



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.