Received 10/18/14



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

OCT 23 2014

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

32-14-2182
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 10-24-14
Time: 9:30am
Received By: AS

Dear Madame Speaker:

Transmitted herewith is Bill No. 294-32 (COR) "AN ACT TO ADD A NEW § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE "POLICE PATROL VEHICLE AND EQUIPMENT REVOLVING FUND"; TO AMEND § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES; AND TO REQUIRE THE ENACTMENT OF REGULATIONS FOR THE USE OF PRIVATELY OWNED VEHICLES FOR POLICE SERVICE," which was enacted into law without my signature on October 18, 2014, as **Public Law 32-205**.

Senseramente,


EDDIE BAZA CALVO

2014 OCT 24 AM 9:38 4

2182

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

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

This is to certify that Bill No. 294-32 (COR), "AN ACT TO ADD A NEW § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE "POLICE PATROL VEHICLE AND EQUIPMENT REVOLVING FUND"; TO AMEND § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES; AND TO REQUIRE THE ENACTMENT OF REGULATIONS FOR THE USE OF PRIVATELY OWNED VEHICLES FOR POLICE SERVICE," was on the 3rd day of October, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 6 day of Oct,
2014, at 6:32 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: OCT 18 2014
Public Law No. 32-205

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

Bill No. 294-32 (COR)

As amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith T. Won Pat, Ed.D.
Aline A. Yamashita, Ph.D.
V. Anthony Ada
R. J. Respicio
Brant T. McCreadie
Tommy Morrison
T. C. Ada
FRANK B. AGUON, JR.
Michael T. Limtiaco
T. R. Muña Barnes
Michael F. Q. San Nicolas

AN ACT TO ADD A NEW § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE “POLICE PATROL VEHICLE AND EQUIPMENT REVOLVING FUND”; TO AMEND § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES; AND TO REQUIRE THE ENACTMENT OF REGULATIONS FOR THE USE OF PRIVATELY OWNED VEHICLES FOR POLICE SERVICE.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the annual vehicle safety inspection program is an effective tool to keep
4 dangerous vehicles off the roadways and keep our community safe. However, *I*

1 *Liheslatura* realizes that it is the police officer that patrols the beat who is key to
2 ensuring the safety and security of the community every day of the year.

3 *I Liheslaturan Guåhan* also finds that the number of cars in the Guam Police
4 Department's fleet that are in-service and available for patrolling our streets and
5 neighborhoods has dropped to an unacceptable level, delaying police services to
6 our community and hindering response to emergencies, thus endangering the lives
7 of our residents. In order to keep the Guam Police Department's vehicle fleet
8 operating, GPD has had to rely on generous donations of patrol cars, motorcycles
9 and scooters from private business, as well as the occasional identification of
10 federal funds to ensure that the heart of our economic center in *Tumon* is protected.
11 Additionally, throughout the Guam Police Department, our dedicated public
12 servants have been spending their personal funds for many years to keep the Guam
13 Police Department's aging fleet and equipment operating, so that they can continue
14 to serve and protect our community, island-wide.

15 Therefore, *I Liheslaturan Guåhan*, recognizing that it is a fundamental
16 responsibility of the government of Guam to provide for public safety and that the
17 Guam Police Department is a primary instrumentality to provide for the public
18 safety and security needs of our island, intends that a portion of the fees of the
19 vehicle safety inspection program be utilized to support effective police
20 enforcement. And towards that end, *I Liheslaturan Guåhan* intends to establish a
21 more sustainable funding source by allocating a portion of the vehicle safety
22 inspection fees be dedicated to fund the continuous purchase of police vehicles,
23 maintenance and equipment so that the residents of Guam may be ensured the best
24 possible police services, unhindered by a lack of equipment or maintenance.

25 **Section 2.** § 3602 of Article 6, Chapter 3 of Title 16, Guam Code
26 Annotated, is hereby *amended* to read:

1 “§ 3602. **Regulations: Fee.**

2 (a) The Director of Revenue and Taxation is hereby
3 authorized to make necessary rules and regulations, subject to the
4 approval of *I Maga’lahi*, for the administration and enforcement of
5 inspections required under § 3601, including designation of the period
6 or periods of time within which said inspections shall be made and for
7 the issuance and use of decalomania or other identification to be
8 attached to vehicles with reference to inspection status.

9 The Director *shall*, commencing on January 1, 2015, and every
10 two (2) years thereafter, review the safety inspection fee, and may
11 increase the fee by an amount *not to exceed* ten percent (10%) of the
12 fee on December 31, 2014. This adjustment *shall not* require the
13 concurrence of *I Liheslaturan Guåhan* (the Legislature) nor require
14 compliance with the AAL, but the Director *shall* cause a notice
15 describing the original fee and the increase to be published on its
16 website and in a newspaper of general circulation in Guam; and to be
17 given to the media and to the Speaker of *I Liheslaturan Guåhan* at
18 least sixty (60) days prior to the implementation date. A proposed
19 increase in excess of ten percent (10%) of the fee on December 31,
20 2014, *shall* require the Director to conduct the rate review and
21 adoption process of the proposed increase pursuant to Article 3,
22 Chapter 9 (Administrative Adjudication Law), Division 1, Title 5,
23 Guam Code Annotated.

24 (b) The fee to be charged for each such inspection *shall* be
25 Fifteen Dollars (\$15.00), inclusive of the administrative fee (also
26 known as the Official Vehicle Inspection Safety (OVIS) Fee), which

1 *shall* be calculated at twenty percent (20%) of the current fee;
2 *provided*, that the existing OVIS Fee of Three Dollars (\$3.00) *shall*
3 *not* be adjusted below this amount. The fee for reinspection done
4 pursuant to § 3601(c) *shall* be Two Dollars (\$2.00). Commercial and
5 Armed Forces of the United States vehicle safety inspection stations
6 *shall* retain all fees collected, as payment for inspection services
7 rendered, however, such stations *shall* be required to purchase official
8 inspection administrative forms from the Department of Revenue and
9 Taxation.

10 All OVIS Fees *shall* be deposited into the “Police Patrol
11 Vehicle and Equipment Revolving Fund”, a separate account
12 established pursuant to § 77135 of Article 1, Chapter 77, Title 10,
13 Guam Code Annotated, for that purpose.”

14 **Section 3.** A new § 77135 is hereby *added* to Article 1, Chapter 77 of
15 Title 10, Guam Code Annotated, to read:

16 “§ 77135. **Police Patrol Vehicle and Equipment Revolving**
17 **Fund; Establishment.** There is hereby established a “Police Patrol Vehicle
18 and Equipment Revolving Fund” (Fund), to be maintained by the
19 Department of Administration for the *sole* benefit of the Guam Police
20 Department. The Fund *shall* be established and maintained in a bank account
21 separate and apart from the General Fund, or any other bank account(s) of
22 the government of Guam, and *shall not* be co-mingled with, or a part of, the
23 General Fund. All funds due or accruing to the account from whatever
24 source(s), as provided or authorized pursuant to applicable law, inclusive of
25 any interest, *shall* be deposited in the Fund in its entirety immediately upon

1 receipt by the government of Guam. The Fund *shall not* be subject to the
2 transfer authority of *I Maga'lahen Guåhan*.

3 (a) **Funding.**

4 (1) The Police Patrol Vehicle and Equipment
5 Revolving Fund *shall* be funded by, but is *not* limited to, OVIS
6 fees collected and allocated in accordance with § 3602(b), of
7 Title 16, Guam Code Annotated.

8 (2) All monies received, collected from or paid by
9 parties responsible for damages to vehicles owned by the Guam
10 Police Department *shall* be deposited in the Fund.

11 (b) Purpose. The primary and *sole* purpose of the Fund is the
12 acquisition of vehicles and requisite associated equipment, and to
13 support the repair and maintenance needs for vehicles of the Guam
14 Police Department on a fiscal year basis.

15 (c) Authorized Expenditure and Continuing Appropriation.
16 All monies in the Fund are hereby appropriated, and *shall* be deemed
17 appropriated on a continuing basis and *shall not* lapse, and *shall not*
18 be subject to appropriation constraints in order to be expended for the
19 purposes of acquiring, repairing, and maintaining vehicles and
20 requisite associated equipment for the Guam Police Department.

21 (1) Thirty percent (30%) of the annual revenue
22 collected by the Fund *shall* be used *solely* for the purchase of
23 new police patrol vehicles within the government of Guam
24 fiscal year during which the revenue was received or used to
25 subsidize the utilization of privately owned vehicles for police

1 service, patrol duty, and other law enforcement related
2 functions, as provided pursuant to Title 10 GCA Chapter 56.

3 (A) The expenditure prioritization mandate
4 pursuant to this Item (1) *shall not* apply to the purchase
5 of non-patrol vehicles for administrative utilization
6 purposes, which is prohibited.

7 (B) Any unexpended funds remaining at the end
8 of the fiscal year *shall* continue to be available for
9 expenditure in the next fiscal year *solely* for the purposes
10 of this Item (1).

11 (2) Seventy percent (70%) of the annual revenue
12 collected by the Fund *shall* be used *solely* for the repair and
13 maintenance of police patrol vehicles within the government of
14 Guam fiscal year during which such funding was generated
15 from revenue received.

16 (d) Reporting. Any and all collections deposited into and/or
17 expenditures from the Fund *shall* be reported quarterly to *I*
18 *Maga'lahen Guåhan* and the Speaker of *I Liheslaturan Guåhan*, and
19 the Guam Police Department, in conjunction with the Department of
20 Administration, *shall* report and maintain full compliance with all
21 financial reporting requirements of the government of Guam pursuant
22 to applicable law. The Fund *shall* be subject to review and audit by
23 the Office of Public Accountability, which shall provide *I Maga'lahen*
24 *Guåhan* and the Speaker of *I Liheslaturan Guåhan* with a copy of any
25 audited report.

1 (e) The Chief of Police *shall* submit an annual spending plan
2 for the Fund in accordance with and at the same time as the Bureau of
3 Budget and Management Research budget call. The spending plan
4 *shall* include the actual experience of the fund, and any shortfalls
5 experienced for the current fiscal year, or anticipated for the
6 succeeding fiscal year. A budget request for additional funding as is
7 required for necessary vehicle acquisition, repairs and maintenance
8 *shall* be in provided for in the budget request of the Executive Branch
9 for the Department for the succeeding fiscal year.”

10 **Section 4.** Promulgation of Rules and Codification in GARR; 10 GCA,
11 Chapter 56 - Automobiles, § 56101.6 - Regulations Regarding Subsidized
12 Vehicles.

13 (a) The Chief of Police *shall* review and ensure that the enactment
14 of regulations pursuant to and consistent with Chapter 65 of Title 10, Guam
15 Code Annotated, has been duly promulgated and updated pursuant to Article
16 3 (Rule-Making Procedures), Chapter 9 (Administrative Adjudication Law),
17 Division 1, Title 5, Guam Code Annotated (Government Operations), and
18 which *shall* be codified in Article 7 of Title 27, Guam Administrative Rules
19 and Regulations.

20 (b) A new Article 7 - Privately Owned Vehicles for Police Service
21 Policy is hereby established under Title 27 - Public Safety, Guam
22 Administrative Rules and Regulations.

23 **Section 5. Severability.** *If* any provision of this Act or its application to
24 any person or circumstance is found to be invalid or contrary to law, such
25 invalidity *shall not* affect other provisions or applications of this Act which can be

1. given effect without the invalid provisions or application, and to this end the
2. provisions of this Act are severable.

3. **Section 6. Effective Date.** This Act *shall* become effective upon
4. enactment.



I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

October 6, 2014

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 42-32 (COR), 136-32 (COR), 213-32 (COR), 284-32 (COR), 287-32 (COR), 292-32 (COR), 294-32 (COR), 295-32 (COR), 299-32 (COR), 300-32 (COR), 303-32 (COR), 324-32 (COR), 325-32 (COR), 327-32 (COR), 337-32 (COR), 347-32 (COR), 348-32 (COR), 349-32 (COR), 352-32 (LS), 354-32 (LS), 362-32 (COR), 384-32 (COR), 388-32 (LS) and 393-32 (COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on October 3, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Tina Rose Muña Barnes", is written over a large, light-colored checkmark or scribble.

