

I MINA'TRENTAI UNU NA LIHESLATURÁN GUÅHAN
2011 (FIRST) Regular Session

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Bill No. 294-31(LS)

Introduced by:

Adolpho B. Palacios, Sr.



AN ACT TO AMEND §66103 OF CHAPTER 66, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO THE CIVILIAN VOLUNTEER POLICE RESERVE, TO ADD A NEW §66103.1 TO SAID CHAPTER RELATIVE TO ESTABLISHING THE “ACCESSIBLE PARKING AND LAW ENFORCEMENT FUND”, AND TO AMEND §3401.1(e) OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO ACCESSIBLE PARKING FOR PERSONS WITH DISABILITIES.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the Accessible Parking Fund (“Fund”), established as the *Disabled*
4 *Parking Fund* in 1985 through P.L. 18-28, was originally used to pay for the
5 installation and maintenance of accessible parking spaces at government of
6 Guam buildings. The *Disabled Parking Fund*, administered at the time by
7 the Director of the Department of Public Works, was also used to cover
8 costs for the installation of appropriate parking signs and for the fabrication
9 of removable windshield placards for registered users.

10 *I Liheslaturan Guåhan* finds that in 1995 through P.L. 23-11, the
11 *Disabled Parking Fund* was renamed to its current nomenclature and the
12 Governor’s Commission on Persons with Disabilities was assigned the
13 responsibility of maintaining such fund. Proceeds of the Fund were

1 designated for use in an aggressive media campaign to help educate the
2 public about the human aspects of parking in an accessible parking space
3 and its impact on persons with disabilities.

4 In 1997 through P.L. 24-16 *I Liheslaturan Guåhan* further amended
5 the Fund's enabling statute, 5GCA §50111(c), and assigned the Department
6 of Integrated Services for Individuals with Disabilities with the
7 responsibility of maintaining fund proceeds. *I Liheslaturan Guåhan* also
8 mandated that the Fund be used to cover costs associated with monitoring
9 compliance of accessible parking laws.

10 Nearly a decade later P.L. 28-130, through recommendations made in
11 the Office of the Public Auditor's Report No. 06-03 dated April 2006, *I*
12 *Liheslaturan Guåhan* repealed 5GCA §50111(c) which effectively closed
13 what was reported to be an inactive fund account of the government of
14 Guam. P.L. 28-130 also appropriated Five Thousand Dollars (\$5,000.00)
15 from a balance of Five Thousand, Five Hundred Sixty Six Dollars
16 (\$5,566.00) to the Guam Police Department (GPD) for the purpose of
17 training volunteers who would assist with the enforcement of accessible
18 parking laws. The remaining balance was to be transferred into the General
19 Fund.

20 *I Liheslaturan Guåhan*, through information recently received from
21 the Chief of Police, finds that the Accessible Parking Fund was not closed
22 and that fines and fees continue to be deposited into the Fund. As of the
23 latter part of August 2011, the Fund has a balance of approximately Two
24 Hundred Fifty Thousand, Two Hundred Seventy Six Dollars and Eighty
25 Eight Cents (\$250,276.88). Based on this information the Chief of Police
26 has requested the assistance of the Chairman of the Committee on Public
27 Safety, Law Enforcement and Judiciary by introducing legislation that

1 would authorize GPD to use proceeds from the Fund for the Civilian
2 Volunteer Police Reserve (CVPR) and Community Assisted Policing Effort
3 (CAPE) programs. Funds would be used to pay for equipment, supplies, and
4 training activities for reservists and volunteers assigned to these units.
5 Police Reservists and CAPE volunteers continue to assist regular full-time
6 officers with the enforcement of accessible parking and other public safety
7 and law enforcement mandates.

8 *I Liheslaturan Guåhan* also finds that the Chief of Police has
9 requested that such legislation authorize GPD to extend the use of Fund
10 proceeds to pay for similar requirements of the agency’s operations bureau,
11 including repairs to highway patrol vehicles, acquisition of police equipment
12 and supplies, and for other purposes aimed at strengthening GPD’s ability to
13 enforce accessible parking and other public safety and law enforcement
14 mandates.

15 It is therefore the intent of *I Liheslaturan Guåhan* to re-establish the
16 Accessible Parking Fund and to specifically designate such Fund within
17 Chapter 66 of Title 10, Guam Code Annotated relative to the Civilian
18 Volunteer Police Reserve program. *I Liheslaturan Guåhan* intends for GPD
19 to maintain the use of the Fund and ensure that proceeds are used to assist
20 with the enforcement of accessible parking and other public safety and law
21 enforcement mandates toward the preservation of law and order.

