

I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2010 (SECOND) Regular Session

MAY 2010

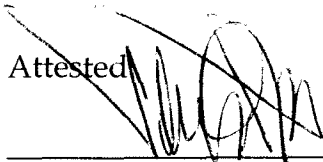
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 316-30 (LS), "AN ACT TO ADD NEW DEFINITIONS (ss), (tt), AND (uu) TO §1102 OF CHAPTER 1, TITLE 16; TO ADD NEW §§ 3102.2, 3102.3 AND 3102.4 TO CHAPTER 3, TITLE 16; AND TO ADD A NEW §6233 TO ARTICLE 2, CHAPTER 6, TITLE 4, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING CHARGES AND COMPENSATION FOR DEPARTMENT OF REVENUE AND TAXATION EXAMINERS WHO PERFORM OFF-DUTY EXAMINATIONS", was on the 3<sup>rd</sup> day of May, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.  
Speaker

Attested



Tina Rose Muña Barnes  
Legislative Secretary

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This Act was received by I Maga'lahaen Guåhan this 5<sup>th</sup> day of May, 2010, at 4:00 o'clock P.M.



Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:

\_\_\_\_\_  
FELIX P. CAMACHO  
I Maga'lahaen Guåhan

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

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

***I MINA'TRENTA NA LIHESLATURAN GUÅHAN***  
**2010 (SECOND) Regular Session**

**Bill No. 316-30 (LS)**

As amended.

Introduced by:

T. C. Ada  
A. B. Palacios, Sr.  
F. F. Blas, Jr.  
V. Anthony Ada  
F. B. Aguon, Jr.  
E. J.B. Calvo  
B. J.F. Cruz  
J. V. Espaldon  
Judith P. Guthertz, DPA  
T. R. Muña Barnes  
v. c. pangelinan  
R. J. Respicio  
Telo Taitague  
Ray Tenorio  
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* NEW DEFINITIONS (ss), (tt), AND (uu) TO §1102 OF CHAPTER 1, TITLE 16; TO *ADD* NEW §§ 3102.2, 3102.3 AND 3102.4 TO CHAPTER 3, TITLE 16; AND TO *ADD* A NEW §6233 TO ARTICLE 2, CHAPTER 6, TITLE 4, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING CHARGES AND COMPENSATION FOR DEPARTMENT OF REVENUE AND TAXATION EXAMINERS WHO PERFORM OFF-DUTY EXAMINATIONS.**

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

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

3 that commercial vehicle drivers provide an integral service in facilitating the  
4 movement of people, supplies, materials, and commodities throughout the island.  
5 Over the next few years, as a result of the military buildup, the demand for  
6 commercial drivers licenses will significantly increase; further adding to the  
7 workload of an already understaffed Drivers License Examination Branch of the  
8 Motor Vehicle Division within the Department of Revenue of Taxation.

9           In anticipation of the increase demand and the current backlog existing at the  
10 Department of Revenue and Taxation in conducting road examinations for  
11 commercial drivers licenses, *I Liheslaturan Guåhan* finds that it is critical that  
12 Department of Revenue and Taxation be provided the necessary authority and  
13 resource to address this “choke point” in the transportation of people, supplies,  
14 materials, and commodities around the island of Guam.

15          *I Liheslaturan Guåhan* further finds that as a consequence of the backlog,  
16 private sector employees are not qualified to receive higher paying commercial  
17 driving jobs or promotions because they are unable to obtain a commercial drivers  
18 license; which can translate up to a forty percent (40%) increase in salary for an  
19 individual employee.

20          *I Liheslaturan Guåhan* intends to authorize the Department of Revenue and  
21 Taxation to administer “off-duty” road examinations for commercial drivers  
22 licenses. This authorization requires that the Department of Revenue and Taxation  
23 develop and implement rules and regulations that would address the procedures for  
24 this *Service*.

25           **Section 2.   Definitions.** New definitions (ss) (tt) and (uu) are *added* to  
26 §1102 of Chapter 1, Title 16, GCA, as follows:

1           “(ss) *Examiner* means an Examiner duly employed by the  
2 Department of Revenue and Taxation Agency, government of Guam,  
3 authorized to administer a commercial drivers license road examination.

4           (tt) *Fund* means the Examiner Off-Duty Services Fund.

5           (uu) *Services* means Chauffeurs License Endorsement B, C, D and G  
6 road examinations.”