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosures (24)

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

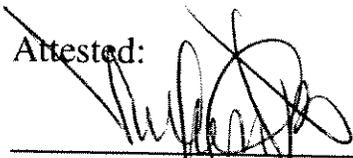
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 294-32 (COR)**, "AN ACT TO ADD A NEW § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE "POLICE PATROL VEHICLE AND EQUIPMENT REVOLVING FUND"; TO AMEND § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES; AND TO REQUIRE THE ENACTMENT OF REGULATIONS FOR THE USE OF PRIVATELY OWNED VEHICLES FOR POLICE SERVICE," was on the 3rd day of October, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 6 day of Oct,
2014, at 6:32 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: _____
Public Law No. _____

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

Bill No. 294-32 (COR)

As amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith T. Won Pat, Ed.D.
Aline A. Yamashita, Ph.D.
V. Anthony Ada
R. J. Respicio
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AN ACT TO ADD A NEW § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE “POLICE PATROL VEHICLE AND EQUIPMENT REVOLVING FUND”; TO AMEND § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES; AND TO REQUIRE THE ENACTMENT OF REGULATIONS FOR THE USE OF PRIVATELY OWNED VEHICLES FOR POLICE SERVICE.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the annual vehicle safety inspection program is an effective tool to keep
4 dangerous vehicles off the roadways and keep our community safe. However, *I*

1 *Liheslatura* realizes that it is the police officer that patrols the beat who is key to
2 ensuring the safety and security of the community every day of the year.

3 *I Liheslaturan Guåhan* also finds that the number of cars in the Guam Police
4 Department's fleet that are in-service and available for patrolling our streets and
5 neighborhoods has dropped to an unacceptable level, delaying police services to
6 our community and hindering response to emergencies, thus endangering the lives
7 of our residents. In order to keep the Guam Police Department's vehicle fleet
8 operating, GPD has had to rely on generous donations of patrol cars, motorcycles
9 and scooters from private business, as well as the occasional identification of
10 federal funds to ensure that the heart of our economic center in *Tumon* is protected.
11 Additionally, throughout the Guam Police Department, our dedicated public
12 servants have been spending their personal funds for many years to keep the Guam
13 Police Department's aging fleet and equipment operating, so that they can continue
14 to serve and protect our community, island-wide.

15 Therefore, *I Liheslaturan Guåhan*, recognizing that it is a fundamental
16 responsibility of the government of Guam to provide for public safety and that the
17 Guam Police Department is a primary instrumentality to provide for the public
18 safety and security needs of our island, intends that a portion of the fees of the
19 vehicle safety inspection program be utilized to support effective police
20 enforcement. And towards that end, *I Liheslaturan Guåhan* intends to establish a
21 more sustainable funding source by allocating a portion of the vehicle safety
22 inspection fees be dedicated to fund the continuous purchase of police vehicles,
23 maintenance and equipment so that the residents of Guam may be ensured the best
24 possible police services, unhindered by a lack of equipment or maintenance.

25 **Section 2.** § 3602 of Article 6, Chapter 3 of Title 16, Guam Code
26 Annotated, is hereby *amended* to read:

1 **“§ 3602. Regulations: Fee.**

2 (a) The Director of Revenue and Taxation is hereby
3 authorized to make necessary rules and regulations, subject to the
4 approval of *I Maga’lahi*, for the administration and enforcement of
5 inspections required under § 3601, including designation of the period
6 or periods of time within which said inspections shall be made and for
7 the issuance and use of decalcomania or other identification to be
8 attached to vehicles with reference to inspection status.

9 The Director *shall*, commencing on January 1, 2015, and every
10 two (2) years thereafter, review the safety inspection fee, and may
11 increase the fee by an amount *not to exceed* ten percent (10%) of the
12 fee on December 31, 2014. This adjustment *shall not* require the
13 concurrence of *I Liheslaturan Guåhan* (the Legislature) nor require
14 compliance with the AAL, but the Director *shall* cause a notice
15 describing the original fee and the increase to be published on its
16 website and in a newspaper of general circulation in Guam; and to be
17 given to the media and to the Speaker of *I Liheslaturan Guåhan* at
18 least sixty (60) days prior to the implementation date. A proposed
19 increase in excess of ten percent (10%) of the fee on December 31,
20 2014, *shall* require the Director to conduct the rate review and
21 adoption process of the proposed increase pursuant to Article 3,
22 Chapter 9 (Administrative Adjudication Law), Division 1, Title 5,
23 Guam Code Annotated.

24 (b) The fee to be charged for each such inspection *shall* be
25 Fifteen Dollars (\$15.00), inclusive of the administrative fee (also
26 known as the Official Vehicle Inspection Safety (OVIS) Fee), which

1 *shall* be calculated at twenty percent (20%) of the current fee;
2 *provided*, that the existing OVIS Fee of Three Dollars (\$3.00) *shall*
3 *not* be adjusted below this amount. The fee for reinspection done
4 pursuant to § 3601(c) *shall* be Two Dollars (\$2.00). Commercial and
5 Armed Forces of the United States vehicle safety inspection stations
6 *shall* retain all fees collected, as payment for inspection services
7 rendered, however, such stations *shall* be required to purchase official
8 inspection administrative forms from the Department of Revenue and
9 Taxation.

10 All OVIS Fees *shall* be deposited into the “Police Patrol
11 Vehicle and Equipment Revolving Fund”, a separate account
12 established pursuant to § 77135 of Article 1, Chapter 77, Title 10,
13 Guam Code Annotated, for that purpose.”

14 **Section 3.** A new § 77135 is hereby *added* to Article 1, Chapter 77 of
15 Title 10, Guam Code Annotated, to read:

16 “**§ 77135. Police Patrol Vehicle and Equipment Revolving**
17 **Fund; Establishment.** There is hereby established a “Police Patrol Vehicle
18 and Equipment Revolving Fund” (Fund), to be maintained by the
19 Department of Administration for the *sole* benefit of the Guam Police
20 Department. The Fund *shall* be established and maintained in a bank account
21 separate and apart from the General Fund, or any other bank account(s) of
22 the government of Guam, and *shall not* be co-mingled with, or a part of, the
23 General Fund. All funds due or accruing to the account from whatever
24 source(s), as provided or authorized pursuant to applicable law, inclusive of
25 any interest, *shall* be deposited in the Fund in its entirety immediately upon

1 receipt by the government of Guam. The Fund *shall not* be subject to the
2 transfer authority of *I Maga'lahaen Guåhan*.

3 (a) **Funding.**

4 (1) The Police Patrol Vehicle and Equipment
5 Revolving Fund *shall* be funded by, but is *not* limited to, OVIS
6 fees collected and allocated in accordance with § 3602(b), of
7 Title 16, Guam Code Annotated.

8 (2) All monies received, collected from or paid by
9 parties responsible for damages to vehicles owned by the Guam
10 Police Department *shall* be deposited in the Fund.

11 (b) Purpose. The primary and *sole* purpose of the Fund is the
12 acquisition of vehicles and requisite associated equipment, and to
13 support the repair and maintenance needs for vehicles of the Guam
14 Police Department on a fiscal year basis.

15 (c) Authorized Expenditure and Continuing Appropriation.
16 All monies in the Fund are hereby appropriated, and *shall* be deemed
17 appropriated on a continuing basis and *shall not* lapse, and *shall not*
18 be subject to appropriation constraints in order to be expended for the
19 purposes of acquiring, repairing, and maintaining vehicles and
20 requisite associated equipment for the Guam Police Department.

21 (1) Thirty percent (30%) of the annual revenue
22 collected by the Fund *shall* be used *solely* for the purchase of
23 new police patrol vehicles within the government of Guam
24 fiscal year during which the revenue was received or used to
25 subsidize the utilization of privately owned vehicles for police

1 service, patrol duty, and other law enforcement related
2 functions, as provided pursuant to Title 10 GCA Chapter 56.

3 (A) The expenditure prioritization mandate
4 pursuant to this Item (1) *shall not* apply to the purchase
5 of non-patrol vehicles for administrative utilization
6 purposes, which is prohibited.

7 (B) Any unexpended funds remaining at the end
8 of the fiscal year *shall* continue to be available for
9 expenditure in the next fiscal year *solely* for the purposes
10 of this Item (1).

11 (2) Seventy percent (70%) of the annual revenue
12 collected by the Fund *shall* be used *solely* for the repair and
13 maintenance of police patrol vehicles within the government of
14 Guam fiscal year during which such funding was generated
15 from revenue received.

16 (d) Reporting. Any and all collections deposited into and/or
17 expenditures from the Fund *shall* be reported quarterly to *I*
18 *Maga'lahaen Guåhan* and the Speaker of *I Liheslaturan Guåhan*, and
19 the Guam Police Department, in conjunction with the Department of
20 Administration, *shall* report and maintain full compliance with all
21 financial reporting requirements of the government of Guam pursuant
22 to applicable law. The Fund *shall* be subject to review and audit by
23 the Office of Public Accountability, which shall provide *I Maga'lahaen*
24 *Guåhan* and the Speaker of *I Liheslaturan Guåhan* with a copy of any
25 audited report.

1 (e) The Chief of Police *shall* submit an annual spending plan
2 for the Fund in accordance with and at the same time as the Bureau of
3 Budget and Management Research budget call. The spending plan
4 *shall* include the actual experience of the fund, and any shortfalls
5 experienced for the current fiscal year, or anticipated for the
6 succeeding fiscal year. A budget request for additional funding as is
7 required for necessary vehicle acquisition, repairs and maintenance
8 *shall* be in provided for in the budget request of the Executive Branch
9 for the Department for the succeeding fiscal year.”

10 **Section 4.** Promulgation of Rules and Codification in GARR; 10 GCA,
11 Chapter 56 - Automobiles, § 56101.6 - Regulations Regarding Subsidized
12 Vehicles.

13 (a) The Chief of Police *shall* review and ensure that the enactment
14 of regulations pursuant to and consistent with Chapter 65 of Title 10, Guam
15 Code Annotated, has been duly promulgated and updated pursuant to Article
16 3 (Rule-Making Procedures), Chapter 9 (Administrative Adjudication Law),
17 Division 1, Title 5, Guam Code Annotated (Government Operations), and
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20 (b) A new Article 7 - Privately Owned Vehicles for Police Service
21 Policy is hereby established under Title 27 - Public Safety, Guam
22 Administrative Rules and Regulations.

23 **Section 5. Severability.** *If* any provision of this Act or its application to
24 any person or circumstance is found to be invalid or contrary to law, such
25 invalidity *shall not* affect other provisions or applications of this Act which can be

1 given effect without the invalid provisions or application, and to this end the
2 provisions of this Act are severable.

3 **Section 6. Effective Date.** This Act *shall* become effective upon
4 enactment.

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

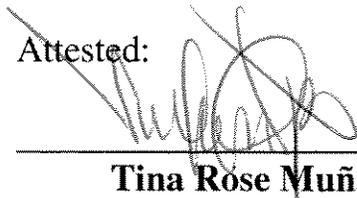
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 294-32 (COR)**, “AN ACT TO ADD A NEW § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE “POLICE PATROL VEHICLE AND EQUIPMENT REVOLVING FUND”; TO AMEND § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES; AND TO REQUIRE THE ENACTMENT OF REGULATIONS FOR THE USE OF PRIVATELY OWNED VEHICLES FOR POLICE SERVICE,” was on the 3rd day of October, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this _____ day of _____,
2014, at _____ o'clock _____.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____
Public Law No. _____

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

Bill No. 294-32 (COR)

As amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith T. Won Pat, Ed.D.
Aline A. Yamashita, Ph.D.
V. Anthony Ada
R. J. Respicio
Brant T. McCreadie
Tommy Morrison
T. C. Ada
FRANK B. AGUON, JR.
Michael T. Limtiaco
T. R. Muña Barnes
Michael F. Q. San Nicolas

AN ACT TO ADD A NEW § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE “POLICE PATROL VEHICLE AND EQUIPMENT REVOLVING FUND”; TO AMEND § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES; AND TO REQUIRE THE ENACTMENT OF REGULATIONS FOR THE USE OF PRIVATELY OWNED VEHICLES FOR POLICE SERVICE.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the annual vehicle safety inspection program is an effective tool to keep
4 dangerous vehicles off the roadways and keep our community safe. However, *I*

1 *Liheslatura* realizes that it is the police officer that patrols the beat who is key to
2 ensuring the safety and security of the community every day of the year.

