

Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
LESIANAN, MAGA LAHI
AGANA, GUAM, P.M.C. USA

RECEIVED OCT 1 1982
CFO - 9:40 a.m.

**REFER TO
LEGISLATIVE SECRETARY**

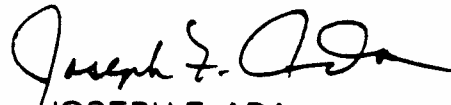
SEP 30 1982

The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 858 which I have signed into law this date, as
Public Law No. 21-138.

Sincerely,


JOSEPH F. ADA
Governor

210957

Attachment

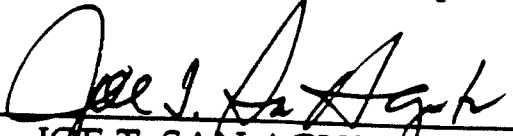


Commonwealth Now!

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

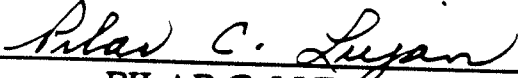
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 858 (COR), "AN ACT TO AUTHORIZE THE DEPARTMENT OF REVENUE AND TAXATION TO PROVIDE TRANSLATIONS OF THE DRIVER'S LICENSE STUDY GUIDE AND TO GIVE WRITTEN DRIVERS' EXAMINATIONS IN LANGUAGES OTHER THAN ENGLISH, AND MAKING AN APPROPRIATION THEREFOR; AND TO AMEND SUBSECTION (a) OF SECTION 6 OF PUBLIC LAW 21-124 TO EXTEND THE TIME LIMIT FOR THE PORT'S LEASE CONSULTANT TO REPORT," was on the 18th day of September, 1992, duly and regularly passed.




JOE T. SAN AGUSTIN
Speaker

Attested:



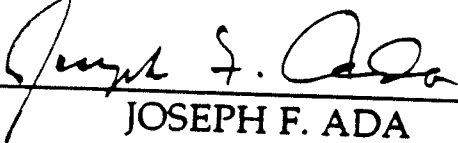
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 18th day of September, 1992,
at 4:52 o'clock P.M.



Chereese J. Duenas
Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: SEP 20 1992

Public Law No. 21-138

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 858 (COR)
As amended on the floor

Introduced by:

G. Mailloux
J. P. Aguon
E. P. Arriola
M. Z. Bordallo
H. D. Dierking
C. T. C. Gutierrez
P. C. Lujan
D. Parkinson
J. T. San Agustin
F. R. Santos
D. L. G. Shimizu
J. G. Bamba
A. C. Blaz
D. F. Brooks
E. R. Dueñas
E. M. Espaldon
M. D. A. Manibusan
M. J. Reidy
M. C. Ruth
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO AUTHORIZE THE DEPARTMENT OF REVENUE AND TAXATION TO INCLUDE TRANSLATIONS OF THE DRIVER'S LICENSE STUDY GUIDE AND TO GIVE WRITTEN DRIVERS' EXAMINATIONS IN LANGUAGES OTHER THAN ENGLISH, AND MAKING AN APPROPRIATION THEREFOR; AND TO AMEND SUBSECTION (a) OF SECTION 6 OF PUBLIC LAW 21-124 TO EXTEND THE TIME LIMIT FOR THE PORT'S LEASE CONSULTANT TO REPORT.

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

1 **Section 1. (a) Legislative findings.** The Legislature finds that the
2 diverse ethnic makeup of the territory of Guam has resulted in many people
3 who wish to drive having had difficulty obtaining driver's licenses from the
4 Division of Motor Vehicles because of their lack of English language skills. In
5 the past, the Motor Vehicle Division personnel have allowed applicants to
6 use translators. This system, which has not been successful in other
7 jurisdictions, is not reliable. California has translated the driver's
8 examination into several languages and has included all requested language
9 translations in its computer data bank. The Department of Revenue and
10 Taxation, Division of Motor Vehicles, is computerized now and has the same
11 capability to provide translations of study materials and written driver's
12 license examinations.

13 (b) The Legislature authorizes the Department of Revenue and
14 Taxation to provide study materials and driver's license examinations in
15 Chamorro, Japanese, Tagalog, Korean, Chinese, and other languages as they
16 deem necessary.

17 (c) Ten Thousand Dollars (\$10,000) are hereby appropriated from the
18 General Fund to the Department of Revenue and Taxation to begin the
19 necessary translations.