7       **Section 3.** New §§ 3102.2, 3102.3 and 3102.4 are hereby *added* to Article  
8 1 of Chapter 3, Title 16, GCA, to read as follows:

9       **“§3102.2. Charges for Examiner Off-Duty Services.**

10           (a) Charges for *Services* by Department of Revenue and Taxation  
11 Examiners. Any person that requires the *Services* of an Examiner(s) upon  
12 special request, subject to the approval of the Director, on Saturdays,  
13 Sundays, or holidays between the hours of 8:00 a.m. and 5:00 p.m. *shall* be  
14 charged for *Services* as are rendered by Examiners as follows:

15           (1) for the first hour or fraction thereof, a rate of three (3)  
16 times the Examiner’s, or Examiners’, hourly wage (3.0 x hourly wage  
17 rate) for each Examiner requested to perform *Services*;

18           (2) after the first hour, but *only* after fifteen (15) minutes  
19 have elapsed, a rate of one and a half (1½) times each Examiner’s  
20 hourly wage rate during such hour, or each hour thereafter, but *not to*  
21 *exceed* a maximum charge of Two Hundred Seventy-five Dollars  
22 (\$275.00) per Examiner per examination.

23           (b) Non-Performance of *Services*. If *Services* have been requested  
24 and the Examiner(s) has reported to work, and the *Services* are *not*  
25 performed by reason of circumstances beyond the control of the Examiner(s)  
26 concerned, the requesting party *shall* be charged in accordance with  
27 §3102.2(a) on the same basis as though the *Services* had actually been

1 performed during the time the Examiner was ordered to report for duty and  
2 did so report, and the time the Examiner was notified that the Examiner's  
3 *Services* would *not* be required.

4 (c) Other Charges. In addition to charges authorized under  
5 §3102.2(a) and (b), all other commercial drivers license fees and charges  
6 apply.

7 **§3102.3. Payment.**

8 (a) Payments Due. All person(s) requesting the *Services* of  
9 Department of Revenue and Taxation Examiner(s) under §3102.2 *shall*  
10 make payments to the '*Treasurer of Guam*' *no later than* the day *prior to* the  
11 delivery of *Services* and *shall* provide a copy of the payment receipt to the  
12 assigned Examiner prior to the examination.

13 **§3102.4. Examiner Off-Duty Services Fund.**

14 (a) Fund Established. There is hereby established, within the  
15 Department of Revenue and Taxation, the '*Examiner Off-Duty Services*  
16 *Fund*', which *shall* be separate and apart from the General Fund, and for  
17 which independent records *shall* be maintained.

18 (b) Deposits. All monies received in accordance with this Act *shall*  
19 be deposited into the Fund.

20 (c) Authorized Expense(s). All authorized expenses for providing  
21 Examination *Service(s)* pursuant to this Act *shall* be paid by the Treasurer of  
22 Guam from the Examiner Off-Duty Services Fund upon the submittal of  
23 vouchers certified by the Director of Revenue and Taxation. The Director  
24 *shall* use overtime funds authorized under Public Law 30-55 to pay for  
25 *Services* pursuant to this Act, which *shall* be immediately reimbursed from  
26 funds deposited into the Examiner Off-Duty Services Fund. Each Examiner

1        *shall* be responsible for employer retirement contributions which may be  
2        applicable on their behalf.

3            (d) Report. On the first January after the enactment of this Act, and  
4        every six (6) months thereafter, the Director of Revenue and Taxation *shall*  
5        prepare and transmit to the Speaker of *I Liheslaturan Guåhan*, via *I*  
6        *Maga'lahen Guåhan*, a detailed report on the status of the Examiner Off-  
7        Duty Services Fund, to include an itemization of expenditures charged  
8        against the Fund.”

9        **Section 4.** A new §6233 is hereby *added* to Article 2, Chapter 6 of Title 4  
10       of the Guam Code Annotated as follows:

11        “§6233.        **Department of Revenue and Taxation Examiner:**

12            **Compensation.** Any Examiner who has performed off-duty  
13        *Services* pursuant to this Act *shall* be compensated at the rate of three (3)  
14        times the Examiner’s hourly wage rate for the first hour of service provided,  
15        and one and a half times (1½) the Examiner’s hourly wage rate *after* the first  
16        hour of said service; *provided*, that the Examiner *shall* perform *no less than*  
17        fifteen (15) minutes of service for the second hour, or each hour thereafter,  
18        before receiving credit and compensation for the full hour.”

19        **Section 5. Severability.** *If* any provision of this Law or its application to  
20        any person or circumstance is found to be invalid or contrary to law, such  
21        invalidity shall *not* affect other provisions or applications of this Law which can be  
22        given effect without the invalid provisions or application, and to this end the  
23        provisions of this Law are severable.