3 *I Liheslaturan Guåhan* also finds that the number of cars in the Guam Police
4 Department's fleet that are in-service and available for patrolling our streets and
5 neighborhoods has dropped to an unacceptable level, delaying police services to
6 our community and hindering response to emergencies, thus endangering the lives
7 of our residents. In order to keep the Guam Police Department's vehicle fleet
8 operating, GPD has had to rely on generous donations of patrol cars, motorcycles
9 and scooters from private business, as well as the occasional identification of
10 federal funds to ensure that the heart of our economic center in *Tumon* is protected.
11 Additionally, throughout the Guam Police Department, our dedicated public
12 servants have been spending their personal funds for many years to keep the Guam
13 Police Department's aging fleet and equipment operating, so that they can continue
14 to serve and protect our community, island-wide.

15 Therefore, *I Liheslaturan Guåhan*, recognizing that it is a fundamental
16 responsibility of the government of Guam to provide for public safety and that the
17 Guam Police Department is a primary instrumentality to provide for the public
18 safety and security needs of our island, intends that a portion of the fees of the
19 vehicle safety inspection program be utilized to support effective police
20 enforcement. And towards that end, *I Liheslaturan Guåhan* intends to establish a
21 more sustainable funding source by allocating a portion of the vehicle safety
22 inspection fees be dedicated to fund the continuous purchase of police vehicles,
23 maintenance and equipment so that the residents of Guam may be ensured the best
24 possible police services, unhindered by a lack of equipment or maintenance.

25 **Section 2.** § 3602 of Article 6, Chapter 3 of Title 16, Guam Code
26 Annotated, is hereby *amended* to read:

1 **“§ 3602. Regulations: Fee.**

2 (a) The Director of Revenue and Taxation is hereby
3 authorized to make necessary rules and regulations, subject to the
4 approval of *I Maga’lahi*, for the administration and enforcement of
5 inspections required under § 3601, including designation of the period
6 or periods of time within which said inspections shall be made and for
7 the issuance and use of decalcomania or other identification to be
8 attached to vehicles with reference to inspection status.

9 The Director *shall*, commencing on January 1, 2015, and every
10 two (2) years thereafter, review the safety inspection fee, and may
11 increase the fee by an amount *not to exceed* ten percent (10%) of the
12 fee on December 31, 2014. This adjustment *shall not* require the
13 concurrence of *I Liheslaturan Guåhan* (the Legislature) nor require
14 compliance with the AAL, but the Director *shall* cause a notice
15 describing the original fee and the increase to be published on its
16 website and in a newspaper of general circulation in Guam; and to be
17 given to the media and to the Speaker of *I Liheslaturan Guåhan* at
18 least sixty (60) days prior to the implementation date. A proposed
19 increase in excess of ten percent (10%) of the fee on December 31,
20 2014, *shall* require the Director to conduct the rate review and
21 adoption process of the proposed increase pursuant to Article 3,
22 Chapter 9 (Administrative Adjudication Law), Division 1, Title 5,
23 Guam Code Annotated.

24 (b) The fee to be charged for each such inspection *shall* be
25 Fifteen Dollars (\$15.00), inclusive of the administrative fee (also
26 known as the Official Vehicle Inspection Safety (OVIS) Fee), which

1 *shall* be calculated at twenty percent (20%) of the current fee;
2 *provided*, that the existing OVIS Fee of Three Dollars (\$3.00) *shall*
3 *not* be adjusted below this amount. The fee for reinspection done
4 pursuant to § 3601(c) *shall* be Two Dollars (\$2.00). Commercial and
5 Armed Forces of the United States vehicle safety inspection stations
6 *shall* retain all fees collected, as payment for inspection services
7 rendered, however, such stations *shall* be required to purchase official
8 inspection administrative forms from the Department of Revenue and
9 Taxation.

10 All OVIS Fees *shall* be deposited into the “Police Patrol
11 Vehicle and Equipment Revolving Fund”, a separate account
12 established pursuant to § 77135 of Article 1, Chapter 77, Title 10,
13 Guam Code Annotated, for that purpose.”

14 **Section 3.** A new § 77135 is hereby *added* to Article 1, Chapter 77 of
15 Title 10, Guam Code Annotated, to read:

16 “**§ 77135. Police Patrol Vehicle and Equipment Revolving**
17 **Fund; Establishment.** There is hereby established a “Police Patrol Vehicle
18 and Equipment Revolving Fund” (Fund), to be maintained by the
19 Department of Administration for the *sole* benefit of the Guam Police
20 Department. The Fund *shall* be established and maintained in a bank account
21 separate and apart from the General Fund, or any other bank account(s) of
22 the government of Guam, and *shall not* be co-mingled with, or a part of, the
23 General Fund. All funds due or accruing to the account from whatever
24 source(s), as provided or authorized pursuant to applicable law, inclusive of
25 any interest, *shall* be deposited in the Fund in its entirety immediately upon

1 receipt by the government of Guam. The Fund *shall not* be subject to the
2 transfer authority of *I Maga'lahaen Guåhan*.

3 (a) **Funding.**

4 (1) The Police Patrol Vehicle and Equipment
5 Revolving Fund *shall* be funded by, but is *not* limited to, OVIS
6 fees collected and allocated in accordance with § 3602(b), of
7 Title 16, Guam Code Annotated.

8 (2) All monies received, collected from or paid by
9 parties responsible for damages to vehicles owned by the Guam
10 Police Department *shall* be deposited in the Fund.

11 (b) Purpose. The primary and *sole* purpose of the Fund is the
12 acquisition of vehicles and requisite associated equipment, and to
13 support the repair and maintenance needs for vehicles of the Guam
14 Police Department on a fiscal year basis.

15 (c) Authorized Expenditure and Continuing Appropriation.
16 All monies in the Fund are hereby appropriated, and *shall* be deemed
17 appropriated on a continuing basis and *shall not* lapse, and *shall not*
18 be subject to appropriation constraints in order to be expended for the
19 purposes of acquiring, repairing, and maintaining vehicles and
20 requisite associated equipment for the Guam Police Department.

21 (1) Thirty percent (30%) of the annual revenue
22 collected by the Fund *shall* be used *solely* for the purchase of
23 new police patrol vehicles within the government of Guam
24 fiscal year during which the revenue was received or used to
25 subsidize the utilization of privately owned vehicles for police

1 service, patrol duty, and other law enforcement related
2 functions, as provided pursuant to Title 10 GCA Chapter 56.

3 (A) The expenditure prioritization mandate
4 pursuant to this Item (1) *shall not* apply to the purchase
5 of non-patrol vehicles for administrative utilization
6 purposes, which is prohibited.

7 (B) Any unexpended funds remaining at the end
8 of the fiscal year *shall* continue to be available for
9 expenditure in the next fiscal year *solely* for the purposes
10 of this Item (1).

11 (2) Seventy percent (70%) of the annual revenue
12 collected by the Fund *shall* be used *solely* for the repair and
13 maintenance of police patrol vehicles within the government of
14 Guam fiscal year during which such funding was generated
15 from revenue received.

16 (d) Reporting. Any and all collections deposited into and/or
17 expenditures from the Fund *shall* be reported quarterly to *I*
18 *Maga'lahaen Guåhan* and the Speaker of *I Liheslaturan Guåhan*, and
19 the Guam Police Department, in conjunction with the Department of
20 Administration, *shall* report and maintain full compliance with all
21 financial reporting requirements of the government of Guam pursuant
22 to applicable law. The Fund *shall* be subject to review and audit by
23 the Office of Public Accountability, which shall provide *I Maga'lahaen*
24 *Guåhan* and the Speaker of *I Liheslaturan Guåhan* with a copy of any
25 audited report.

1 (e) The Chief of Police *shall* submit an annual spending plan
2 for the Fund in accordance with and at the same time as the Bureau of
3 Budget and Management Research budget call. The spending plan
4 *shall* include the actual experience of the fund, and any shortfalls
5 experienced for the current fiscal year, or anticipated for the
6 succeeding fiscal year. A budget request for additional funding as is
7 required for necessary vehicle acquisition, repairs and maintenance
8 *shall* be in provided for in the budget request of the Executive Branch
9 for the Department for the succeeding fiscal year.”

10 **Section 4.** Promulgation of Rules and Codification in GARR; 10 GCA,
11 Chapter 56 - Automobiles, § 56101.6 - Regulations Regarding Subsidized
12 Vehicles.

13 (a) The Chief of Police *shall* review and ensure that the enactment
14 of regulations pursuant to and consistent with Chapter 65 of Title 10, Guam
15 Code Annotated, has been duly promulgated and updated pursuant to Article
16 3 (Rule-Making Procedures), Chapter 9 (Administrative Adjudication Law),
17 Division 1, Title 5, Guam Code Annotated (Government Operations), and
18 which *shall* be codified in Article 7 of Title 27, Guam Administrative Rules
19 and Regulations.

20 (b) A new Article 7 - Privately Owned Vehicles for Police Service
21 Policy is hereby established under Title 27 - Public Safety, Guam
22 Administrative Rules and Regulations.

23 **Section 5. Severability.** *If* any provision of this Act or its application to
24 any person or circumstance is found to be invalid or contrary to law, such
25 invalidity *shall not* affect other provisions or applications of this Act which can be

1 given effect without the invalid provisions or application, and to this end the
2 provisions of this Act are severable.

3 **Section 6. Effective Date.** This Act *shall* become effective upon
4 enactment.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall
October 3, 2014

Bill No. 294-32 (COR)

As amended on the Floor.

<u>NAME</u>	<u>Yea</u>	<u>Nay</u>	<u>Not Voting/ Abstained</u>	<u>Out During Roll Call</u>	<u>Absent</u>
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMITIACO		I ✓			
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

13

1

Yea

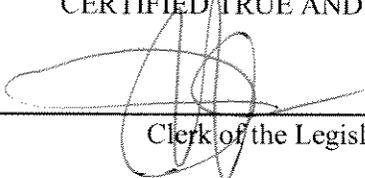
Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass



I Mina'trentai Dos na Liheslaturan Guåhan

32nd GUAM LEGISLATURE

Vice Speaker Benjamin J.F. Cruz, Chairman

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

SEP 17 2014

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'trentai Dos Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 294-32 (COR), as introduced

2014 SEP 25 11:05 AM

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill 294-32 (COR), as introduced, "An Act to Establish the *Police Patrol Vehicle & Equipment Revolving Fund*" by adding a *New Section* §77135 to Article 1, Chapter 77, Title 10, Guam Code Annotated; and to provide funding by *Amending* §3602 of Article 6, Chapter 3, Title 16, Guam Code Annotated, Relative to the Assessment and Collection of Vehicle Safety Inspection Fees" sponsored by Senator Dennis Rodriguez, which was referred to the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.

Committee votes are as follows:

1 TO PASS

0 NOT TO PASS

4 TO REPORT OUT ONLY

0 TO ABSTAIN

0 TO PLACE IN INACTIVE FILE

Sincerely,

Vice Speaker Benjamin J.F. Cruz
Chairman

**COMMITTEE REPORT
ON**

Bill No. 294-32 (COR), As Introduced

Senator Dennis Rodriguez

An Act to Establish the “*Police Patrol Vehicle & Equipment Revolving Fund*” by adding a *New Section §77135* to Article 1, Chapter 77, Title 10, Guam Code Annotated; and to provide funding by *Amending §3602* of Article 6, Chapter 3, Title 16, Guam Code Annotated, Relative to the Assessment and Collection of Vehicle Safety Inspection Fees.