22 **Section 2. Training, Equipping and Maintenance of Records;**
23 **Accessible Parking and Law Enforcement Fund.** Section 66103 is hereby
24 *amended* and a new Section 66103.1 is *hereby* added, both of Chapter 66,
25 Title 10, Guam Code Annotated, to read:

26 **“66103. Training, Equipping and Maintenance of Records.**

1 The Chief of Police shall devise a program whereby the ~~police~~
2 ~~and fire divisions of the~~ Guam Police Department, and the Civil
3 Defense Office, provide the members of the Civilian Volunteer Police
4 Reserve training in ~~crime and fire prevention control~~, law enforcement
5 and operational techniques and procedures for natural and man-made
6 emergencies. The Civilian Volunteer Police Reserve shall maintain a
7 roster of volunteers who have received the training prescribed herein.
8 In order to maintain membership in the Reserve, each member must
9 keep up with his scheduled training and no volunteer may remain in
10 the Reserve if he or she is unable to keep up with or otherwise absorb
11 the training. Additionally, basic supplies and equipment shall be
12 provided to assure a constant and operability of the Civilian Volunteer
13 Police Reserve, including a continuing program for replacement.

14 **§66103.1. Accessible Parking and Law Enforcement Fund.**

15 There is hereby created, separate and apart from other funds of
16 the government of Guam, a fund to be known as the “Accessible
17 Parking and Law Enforcement Fund”. Fines collected pursuant to
18 §3401.1 of Article 4, Chapter 3, Title 16, Guam Code Annotated shall
19 be deposited into this Fund.

20 This Fund shall not be commingled with the General Fund or
21 any other fund of the government of Guam. The Accessible Parking
22 and Law Enforcement Fund shall not be transferred by I Maga'låhen
23 Guåhan nor borrowed against.

24 Proceeds of this Fund shall be used exclusively for the purpose
25 of enforcing the public's compliance with accessible parking and
26 other public safety and law enforcement mandates toward the
27 preservation of law and order. The Chief of Police shall determine

1 appropriate use of the Fund’s proceeds, which shall be limited to the
2 purchase of equipment and supplies, training of active and volunteer
3 personnel, and other purposes he or she deems critical to
4 strengthening the work of the agency’s Civilian Volunteer Police and
5 Community Assisted Policing Effort programs.

6 The Chief of Police shall account for and administer the
7 Accessible Parking and Law Enforcement Fund, and shall prepare and
8 submit to the Speaker of I Liheslaturan Guåhan monthly reports
9 reflecting all transactions and other information summarizing the
10 financial condition of this Fund.”

11 **Section 3. Accessible Parking for Persons with Disabilities.**

12 §3401.1(e) of Article 4, Chapter 3, Title 16, Guam Code Annotated is
13 hereby *amended* to read as follows:

14 “(e) A violation of Subsections (b), (c), or (d) of this Section is
15 punishable by a fine of *no less than* Three Hundred Dollars (\$300.00)
16 and *no more than* Five Hundred Dollars (\$500.00). A violation of
17 Subsections (b)(1) or (c) of this Section, or of Title 16 GCA Chapter
18 3, or §3401(d) by any individual(s) qualifying as a disabled person, as
19 defined within Title 16 GCA §7120.1(a)(2), may have citation(s)
20 dismissed upon the presentation of a special license plate or a
21 removable windshield placard obtained pursuant to §7120.1 of Title
22 16, GCA before the Court. The Courts may, at its discretion and by
23 direction, create a methodology and system that authorizes the
24 administrative support services of the Courts to certify the
25 presentation of a placard by a person with a disability for the purposes
26 of dismissal in order to forgo the need of a personal court appearance,
27 and that such methodology and system strongly consider the potential

1 for abuse. All fines imposed hereunder by the Court *shall* be
2 deposited into the Accessible Parking and Law Enforcement Fund,
3 maintained by the Guam Police Department pursuant to Title 510
4 GCA ~~§50111(e)~~66103.1. Additionally, any vehicle(s) illegally parked
5 pursuant to this Subsection, may be towed; and the owner of such
6 vehicle(s) will be liable for reasonable towing expenses, which *shall*
7 constitute a lien against the offending vehicle.”

8 **Section 4. References made to the “Accessible Parking Fund”.**

9 References made in the Guam Code Annotated relative to the
10 “Accessible Parking Fund” shall be replaced with the “Accessible Parking
11 and Law Enforcement Fund”.

12 **Section 5. Effective Date.** This Act shall be effective upon
13 enactment.