I Mina'trentai Dos na Liheslaturan Guåhan
32nd GUAM LEGISLATURE

Vice Speaker Benjamin J.F. Cruz, Chairman

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public
Parks, Recreation, Historic Preservation, and Land

SEP 17 2014

MEMORANDUM

To: All Members

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation,
Historic Preservation and Land.

From: Vice Speaker Benjamin J.B. Cruz,
Chairperson

Subject: Committee Report on Bill No. 294-32 (COR), As Introduced

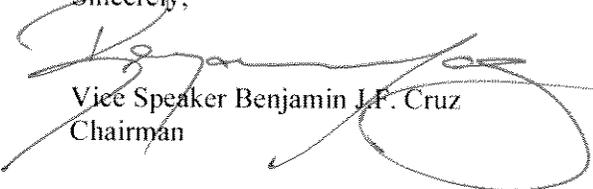
Transmitted herewith for your consideration is the Committee Report on Bill No. 294-32 (COR), as introduced, "An Act to Establish the "Police Patrol Vehicle & Equipment Revolving Fund" by adding a *New* Section §77135 to Article 1, Chapter 77, Title 10, Guam Code Annotated; and to provide funding by *Amending* §3602 of Article 6, Chapter 3, Title 16, Guam Code Annotated, Relative to the Assessment and Collection of Vehicle Safety Inspection Fees", sponsored by Senator Dennis Rodriguez.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 294-32 (COR), As Introduced
4. Public Hearing Sign-in Sheet
5. Copies of Written Testimonies
6. Copy of Fiscal Note
7. Copy of COR referral Bill No. 294-32 (COR)
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,

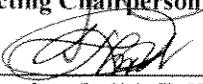
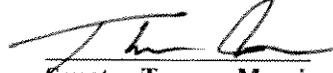

Vice Speaker Benjamin J.F. Cruz
Chairman

I MINA' TRENTAI DOS NA LIHESLATURAN GUÁHAN

Committee Voting Sheet

Committee on Appropriations, Public Debt, Legal Affairs, Retirement,
Public Parks, Recreation, Historic Preservation and Land

Bill No. 294-32 (COR), as introduced, "An Act to Establish the "Police Patrol Vehicle & Equipment Revolving Fund" by adding a New Section §77135 to Article I, Chapter 77, Title 10, Guam Code Annotated; and to provide funding by Amending §3602 of Article 6, Chapter 3, Title 16, Guam Code Annotated, Relative to the Assessment and Collection of Vehicle Safety Inspection Fees."

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Vice Speaker B.J. Cruz Acting Chairperson	_____	_____	✓	_____	_____
 Speaker Judith T. Won Pat Member	✓	_____	_____	_____	_____
 Senator Tina Rose Muña-Barnes Member	_____	_____	✓	_____	_____
_____ Senator Dennis Rodriguez, Jr. Member	_____	_____	_____	_____	_____
 Senator Michael San Nicolas Member	_____	_____	✓	_____	_____
 Senator Tommy Morrison Member	_____	_____	✓	_____	_____
_____ Senator Michael Limtiaco Member	_____	_____	_____	_____	_____



I Mina'trentai Dos na Liheslaturan Guåhan

32nd GUAM LEGISLATURE

Vice Speaker Benjamin J.F. Cruz, Chairman

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

Committee Report

Bill No. 294-32 (COR), An Act to Establish the “*Police Patrol Vehicle & Equipment Revolving Fund*” by adding a *New Section* §77135 to Article 1, Chapter 77, Title 10, Guam Code Annotated; and to provide funding by *Amending* §3602 of Article 6, Chapter 3, Title 16, Guam Code Annotated, Relative to the Assessment and Collection of Vehicle Safety Inspection Fees.

I. OVERVIEW

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land convened a public hearing on August 28, 2014 at 10:00am in *I Liheslatura's* public hearing room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets and newspaper of general circulation on August 21, 2014 (5-Day Notice), and again on August 26, 2014 (48 Hour Notice).

(a) Committee Members and Senators Present

Vice Speaker Benjamin J.F. Cruz, Chairman
Senator Dennis Rodriguez, Member
Senator Tom Ada
Senator Frank Aguon, Jr.
Senator Chris Duenas
Senator Tony Ada

(b) Appearing before the Committee

Fred E. Bordallo, Jr., Chief of Police, Guam Police Department
Joe Garrido

(c) Written Testimonies Submitted

Fred. E. Bordallo, Jr. Chief of Police, Guam Police Department
John P. Camacho, Director of the Department of Revenue & Taxation
Raymond Perez

II. COMMITTEE PROCEEDINGS

Chairman Benjamin Cruz. The next bill on the agenda is Bill 294, introduced by Senator Rodriguez and as the author, I will ask him to make the opening remarks.

Senator Dennis Rodriguez. Thank you very much, Mr. Chairman. Thank you to everyone for being here this morning.

Mr. Chairman, this Bill 294 is an act to establish the “Police Patrol Vehicle & Equipment Revolving Fund” and what this does are two things: first, it establishes a sustainable funding source to fund new police vehicles, equipment and maintenance. It also sets a mechanism on how the Department of Revenue and Taxation will evaluate safety inspection fees where we are getting a portion of these fees to be used for the fund - this Police Revolving Fund. The last time the safety inspections were changed was in 2007. It was done through law; it was changed from \$7 to \$15. What this bill will do is it takes that away – we are trying to look back and figure out how these things are changed and what determines how these things are changed.

The best course that we have determined is to leave it with the Director of Rev/Tax to evaluate the fees every two years and have the authority to adjust these fees within a certain percentage. If it goes beyond this percentage then it has to go through the triple-A process. But the bottom line is that this administrative fee – known as an administrative fee – that was supposed to be deposited into the general fund and used for Department of Revenue and Taxation Motor Vehicle was not being used for what it was meant for. So, we see the opportunity now to use these funds to help the Police Department. We know that the safety inspections are very important and it ensures we have safe vehicles on the street. But, we tend to forget that it is the police officers that are the ones who have to ensure and enforce these regulations.

Before I end, I would like to acknowledge the police officers that I worked with. I call this the ‘police officer submission legislation’ because it came from them. I worked with them to determine the best course of action. A lot of times we rely on generous donations from businesses, use of compact impact funds to purchase vehicles and we will still welcome those. But this way we will have a sustainable funding source that would net at least \$380,000 a year. We know there is an increase of vehicles purchased on island. So, if that increases, more safety inspection fees and more funds for the Police Department.

I hope we get the support from our colleagues and thank the eight other members who have co-sponsored this legislation with me. Thank you.

Chairman Benjamin Cruz. Thank you very much. Chief, you are recognized.

Chief Fred Bordallo. Thank you. Good morning, Vice Speaker BJ Cruz, Senator Frank Aguon, Senator Chris Duenas, Senator Dennis Rodriguez and Senator Tony Ada. My name is Fred Bordallo and I am the Chief of Police of the Guam Police Department.

I submitted a written testimony that was dated May 29, 2014 and I would like to read the testimony.

[Read written testimony verbatim. See attached]

Chairman Benjamin Cruz. Thank you very much. I also notice that Mr. Garrido signed up to testify. Joe, please come forward.

Mr. Joe Garrido. Thank you. My name is Joe Garrido and I support this bill. There are a few things that I can say. If we are looking for a funding source to support the police needs, there other enforcement issues that maybe we can enforce to collect the revenues to provide the funding for them. I can say that there are a lot of dump trucks that are going around the island that are not in compliance with the requirements of putting screen on their loads – gravel and coral just dropping off from the trucks. I know there are laws against that but not being enforced. I think we can increase the penalty against a construction company that violates the law so we can provide funding to the police. The actions of these dump trucks are occurring on public highways. Not only dirtying the highways, but they are endangering motorists. I have followed quite a few dump trucks that should be pulled over given a ticket.

There are many others; for example you can create funding for construction sites that continue to allow their dirty truck tires to go out on the highway and then you see on the highway all this mud coming from the trucks and we are not doing anything about it. I don't know if there is any way you could enforce that law; whether there is a law in place and who is enforcing it. Is it Guam EPA? But, it's terrible.

Maybe they can work together with the Department of Public Works, who may have more knowledge on violations on public highways. The Guam Police and the Department of Public Works can work together to come up with a revolving fund. What do you do to drivers that continue to drive vehicles without registration, without driver's license, no insurance? I think that the Guam Police and another agency have smart people that can sit down and find out what we can do to stop these violations. That is the priority. Then, incur fines so that people can be fined for violating these laws that creates unsafe conditions on the highways.

Other than that, I know there are a lot of other fees that they can come up with, although I don't necessarily support the creation of fees so that I myself would be paying. But, I know when I get my car inspected, I pay \$15. I think it is not clear here whether this bill will increase that.

Chairman Benjamin Cruz. No, and the only reason why I was willing to support this bill is because it does not necessitate or require them to enforce it. It's a requirement from RevTax. When I was at the court, I was opposed for them getting the money from the traffic tickets because I did not want to encourage them to go out and try a fill a quota to up the accounts. So there are constitutional arguments – if it is going to make money for them, it probably wouldn't stand constitutional scrutiny.

So, this one is a safe source of funding that has nothing to do with their enforcement. It's just a source of money that every year we get money and it doesn't require them to go out and give forty tickets a piece in order to be able to increase the amount. There are 100,000 cars that are going to be registered every year that is going to provide that fund.

Mr. Joe Garrido. It just seems reasonable that the funding should go to the police.

Chairman Benjamin Cruz. If it goes into the general fund and some of it gets back to them, that's fine. But to specifically direct it to them would have some constitutional issues and would not have gotten my support. This one was completely out of their control and regardless on whether or not they do or they don't, cars are going to have to be registered on an annual basis and that amount can be used to assist them in their Revolving Fund.

Mr. Joe Garrido. I am pretty sure we can come up with more ways of providing that funding.

Chairman Benjamin Cruz. As long as they don't have anything to do with them enforcing it and them getting a commission from what they are doing, we would have problems.

Mr. Joe Garrido. Within reason. We don't need to be taxed to death. People like us can hardly make ends meet. What is necessary, let's do it. Let's do law enforcement and provide more funding because the people that provide this funding deserve to provide that because they were violating laws. We lack that enforcement. I see it every day. It's terrible. Thank you.

Senator Dennis Rodriguez. Just real quick – yes, it doesn't increase any fee. It's existing fees that are being charged \$15; it's a portion of that. I just want to state... Chief, you said that RevTax had brought to your attention that they relied on this funding. Unfortunately, that was not the case. They were collecting it, but they didn't even know they were collecting it. So, we thought the best place to put this was at GPD. I met with them and in the future we will look at other ways to see how we can support that Division. They weren't relying on it. I just want to state that for the record because there was some confusion with my colleagues.

Chief Fred Bordallo. Thank you Senator Rodriguez.

Senator Chris Duenas. Thank you, Chief. I just want to say that I was number three of the eight. With eight votes, it looks like it will go through. Thank you.

Chairman Benjamin Cruz. Thank you very much.

This concludes the testimony on Bill No. 294-32 (COR). There being no additional individuals to present any additional, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on Soledad Avenue, as well as the Guam Legislature or through any of the electronic processes either email at office@guam.net

This hearing is adjourned.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 294-32 (COR), as introduced with the recommendation To Report Out Only.

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

Bill No. 294 -32 (COR)

Introduced by:

D.G. RODRIGUEZ, Jr.
B.J.F. CRUZ
C.M. DUENAS
J.T. WON PAT, Ed.D.
A.A. YAMSHITA, Ph.D.
V. ANTHONY ADA
R.J. RESPICIO
B.T. McCREADIE
T. MORRISON

2014 MAR 24 PM 3:57

AN ACT TO ESTABLISH THE “POLICE PATROL VEHICLE & EQUIPMENT REVOLVING FUND”, BY ADDING A NEW SECTION § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED; AND TO PROVIDE FUNDING BY AMENDING § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the annual vehicle safety inspection program is an effective tool to keep dangerous vehicles off the roadways and keep our community safe. However, we realize that it is the police officer that patrols the beat who is key to ensuring the safety and security of the community every day of the year.

I Liheslaturan Guåhan also finds that the number of cars in the Guam Police Department’s fleet that are in-service and available for patrolling our streets and neighborhoods has dropped to an unacceptable level, delaying police services to our community and hindering response to emergencies, thus endangering the lives

1 of our residents. In order to keep the Department's vehicle fleet operating, GPD
2 has had to rely on generous donations of patrol cars, motorcycles and scooters
3 from private business as well as the occasional identification of federal funds to
4 ensure that the heart of our economic center in Tumon is protected. Additionally,
5 throughout the Department, our dedicated public servants have been spending their
6 personal funds for many years to keep the Department's aging fleet and equipment
7 operating, so that they can continue to serve and protect our community, island-
8 wide.

9 Therefore, *I Liheslaturan Guåhan*, recognizing that it is a fundamental
10 responsibility of the government of Guam to provide for public safety, and that the
11 Guam Police Department is a primary instrumentality to provide for the public
12 safety and security needs of our Island, it is the *intent* of that a portion of the
13 vehicle safety inspection program be utilized support effective police enforcement.
14 And towards that end, *I Liheslaturan Guåhan* intends to establish a more
15 sustainable funding source by allocating a portion of the vehicle safety inspection
16 fees be dedicated to fund the continuous purchase of police vehicles, maintenance
17 and equipment so that the residents of Guam may be ensured the best possible
18 police services, unhindered by a lack of equipment or maintenance.

19 **Section 2.** Subsection (a) and (b) of § 3602, Article 6, Chapter 3, Title 16,
20 Guam Code Annotated, are hereby *AMENDED*, to read:

21 **“§ 3602. Regulations: Fee.**

(a) The Director of Revenue and Taxation is hereby authorized to make necessary rules and regulations, subject to the approval of I Maga'Lahi, for the administration and enforcement of inspections required under § 3601, including designation of the period or periods of time within which said inspections shall be

made and for the issuance and use of decalcomania or other identification to be attached to vehicles with reference to inspection status.

(1) The Director shall, commencing on January 01, 2015, and every two (2) years thereafter, review the safety inspection fee, and may increase or decrease the fee by an amount not greater or less than ten percent (10%). This adjustment shall not require the concurrence of the Legislature, provided, however, any proposed increase in excess of ten percent (10%) shall require the Director to conduct the rate review and adoption process of the proposed increase pursuant to Article 3, Chapter 9 [Administrative Adjudication Law], Division 1, Title 5, Guam Code Annotated.

1 (b) The fee to be charged for each such inspection shall be Fifteen Dollars
2 (\$15), inclusive of the administrative fee (also known as the 'Official Vehicle
3 Inspection Safety (OVIS) Fee') which shall be calculated at twenty percent (20%)
4 of the current fee. Provided, that the existing OVIS Fee of Three Dollars (\$3) shall
5 not be adjusted below this amount. The fee for re-inspection done pursuant to §
6 3601(c) shall be Two Dollars (\$2). Commercial and Armed Forces of the United
7 States vehicle safety inspection stations shall retain all fees collected, as payment
8 for inspection services rendered, however, such stations shall be required to
9 purchase official inspection administrative forms from the Department of Revenue
10 and Taxation. ~~All fees received by the Department of Revenue and Taxation shall~~
11 ~~be deposited in the General Fund of the Treasury of Guam.~~

(1) The total portion of all fees collected for the administrative fee (a.k.a., the 'Official Vehicle Inspection Safety (OVIS) Fee') shall be deposited into the "Police Patrol Vehicle & Equipment Revolving Fund", a separate account established pursuant to § 77135 of Article 1, Chapter 77, Title 10, Guam Code Annotated, for that purpose.

1 **Section 3.** A *NEW* Section § 77135 -POLICE PATROL VEHICLE &
2 EQUIPMENT REVOLVING FUND, is hereby *ADDED* to Article 1, Chapter 77
3 of Title 10, Guam Code Annotated, to read:

4 “§ 77135. POLICE PATROL VEHICLE & EQUIPMENT
5 REVOLVING FUND; Establishment. There is hereby established a “Police
6 Patrol Vehicle & Equipment Revolving Fund (Fund)”, to be maintained by the
7 Department of Administration for the sole the benefit of the Guam Police
8 Department. The Fund *shall* be established and maintained in a bank account apart
9 and separate from the General Fund or any other bank account(s) of the
10 government of Guam, and shall not be co-mingled with, or a part of, the General
11 Fund. All funds due or accruing to the account from whatever source(s), as
12 provided or authorized pursuant to applicable law, inclusive of any interest, shall
13 be deposited in the Fund in its entirety immediately upon receipt by the
14 government of Guam. The Fund *shall not* be subject to the transfer authority of *I*
15 Maga’lahan Guåhan. It is further, provided, that:

16 (a) Funding. The Police Patrol Vehicle & Equipment Revolving Fund
17 shall be funded by, but is not limited to, fees collected and allocated in accordance
18 with Title 16 G.C.A. § 3602 (b), and, it is further, provided:

19 (1)All monies received, collected from or paid by parties responsible for
20 damages to vehicles owned by the Guam Police Department shall be
21 deposited in the Fund;

22 (b) Purpose. The primary and *sole* purpose of the Fund is the acquisition
23 of vehicles and requisite associated equipment, and to support the repair and

1 maintenance needs for vehicles of the Guam Police Department on a fiscal year
2 basis;

3 (c) Authorized Expenditure and Continuing Appropriation. All monies in
4 the Fund are hereby APPROPRIATED, and shall be deemed APPROPRIATED on
5 a CONTINUING basis and shall not lapse, and shall not be subject to
6 appropriation constraints in order to be expended for the purposes of acquiring,
7 repairing, and maintaining vehicles and requisite associated equipment for the
8 Guam Police Department. It is further, provided:

9 (1) Not less than thirty-three percent (33%) of the annual revenue
10 collected by the fund shall be used solely for the purchase of new
11 police patrol vehicles within the government of Guam fiscal year
12 during which such funding was generated from revenue received.

13 (i) The expenditure prioritization mandate pursuant to this
14 Item (1) shall not apply to the purchase of non-patrol vehicles for
15 administrative utilization purposes, which is prohibited.

16 (ii) Any unexpended funds remaining at the end of the fiscal
17 year shall continue to be available for expenditure in the next fiscal
18 year solely for the purposes of this Item (1).

19 (2) The Guam Police Department may expend a portion of the Fund to
20 subsidize the utilization of privately owned vehicles for police service,
21 patrol duty and other law enforcement related functions, as provided
22 pursuant to 10 GCA Chapter 65.

23 (3) The Guam Police Department may expend a portion of the Fund to
24 pursue the collection of just compensation from parties responsible for
25 damages to vehicles owned by the Guam Police Department.

26 (d) Reporting. Any and all collections deposited into and/or expenditures
27 from the Fund shall be reported quarterly to I Maga'lahan Guåhan and the

1 Speaker of I Liheslaturan Guåhan, and the Guam Police Department, in
2 conjunction with the Department of Administration, shall report and maintain full
3 compliance with all financial reporting requirements of the government of Guam
4 pursuant to applicable law. The Fund shall be subject to review and audit by the
5 Office of Public Accountability, which shall provide I Maga'lahan Guåhan and
6 the Speaker of I Liheslaturan Guåhan with a copy of any audited report; and

7 (e) The Chief of Police shall submit an annual spending plan for the Fund
8 in accordance with and at the same time as the Bureau of Budget and Management
9 Research budget call. The spending plan shall include the actual experience of the
10 fund, and any shortfalls experienced for the current fiscal year, or anticipated for
11 the succeeding fiscal year. A budget request for additional funding as is required
12 for necessary vehicle acquisition, repairs and maintenance shall be in provided for
13 in the Budget Request of the Executive Branch for the Department for the
14 succeeding fiscal year.”

15 **Section 4. Promulgation of Rules and Codification in GARR; 10 GCA,**
16 **Chapter 56 – Automobiles, § 56101.6 - Regulations Regarding Subsidized**
17 **Vehicles.** (a) The Chief of Police shall review and ensure that the enactment of
18 regulations pursuant to and consistent with Chapter 65 of Title 10, Guam Code
19 Annotated, has been duly promulgated and updated pursuant to Article 3 [Rule-
20 Making Procedures], Chapter 9 [Administrative Adjudication Law], Division 1,
21 Title 5, Guam Code Annotated [Government Operations], and which shall be
22 codified in Article 7 of Title 27, Guam Administrative Rules and Regulations.

23 (b) A NEW Article 7 - Privately Owned Vehicles for Police Service
24 Policy, is hereby established under Title 27 – Public Safety, Guam Administrative
25 Rules and Regulations.

1 **Section 5. Severability.** *If* any provision of this Act or its application to any
2 person or circumstance is found to be invalid or contrary to law, such invalidity
3 shall *not* affect other provisions or applications of this Act which can be given
4 effect without the invalid provisions or application, and to this end the provisions
5 of this Act are severable.

6 **Section 6. Effective Date.** This Act shall become immediately effective
7 upon enactment.



Mina'trentai Dos na Liheslaturan Guahan
32ND GUAM LEGISLATURE

Vice Speaker Benjamin J.F. Cruz, Chairman

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

August 28, 2014
Bill No. 294-32 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
Fred Benito	GPM	475-8588	fred.benito@guam	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Yes
Joe Garrido	—	632-7968			<input checked="" type="checkbox"/>	—
Wesley						



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

GUAM POLICE DEPARTMENT

DIPATTAMENTON POLISIAN GUAHAN

Government of Guam



FREDE E. BORDALLO, JR.
Chief of Police

MAURICE J.Q. SAYAMA, Colonel
Police Commander

Bldg. 13-16A Mariner Avenue, Tiyan
Barrigada, Guam 96913

P.O. Box 23909 Barrigada, Guam 96921

Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512

Fax: (671) 472-4036

May 29, 2014

For: The Honorable Vicente "ben" C. Pangelinan, Chairperson; and
Members, Committee on Appropriations, Public Debt,
Legal Affairs, Public Parks, Recreation,
Historic Preservation & Land

32nd Guam Legislature
155 Hesler Street
Hågatña, Guam 96910

From: Chief of Police, Guam Police Department

Subject: **Written Testimony**
Re: Bill 294-32(COR)

Buenas Yan Håfa Adai! The Guam Police Department (GPD) is submitting this written testimony relative to Bill 294-32(COR), *an act to establish the "Police Patrol Vehicle & Equipment Revolving Fund," by adding a new Section 77135 to Article 1, Chapter 77, Title 10, Guam Code Annotated; and to provide funding by amending § 3602 of Article 6, Chapter 3, Title 16, Guam Code Annotated, relative to the assessment and collection of vehicle safety inspection fees.*

We are in full support of the intent of Bill 294-32(COR). For many years the Guam Police Department (GPD) has relied on federal and Compact-Impact grants to supplement GPD's constantly aging cars. This Bill is a breath of fresh air for GPD in that we are constantly seeking ways to better equip our personnel to carry out our public mandates, of which our vehicles are a vital resource for us to protect our citizenry. This legislation will allow our agency to replace the organization's epochal fleet and maintain the vehicles that are in our inventory.

The Honorable Vicente "ben" C. Pangelinan, Chairperson; and
Members, Committee on Procurement, Cultural Affairs, Public Broadcasting,
Youth & General Government Operations

32nd Guam Legislature

Subject: **Written Testimony**

Re: **Bill 294-32(COR)**

May 29, 2014

Page 2 of 2

Lastly, information brought to our attention was that the Department of Revenue and Taxation has relied on this funding source; thus, in the spirit of cooperation and a concerted effort from the Department of Revenue and Taxation, the Guam Police Department is receptive to revenue sharing as this funding source is realized. This joint benefit will certainly demonstrate a cohesive partnership as our agencies strive to improve upon its services to the community.

Thank you for giving us the opportunity to provide our comments to this Bill and we look forward to its public hearing. *Dangkulo na si Yu'os ma'ase!*

Sincerely,



FRED E. BORDALLO, JR.
Chief of Police



Dipáttamenton Kontribusion yan Adu'áná

DEPARTMENT OF

REVENUE AND TAXATION

GOVERNMENT OF GUAM

Gubetnamenton Guåhan

EDDIE BAZA CALVO, Governor Maga'låhi
RAY TENORIO, Lt. Governor Tifante Gubetnadot

JOHN P. CAMACHO, Director
Direktor
MARIE M. BENITO, Deputy Director
Segundo Direktor

August 28, 2014

Vice Speaker Benjamin J.F. Cruz
155 Hesler Place
Hagatna, Guam 96910

Reference: Bill 294-32 (COR)
Police Patrol Vehicle & Equipment Revolving Fund

Hafa Adai Vice Speaker Cruz:

Members of my staff namely, Ms. Marie Benito, Deputy Director and Ms. Marie Flores, Administrator Motor Vehicle Division met with Senator Dennis Rodriguez in an effort to clarify the proposed revisions of Title 16 Section 3602, as it relates to the administrative fees collected for vehicle safety inspections. The Bill proposes to dedicate the administrative fees collected to support the Guam Police Department's aging fleet of patrol vehicles and vehicle maintenance program.

However, as discussed during the meeting with Senator Rodriguez the current law implies that the administrative fees of \$3.00 per inspection is already committed to the Department of Revenue and Taxation for the purpose of managing the collection of these fees, which was intended for the continued monitoring and policing of all safety inspections stations licensed by this Department. It appears that there was an oversight with the current law to provide language that clearly defines the intended purpose of the administrative fees collected and the designation of a specific account to monitor the deposits made by this Department. Your assistance in providing new language in the proposed revisions would correct this error. It will safeguard funding for this Department to continue the enforcement and policing of safety inspections stations.

Furthermore, inasmuch as we agree and support the need to identify funding for the Guam Police Department, re-appropriating the administrative fee is not an option.

On a more positive note, we appreciate the proposed amendment to Section 3602 whereby this Department will be empowered through statutory authority to evaluate and assess the need to increase or decrease inspection fees without having to go through the legislative process. This proposed revision provides efficiency in the regulations process.

Thank you for the opportunity to provide testimony on this Bill.

Sincerely,


JOHN P. CAMACHO
Director

From: dial911@ite.net

Date: August 28, 2014, 8:57:49 AM GMT+10:00

To: senator@senatorbjcruz.com

Subject: Testimony on Bill No. 294-32 (COR) "Police Patrol Vehicle & Equipment Revolving Fund"

Honorable Benjamin J.F. Cruz
Vice-Speaker
Suite 107
155 Hesler St.
Hagåtña, Guam 96910

Committee on Appropriations, Public Debt, Legal Affairs, Retirement,
Public Parks, Recreation, Historic Preservation and Land

Subject: Testimony on Bill No. 294-32 (COR), An act to establish the
"Police Patrol Vehicle & Equipment Revolving Fund"

Honorable Vice-Speaker Cruz,

This is to provide testimony in support of Bill No. 294-32 (COR).

Sustaining the police department's vehicle fleet has been a chronic challenge since before I joined the Guam Police Department in 1984. The fleet is run 24 hours a day, 7 days a week, which causes accelerated wear. The Department would generally fix what it could afford to, focusing resources on the quick fixes and often sacrificing timely maintenance, further accelerating the wear on the vehicles. Compounding this is that there is no replacement cycle. It seems that we fall into an "emergency" mode before we acquire new vehicles. This is an old problem that spans many years and administrations.

Having enough police officers and vehicles are our two top challenges for GPD. Passing this bill could fix the vehicle challenge permanently. At the very least, it would effectively create a sorely needed replacement cycle, ensuring that there is a minimum amount of vehicles added every year, without having to compete with other needs.

However, if we want to meet our police force's requirements more effectively, I would like to ask the Committee to consider increasing the administrative fee by at least two dollars per inspection and modify the language to clearly allow the purchase of patrol equipment to equip new officers or replace aged equipment used by patrol officers. This would help cover the cost of the future hires, a need highlighted during the GPD budget hearing. If this is not an option at this time, please pass the bill in its current form.

Thank you for considering my testimony. Should you have any questions regarding the testimony, please contact me at 635-0916 or by email at dial911@ite.net.

Respectfully submitted,

Raymond Perez
Sinajana



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael E.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

April 22, 2014

Memorandum

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

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Fiscal Notes / Waivers**

Hafa Adai!

Attached please find the fiscal notes and waivers for the bill numbers listed below.

Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTES:

Bill No. 259-32(COR)
Bill No. 279-32(COR)
Bill No. 287-32(COR)
Bill No. 293-32(COR)
Bill No. 294-32(COR)
Bill No. 301-32(COR)
Bill No. 303-32(COR)

WAIVER:

Bill No. 233-32(COR)
Bill No. 295-32(COR)
Bill No. 297-32(COR)
Bill No. 300-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

**Bureau of Budget & Management Research
Attachment to Fiscal Note No. 294-32 (COR)**

Comments

The proposed legislation is to deposit collections for vehicle safety inspection fees into a newly created special fund - "Police Patrol Vehicle & Equipment Revolving Fund". The revolving fund will be used solely for acquisition of vehicles and associate equipment and to support the repair and maintenance of patrol vehicles. Currently, the revenues collected for these fees are deposited into the General Fund. According to the Department of Revenue and Taxation's preliminary report of safety inspection fee collections were \$297,143 in FY2012 and \$295,629 in FY2013. Safety inspection fees could increase with an amendment allowing DRT to increase fees charged every two (2) years. If this bill is passed, collections will cease from being deposited to the General Fund with a fiscal impact of an average of \$296K each fiscal year.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guahan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

March 24, 2014

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

MEMORANDUM

Senator
Vicente (Ben) C. Pangelinan
Member

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

Speaker
Judith T.P. Won Pat, Ed.D.
Member

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

Senator
Dennis G. Rodriguez, Jr.
Member

Subject: Referral of Bill No. 294-32(COR)

Vice-Speaker
Benjamin J.F. Cruz
Member

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 294-32(COR)**.

Legislative Secretary
Tina Rose Muña Barnes
Member

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

Senator
Frank Blas Aguon, Jr.
Member

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

Senator
Michael F.Q. San Nicolas
Member

Si Yu'os Ma'åse!

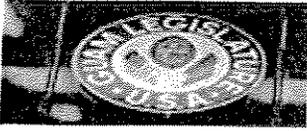
Senator
V. Anthony Ada
Member
MINORITY LEADER

Attachment

Senator
Aline Yamashita
Member

I Mina Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
294-32 (COR)	D.G. RODRIGUEZ, Jr. B.J.F. CRUZ C.M. DUENAS J.T. WON PAT, Ed.D. A.A. YAMSHITA, Ph.D V. ANTHONY ADA R.J. RESPICIO B.T. McCREADIE T.A. MORRISON	AN ACT TO ESTABLISH THE "POLICE PATROL VEHICLE & EQUIPMENT REVOLVING FUND", BY ADDING A NEW SECTION § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED; AND TO PROVIDE FUNDING BY AMENDING § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES.	03/24/14 3:57 p.m.	03/24/14	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			



Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org>
To: PHrg Notice <phnotice@guamlegislature.org>

Thu, Aug 21, 2014 at 9:57 AM

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing on **Thursday, August 28, 2014 beginning at 10:00am and 2:00pm** in the Guam Legislature Public Hearing Room.

The following is on the agenda:

10:00AM

Bill No. 306-32 (COR) – Introduced by Senator Frank B. Aguon, Jr.

An act to appropriate funds to the Office of Veterans Affairs for the implementation of the Guam Veterans Registry as mandated by Public Law 32-101.

Bill No. 294-32 (COR) – Introduced by Senator Dennis G. Rodriguez, Jr.

An act to establish the "Police Patrol Vehicle & Equipment Revolving Fund" by adding a new Section §77135 to Article 1, Chapter 77, Title 10, Guam Code Annotated; and to provide funding by amending §3602 of Article 6, Chapter 3, Title 16, Guam Code Annotated, relative to the assessment and collection of vehicle safety inspection fees.

Bill No. 281-32 (COR) – Introduced by Senator Christopher M. Duenas

An act to add a new Section 22401.2 to Article 4, Chapter 22, Title 5 of the Guam Code Annotated relative to authorizing the Government of Guam, through the Office of the Governor, to retain professionals to pursue claims of the Government of Guam against third parties on a contingency fee basis, authorization to pay for same, and to appropriate to the Office of the Governor \$350,000 to pay for the costs and expenses (not fees) associated with bringing an action against the Federal Government for harms at the Ordot Dump.

Bill No. 346-32 (COR) – Introduced by Michael T. Limtiaco

An act to add new §8138.6, 8138.7, 8138.8 and 8138.9 to Chapter 8 of Title 4 GCA relative to creating a separate Board of Trustees for members of the Defined Contribution Retirement Plan.

2:00PM

Bill No. 213-32 (COR) – Introduced by Senator V. Anthony Ada

An act to authorize *I Maga'lahaen Guahan* to exchange government property in Barrigada for privately owned property located in Barrigada to be used for the Guam Flood Mitigation Plan.

Bill No. 293-32 (COR) – Introduced by Senator Thomas A. Morrison

An act to amend §61542 of Chapter 61 of 21GCA relative to political signs.

Bill No. 354-32 (LS) – Introduced by Senator Michael J.Q. San Nicolas

An act to authorize owners of private property to erect or have erected political signage, by adding a new Item (5) to Subsection (a), a new Item (3) to Subsection (b), a new Item (3) to Subsection (c), each of §61541, Part 5, Article 5, Chapter 61, Title 21, Guam Code Annotated.

Bill No. 285-32 (COR) – Introduced by Senator Tina R. Muña Barnes

An act making an appropriation from the General Fund to the Department of Administration (DOA) for Westcare Pacific Islands for the specific purposes of conducting intense outreach activities, providing informational and referral services to all veterans on Guam.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services or for further information, please call the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land at 473-4236/7 or email at cipo@guamlegislature.org

--
Lisa Dames
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public
Parks, Recreation, Historic Preservation, and Land.
(671) 473-4236 (office)
(671) 473-4238 (fax)
email: cipo@guamlegislature.org

 **Agenda PH 08282014.doc**
46K



Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org>

Thu, Aug 21, 2014 at 9:55 AM

To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <gerry@mvguam.com>, Mar-Vic Cagurangan <marvic@mvguam.com>, louella@mvguam.com, rgibson@k57.com, Jerick Sablan <jpsablan@guampdn.com>, Steve Limtiaco <slimtiaco@guampdn.com>, kstokish@gmail.com, "Daleno, Gaynor D" <gdumat-ol@guam.gannett.com>, Lifestyles_PDN <life@guampdn.com>

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An act to establish the "Police Patrol Vehicle & Equipment Revolving Fund" by adding a *new* Section §77135 to Article 1, Chapter 77, Title 10, Guam Code Annotated; and to provide funding by amending §3602 of Article 6, Chapter 3, Title 16, Guam Code Annotated, relative to the assessment and collection of vehicle safety inspection fees.

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An act to add a new Section 22401.2 to Article 4, Chapter 22, Title 5 of the Guam Code Annotated relative to authorizing the Government of Guam, through the Office of the Governor, to retain professionals to pursue claims of the Government of Guam against third parties on a contingency fee basis, authorization to pay for same, and to appropriate to the Office of the Governor \$350,000 to pay for the costs and expenses (not fees) associated with bringing an action against the Federal Government for harms at the Ordot Dump.

Bill No. 346-32 (COR) – Introduced by Michael T. Limtiaco

An act to add new §8138.6, 8138.7, 8138.8 and 8138.9 to Chapter 8 of Title 4 GCA relative to creating a separate Board of Trustees for members of the Defined Contribution Retirement Plan.

2:00PM

Bill No. 213-32 (COR) – Introduced by Senator V. Anthony Ada

An act to authorize *I Maga'lahan Guahan* to exchange government property in Barrigada for privately owned property located in Barrigada to be used for the Guam Flood Mitigation Plan.

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An act to amend §61542 of Chapter 61 of 21GCA relative to political signs.

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An act to authorize owners of private property to erect or have erected political signage, by adding a new Item (5) to Subsection (a), a new Item (3) to Subsection (b), a new Item (3) to Subsection (c), each of §61541, Part 5, Article 5, Chapter 61, Title 21, Guam Code Annotated.

Bill No. 285-32 (COR) – Introduced by Senator Tina R. Muña Barnes

An act making an appropriation from the General Fund to the Department of Administration (DOA) for Westcare Pacific Islands for the specific purposes of conducting intense outreach activities, providing informational and referral services to all veterans on Guam.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services or for further information, please call the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land at 473-4236/7 or email at cipo@guamlegislature.org

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Lisa Dames

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public
Parks, Recreation, Historic Preservation, and Land.

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Agenda PH 08282014.doc

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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org>
To: PHrg Notice <phnotice@guamlegislature.org>

Thu, Aug 21, 2014 at 10:24 AM

PLEASE SEE ATTACHED REVISED AGENDA. THANK YOU.

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing on **Thursday, August 28, 2014 beginning at 10:00am and 2:00pm** in the Guam Legislature Public Hearing Room.

The following is on the agenda:

10:00AM**Bill No. 306-32 (COR) – Introduced by Senator Frank B. Aguon, Jr.**

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An act to add new §8138.6, 8138.7, 8138.8 and 8138.9 to Chapter 8 of Title 4 GCA relative to creating a separate Board of Trustees for members of the Defined Contribution Retirement Plan.

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An act to authorize *I Maga'lahaen Guahan* to exchange government property in Barrigada for privately owned property located in Barrigada to be used for the Guam Flood Mitigation Plan.

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On Thu, Aug 21, 2014 at 9:57 AM, Lisa Dames <cipo@guamlegislature.org> wrote:

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2:00PM

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Lisa Dames
Chief of Staff
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Senator Vicente (ben) Cabrera Pangelinan
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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org>

Thu, Aug 21, 2014 at 10:24 AM

To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <gerry@mvguam.com>, Mar-Vic Cagurangan <marvic@mvguam.com>, louella@mvguam.com, rgibson@k57.com, Jerick Sablan <jpsablan@guampdn.com>, Steve Limtiaco <slimtiaco@guampdn.com>, kstokish@gmail.com, "Daleno, Gaynor D" <gdumat-ol@guam.gannett.com>, Lifestyles_PDN <life@guampdn.com>

PLEASE SEE ATTACHED REVISED AGENDA. THANK YOU.

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing on **Thursday, August 28, 2014 beginning at 10:00am and 2:00pm** in the Guam Legislature Public Hearing Room.

The following is on the agenda:

10:00AM

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An act to add new §8138.6, 8138.7, 8138.8 and 8138.9 to Chapter 8 of Title 4 GCA relative to creating a separate Board of Trustees for members of the Defined Contribution Retirement Plan.

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On Thu, Aug 21, 2014 at 9:55 AM, Lisa Dames <cipo@guamlegislature.org> wrote:

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Lisa Dames
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Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public
Parks, Recreation, Historic Preservation, and Land.
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Lisa Dames
Chief of Staff
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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - SECOND NOTICE

Lisa Dames <cipo@guamlegislature.org>
To: PHrg Notice <phnotice@guamlegislature.org>

Tue, Aug 26, 2014 at 10:48 AM

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing on **Thursday, August 28, 2014 beginning at 10:00am and 2:00pm** in the Guam Legislature Public Hearing Room.

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Lisa Dames
Chief of Staff
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Senator Vicente (ben) Cabrera Pangelinan
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 **Agenda Aug 28.doc**
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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - SECOND Notice

Lisa Dames <cipo@guamlegislature.org>

Tue, Aug 26, 2014 at 10:46 AM

To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <gerry@mvguam.com>, Mar-Vic Cagurangan <marvic@mvguam.com>, louella@mvguam.com, rgibson@k57.com, Jerick Sablan <jpsablan@guampdn.com>, Steve Limtiaco <slimtiaco@guampdn.com>, "Daleno, Gaynor D" <gdumat-ol@guam.gannett.com>, Lifestyles_PDN <life@guampdn.com>, kstokish@gmail.com

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Lisa Dames

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

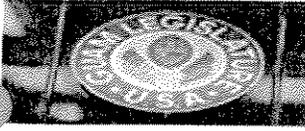
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.

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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - SECOND NOTICE Revised

Lisa Dames <cipo@guamlegislature.org>
To: PHrg Notice <phnotice@guamlegislature.org>

Tue, Aug 26, 2014 at 3:02 PM

Hafa Adai,

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land has released a revised agenda for the public hearing scheduled for Thursday, August 28.

Please note that Bill No. 346-32 (COR) has been removed from the agenda.

Thank you.

--
Lisa Dames
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public
Parks, Recreation, Historic Preservation, and Land.
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 **Revised Agenda Aug 28.doc**
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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - SECOND NOTICE - Revised Agenda

Lisa Dames <cipo@guamlegislature.org>

Tue, Aug 26, 2014 at 3:01 PM

To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <gerry@mvguam.com>, Mar-Vic Cagurangan <marvic@mvguam.com>, louella@mvguam.com, rgibson@k57.com, kstokish@gmail.com, Jerick Sablan <jpsablan@guampdn.com>, Steve Limtiaco <slimtiaco@guampdn.com>, "Daleno, Gaynor D" <gdumat-ol@guam.gannett.com>, Lifestyles_PDNI <life@guampdn.com>

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Lisa Dames

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.

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I Mina'trentai Dos na Liheslaturan Guåhan

32nd GUAM LEGISLATURE

Vice Speaker Benjamin J.F. Cruz, Chairman

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks,
Recreation, Historic Preservation, and Land

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

gi Huebes, gi diha 28 gi Agosto, 2014
Thursday, August 28, 2014

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)

**TAREHA
(AGENDA)**

Priniponi Siha:
(Bills)

10:00AM

Bill No. 306-32 (COR) – Introduced by Senator Frank B. Aguon, Jr.

An act to appropriate funds to the Office of Veterans Affairs for the implementation of the Guam Veterans Registry as mandated by Public Law 32-101.

Bill No. 294-32 (COR) – Introduced by Senator Dennis G. Rodriguez, Jr.

An act to establish the “Police Patrol Vehicle & Equipment Revolving Fund” by adding a *new* Section §77135 to Article 1, Chapter 77, Title 10, Guam Code Annotated; and to provide funding by amending §3602 of Article 6, Chapter 3, Title 16, Guam Code Annotated, relative to the assessment and collection of vehicle safety inspection fees.

Bill No. 281-32 (COR) – Introduced by Senator Christopher M. Duenas

An act to add a new Section 22401.2 to Article 4, Chapter 22, Title 5 of the Guam Code Annotated relative to authorizing the Government of Guam, through the Office of the Governor, to retain professionals to pursue claims of the Government of Guam against third parties on a contingency fee basis, authorization to pay for same, and to appropriate to the Office of the Governor \$350,000 to pay for the costs and expenses (not fees) associated with bringing an action against the Federal Government for harms at the Ordot Dump.

Bill No. 346-32 (COR) – Introduced by Michael T. Limtiaco

An act to add new ~~§8138.6, 8138.7, 8138.8 and 8138.9~~ to Chapter 8 of Title 4 GCA relative to creating a separate Board of Trustees for members of the Defined Contribution Retirement Plan.

2:00PM

Bill No. 213-32 (COR) – Introduced by Senator V. Anthony Ada

An act to authorize *I Maga'lahen Guahan* to exchange government property in Barrigada for privately owned property located in Barrigada to be used for the Guam Flood Mitigation Plan.

~~**Bill No. 293-32 (COR) – Introduced by Senator Thomas A. Morrison**~~

~~An act to amend §61542 of Chapter 61 of 21GCA relative to political signs.~~

Bill No. 354-32 (LS) – Introduced by Senator Michael J.Q. San Nicolas

An act to authorize owners of private property to erect or have erected political signage, by adding a new Item (5) to Subsection (a), a new Item (3) to Subsection (b), a new Item (3) to Subsection (c), each of §61541, Part 5, Article 5, Chapter 61, Title 21, Guam Code Annotated.

Bill No. 285-32 (COR) – Introduced by Senator Tina R. Muña Barnes

An act making an appropriation from the General Fund to the Department of Administration (DOA) for Westcare Pacific Islands for the specific purposes of conducting intense outreach activities, providing informational and referral services to all veterans on Guam.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services or for further information, please call the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land at 473-4236/7 or email at cipo@guamlegislature.org



COMMITTEE ON RULES

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V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

April 22, 2014

Memorandum

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

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Fiscal Notes / Waivers**

Hafa Adai!

Attached please find the fiscal notes and waivers for the bill numbers listed below.

Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTES:

- ✓ Bill No.259-32(COR)
- ✓ Bill No. 279-32(COR)
- ✓ Bill No. 287-32(COR)
- ✓ Bill No. 293-32(COR)
- ✓ Bill No. 294-32(COR)
- ✓ Bill No. 301-32(COR)
- ✓ Bill No. 303-32(COR)

WAIVER:

- ✓ Bill No. 233-32(COR)
- ✓ Bill No. 295-32(COR)
- ✓ Bill No. 297-32(COR)
- ✓ Bill No. 300-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2014 APR 22 AM 9:42

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORJOHN A. RIOS
DIRECTORRAY TENORIO
LIEUTENANT GOVERNORJOSE S. CALVO
DEPUTY DIRECTOR

APR 21 2014

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Dos na Liheslaturan Guåhan
The 32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 259-32(COR), 279-32(COR), 287-32(COR), 293-32(COR), 294-32(COR), 301-32(COR), 303-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 233-32(COR), 295-32(COR), 297-32(COR), and 300-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.



JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note for Bill No. 294-32 (COR)**

AN ACT TO ESTABLISH THE "POLICE PATROL VEHICLE & EQUIPMENT REVOLVING FUND", BY ADDING A NEW SECTION § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, BY AMENDING § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Police Department	Dept./Agency Head: Fred Bordallo, Police Chief
Department's General Fund (GF) appropriation(s) to date:	28,074,988
Department's Other Fund (Specify) appropriation(s) to date:	658,784
Total Department/Agency Appropriation(s) to date:	\$28,733,772

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance			
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (P.L. 32-068)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? // Yes /x/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A // Yes // No
If no, what is the additional amount required? \$ _____ /x/ N/A
- Does the Bill establish a new program/agency? // Yes /x/ No
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /x/ No
Is there a federal mandate to establish the program/agency? // Yes /x/ No
- Will the enactment of this Bill require new physical facilities? // Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x/ Yes // No
// Requested agency comments not received by due date // Other: _____

Analyst: Matt Quinata Date: _____ Director: John A. Rios Date: APR 21 2014
 Matt Quinata John A. Rios, BBMR Director

Footnotes:
See attachment to fiscal note.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 294-32 (COR)

Comments

The proposed legislation is to deposit collections for vehicle safety inspection fees into a newly created special fund - "Police Patrol Vehicle & Equipment Revolving Fund". The revolving fund will be used solely for acquisition of vehicles and associate equipment and to support the repair and maintenance of patrol vehicles. Currently, the revenues collected for these fees are deposited into the General Fund. According to the Department of Revenue and Taxation's preliminary report of safety inspection fee collections were \$297,143 in FY2012 and \$295,629 in FY2013. Safety inspection fees could increase with an amendment allowing DRT to increase fees charged every two (2) years. If this bill is passed, collections will cease from being deposited to the General Fund with a fiscal impact of an average of \$296K each fiscal year.



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March 25, 2014

VIA E-MAIL

john.rios@bbmr.guam.gov

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

RE: Request for Fiscal Notes– Bill Nos. 293-32 (COR) through 295-32(COR)

Hafa Adai Mr. Rios:

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

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

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
<p>293-32 (COR)</p>	<p>T.A. Morrison A.A. Yamashita. Ph.D.</p>	<p>AN ACT TO AMEND §61542 OF CHAPTER 61 OF 21GCA RELATIVE TO POLITICAL SIGNS.</p>
<p>294-32 (COR)</p>	<p>D.G. RODRIGUEZ, Jr. B.J.F. CRUZ C.M. DUENAS J.T. WON PAT, Ed.D. A.A. YAMSHITA, Ph.D V.ANTHONY ADA R.J. RESPICIO B.T. McCREADIE T.A. MORRISON</p>	<p>AN ACT TO ESTABLISH THE “POLICE PATROL VEHICLE & EQUIPMENT REVOLVING FUND” , BY ADDING A NEW SECTION § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED; AND TO PROVIDE FUNDING BY AMENDING § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16,GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES.</p>
<p>295-32 (COR)</p>	<p>FRANK B. AGUON, JR</p>	<p>AN ACT TO ADD A §849.7 TO CHAPTER 1 OF ARTICLE 1 OF TITLE 1 GUAM CODE ANNOTATED; RELATIVE TO NAMING THE TIYAN FOOTBALL FIELD IN HONOR OF “MIKKEL TAN I. VY FOUNDATION.”</p>



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March 24, 2014

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

Subject: Referral of Bill No. 294-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 294-32(COR)**.

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

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

Si Yu'os Ma'åse!

Attachment

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

Bill No. 294 -32 (COR)

Introduced by:

D.G. RODRIGUEZ, Jr.
B.J.F. CRUZ
C.M. DUENAS
J.T. WON PAT, Ed.D.
A.A. YAMSHITA, Ph.D.
V. ANTHONY ADA
R.J. RESPICIO
B.T. McCREADIE
T. Morrison

2014 MAR 24 PM 3:57

AN ACT TO ESTABLISH THE “POLICE PATROL VEHICLE & EQUIPMENT REVOLVING FUND”, BY ADDING A NEW SECTION § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED; AND TO PROVIDE FUNDING BY AMENDING § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the annual vehicle safety inspection program is an effective tool to keep
4 dangerous vehicles off the roadways and keep our community safe. However, we
5 realize that it is the police officer that patrols the beat who is key to ensuring the
6 safety and security of the community every day of the year.

7 *I Liheslaturan Guåhan* also finds that the number of cars in the Guam Police
8 Department’s fleet that are in-service and available for patrolling our streets and
9 neighborhoods has dropped to an unacceptable level, delaying police services to
10 our community and hindering response to emergencies, thus endangering the lives

1 of our residents. In order to keep the Department’s vehicle fleet operating, GPD
2 has had to rely on generous donations of patrol cars, motorcycles and scooters
3 from private business as well as the occasional identification of federal funds to
4 ensure that the heart of our economic center in Tumon is protected. Additionally,
5 throughout the Department, our dedicated public servants have been spending their
6 personal funds for many years to keep the Department’s aging fleet and equipment
7 operating, so that they can continue to serve and protect our community, island-
8 wide.

9 Therefore, *I Liheslaturan Guåhan*, recognizing that it is a fundamental
10 responsibility of the government of Guam to provide for public safety, and that the
11 Guam Police Department is a primary instrumentality to provide for the public
12 safety and security needs of our Island, it is the *intent* of that a portion of the
13 vehicle safety inspection program be utilized support effective police enforcement.
14 And towards that end, *I Liheslaturan Guåhan* intends to establish a more
15 sustainable funding source by allocating a portion of the vehicle safety inspection
16 fees be dedicated to fund the continuous purchase of police vehicles, maintenance
17 and equipment so that the residents of Guam may be ensured the best possible
18 police services, unhindered by a lack of equipment or maintenance.

19 **Section 2.** Subsection (a) and (b) of § 3602, Article 6, Chapter 3, Title 16,
20 Guam Code Annotated, are hereby *AMENDED*, to read:

21 **“§ 3602. Regulations: Fee.**

(a) The Director of Revenue and Taxation is hereby authorized to make necessary rules and regulations, subject to the approval of I Maga’Lahi, for the administration and enforcement of inspections required under § 3601, including designation of the period or periods of time within which said inspections shall be

made and for the issuance and use of decalcomania or other identification to be attached to vehicles with reference to inspection status.

(1) The Director shall, commencing on January 01, 2015, and every two (2) years thereafter, review the safety inspection fee, and may increase or decrease the fee by an amount not greater or less than ten percent (10%). This adjustment shall not require the concurrence of the Legislature, provided, however, any proposed increase in excess of ten percent (10%) shall require the Director to conduct the rate review and adoption process of the proposed increase pursuant to Article 3, Chapter 9 [Administrative Adjudication Law], Division 1, Title 5, Guam Code Annotated.

1 (b) The fee to be charged for each such inspection shall be Fifteen Dollars
2 (\$15), inclusive of the administrative fee (also known as the ‘Official Vehicle
3 Inspection Safety (OVIS) Fee’) which shall be calculated at twenty percent (20%)
4 of the current fee. Provided, that the existing OVIS Fee of Three Dollars (\$3) shall
5 not be adjusted below this amount. The fee for re-inspection done pursuant to §
6 3601(c) shall be Two Dollars (\$2). Commercial and Armed Forces of the United
7 States vehicle safety inspection stations shall retain all fees collected, as payment
8 for inspection services rendered, however, such stations shall be required to
9 purchase official inspection administrative forms from the Department of Revenue
10 and Taxation. ~~All fees received by the Department of Revenue and Taxation shall~~
11 ~~be deposited in the General Fund of the Treasury of Guam.~~

(1) The total portion of all fees collected for the administrative fee (a.k.a., the ‘Official Vehicle Inspection Safety (OVIS) Fee’) shall be deposited into the “Police Patrol Vehicle & Equipment Revolving Fund”, a separate account established pursuant to § 77135 of Article 1, Chapter 77, Title 10, Guam Code Annotated, for that purpose.

1 **Section 3.** A *NEW* Section § 77135 -POLICE PATROL VEHICLE &
2 EQUIPMENT REVOLVING FUND, is hereby *ADDED* to Article 1, Chapter 77
3 of Title 10, Guam Code Annotated, to read:

4 “§ 77135. POLICE PATROL VEHICLE & EQUIPMENT
5 REVOLVING FUND; Establishment. There is hereby established a “Police
6 Patrol Vehicle & Equipment Revolving Fund (Fund)”, to be maintained by the
7 Department of Administration for the *sole* the benefit of the Guam Police
8 Department. The Fund *shall* be established and maintained in a bank account apart
9 and separate from the General Fund or any other bank account(s) of the
10 government of Guam, and *shall not* be co-mingled with, or a part of, the General
11 Fund. All funds due or accruing to the account from whatever source(s), as
12 provided or authorized pursuant to applicable law, inclusive of any interest, *shall*
13 be deposited in the Fund in its entirety immediately upon receipt by the
14 government of Guam. The Fund *shall not* be subject to the transfer authority of *I*
15 *Maga’lahan Guåhan*. It is further, provided, that:

16 (a) Funding. The Police Patrol Vehicle & Equipment Revolving Fund
17 *shall* be funded by, but is not limited to, fees collected and allocated in accordance
18 with Title 16 G.C.A. § 3602 (b), and, it is further, provided:

19 (1)All monies received, collected from or paid by parties responsible for
20 damages to vehicles owned by the Guam Police Department *shall* be
21 deposited in the Fund;

22 (b) Purpose. The primary and *sole* purpose of the Fund is the acquisition
23 of vehicles and requisite associated equipment, and to support the repair and

1 maintenance needs for vehicles of the Guam Police Department on a fiscal year
2 basis;

3 (c) Authorized Expenditure and Continuing Appropriation. All monies in
4 the Fund are hereby APPROPRIATED, and shall be deemed APPROPRIATED on
5 a CONTINUING basis and shall not lapse, and shall not be subject to
6 appropriation constraints in order to be expended for the purposes of acquiring,
7 repairing, and maintaining vehicles and requisite associated equipment for the
8 Guam Police Department. It is further, provided:

9 (1) Not less than thirty-three percent (33%) of the annual revenue
10 collected by the fund shall be used solely for the purchase of new
11 police patrol vehicles within the government of Guam fiscal year
12 during which such funding was generated from revenue received.

13 (i) The expenditure prioritization mandate pursuant to this
14 Item (1) shall not apply to the purchase of non-patrol vehicles for
15 administrative utilization purposes, which is prohibited.

16 (ii) Any unexpended funds remaining at the end of the fiscal
17 year shall continue to be available for expenditure in the next fiscal
18 year solely for the purposes of this Item (1).

19 (2) The Guam Police Department may expend a portion of the Fund to
20 subsidize the utilization of privately owned vehicles for police service,
21 patrol duty and other law enforcement related functions, as provided
22 pursuant to 10 GCA Chapter 65.

23 (3) The Guam Police Department may expend a portion of the Fund to
24 pursue the collection of just compensation from parties responsible for
25 damages to vehicles owned by the Guam Police Department.

26 (d) Reporting. Any and all collections deposited into and/or expenditures
27 from the Fund shall be reported quarterly to I Maga'lahan Guåhan and the

1 Speaker of I Liheslaturan Guåhan, and the Guam Police Department, in
2 conjunction with the Department of Administration, shall report and maintain full
3 compliance with all financial reporting requirements of the government of Guam
4 pursuant to applicable law. The Fund shall be subject to review and audit by the
5 Office of Public Accountability, which shall provide I Maga'lahan Guåhan and
6 the Speaker of I Liheslaturan Guåhan with a copy of any audited report; and

7 (e) The Chief of Police shall submit an annual spending plan for the Fund
8 in accordance with and at the same time as the Bureau of Budget and Management
9 Research budget call. The spending plan shall include the actual experience of the
10 fund, and any shortfalls experienced for the current fiscal year, or anticipated for
11 the succeeding fiscal year. A budget request for additional funding as is required
12 for necessary vehicle acquisition, repairs and maintenance shall be in provided for
13 in the Budget Request of the Executive Branch for the Department for the
14 succeeding fiscal year.”

15 **Section 4. Promulgation of Rules and Codification in GARR; 10 GCA,**
16 **Chapter 56 – Automobiles, § 56101.6 - Regulations Regarding Subsidized**
17 **Vehicles.** (a) The Chief of Police shall review and ensure that the enactment of
18 regulations pursuant to and consistent with Chapter 65 of Title 10, Guam Code
19 Annotated, has been duly promulgated and updated pursuant to Article 3 [Rule-
20 Making Procedures], Chapter 9 [Administrative Adjudication Law], Division 1,
21 Title 5, Guam Code Annotated [Government Operations], and which shall be
22 codified in Article 7 of Title 27, Guam Administrative Rules and Regulations.

23 (b) A NEW Article 7 - Privately Owned Vehicles for Police Service
24 Policy, is hereby established under Title 27 – Public Safety, Guam Administrative
25 Rules and Regulations.

1 **Section 5. Severability.** *If* any provision of this Act or its application to any
2 person or circumstance is found to be invalid or contrary to law, such invalidity
3 shall *not* affect other provisions or applications of this Act which can be given
4 effect without the invalid provisions or application, and to this end the provisions
5 of this Act are severable.

6 **Section 6. Effective Date.** This Act shall become immediately effective
7 upon enactment.