20 **Section 2.** Section 6(a) of Public Law 21-124 is amended to read:

21 "(a) **Financial review.** The Governor shall retain a
22 financial consultant as soon as practicable after the effective date
23 of this Act to review the provisions of the Lease as set out in
24 Exhibit B to ensure that its financial terms and conditions are fair
25 to the Lessee and the Authority. Within ninety (90) days after the
26 effective date of this Act, the financial consultant shall advise the

1 Authority whether the Lease is satisfactory in its financial terms
2 and conditions. If it is not, then such consultant shall submit to the
3 Legislature, through the Authority, recommended changes to the
4 Lease. The Legislature may approve, disapprove or further
5 amend any such recommended amendments within forty-five (45)
6 days from the date of their filing with the Legislature. If the
7 Legislature fails to take action thereon within such period, the
8 Lease shall be deemed amended as recommended, and the Lease,
9 as so amended, shall be deemed in final form, which final form
10 shall be submitted to the Attorney General."

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Date: 9/18/92

VOTING SHEET

Bill No. 858
 Resolution No. _____
 Question: _____

	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
<u>AGUON, John P.</u>	✓			
<u>ARRIOLA, Elizabeth P.</u>	✓			
<u>BAMBA, J. George</u>	✓			
<u>BLAZ, Anthony C.</u>	✓			
<u>BORDALLO, Madeleine Z.</u>	✓			
<u>BROOKS, Doris F.</u>		✓		
<u>DIERKING, Herminia D.</u>	✓			
<u>DIENAS, Edward R.</u>				
<u>ESPALDON, Ernesto M.</u>	✓			
<u>GUTIERREZ, Carl T.C.</u>	✓			
<u>LUJAN, Pilar C.</u>	✓			
<u>MAILLOUX, Gordon</u>	✓			
<u>MANIBUSAN, Marilyn D.A.</u>	✓			
<u>PARKINSON, Don</u>	✓			
<u>REIDY, Michael J.</u>	✓			
<u>RUTH, Martha C.</u>	✓			
<u>SAN AGUSTIN, Joe T.</u>	✓			
<u>SANTOS, Francisco R.</u>	✓			
<u>SHIMIZU, David L.G.</u>	✓			
<u>TANAKA, Thomas V.C.</u>	✓			
<u>UNPINGCO, Antonio R.</u>	✓			

Twenty-First Guam Legislature

155 Hesler Street
Pacific Arcade
Agana, Guam 96910
Phone: (671) 472-3407/8/9
FAX: (671) 477-3161



Chairman, Committee
on Ways & Means

Vice-Chairman, Committee
on Tourism & Transportation

CARL T. C. GUTIERREZ
Senator

September 8, 1992

Honorable Speaker Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Ways & Means wishes to report out its findings on **BILL NO. 858** "AN ACT TO AMEND TITLE XVI TO INCLUDE TRANSLATIONS OF THE DRIVER'S LICENSE STUDY GUIDE AND WRITTEN EXAMINATION IN LANGUAGES OTHER THAN ENGLISH" to the full Legislature with the recommendation to do Pass as Introduced by the Committee on Ways and Means.

The Committee Voting Record is as follows:

TO PASS:	<u>8</u>
NOT TO PASS:	<u>0</u>
ABSTENTIONS:	<u>0</u>
INACTIVE FILE:	<u>0</u>

Copies of the Committee Report and all pertinent documents are attached for your information.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Gutierrez", is written over the typed name.

CARL T. C. GUTIERREZ
Chairman, Committee on
Ways & Means

Twenty-First Guam Legislature
Committee on Ways & Means

VOTING SHEET

BILL NO.

858

AN ACT TO AMEND TITLE XVI TO INCLUDE TRANSLATIONS OF THE
DRIVER'S LICENSE STUDY GUIDE AND WRITTEN EXAMINATION IN
LANGUAGES OTHER THAN ENGLISH.

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
<i>[Signature]</i> Senator Carl T. C. GUTIERREZ Chairman	✓			
<i>[Signature]</i> Senator Herminia D. DIERKING Vice-Chairman	✓			
<i>[Signature]</i> Senator John P. AGUON Member	✓			
<i>[Signature]</i> Senator Elizabeth P. ARRIOLA Member	✓			
<i>[Signature]</i> Senator George BAMBA Member				
<i>[Signature]</i> Senator Anthony BLAZ Member				
<i>[Signature]</i> Senator Doris F. BROOKS Member	✓			
Senator Ernesto M. ESPALDON Member				
Senator Marilyn MANIBUSAN Member				
Senator Don PARKINSON Member				
<i>[Signature]</i> Senator Michael J. REDDY Member				
<i>[Signature]</i> Senator Martha C. RUTH Member	✓			
<i>[Signature]</i> Senator David SHIMIZU Member	✓			
Speaker Joe T. SAN AGUSTIN Ex-Officio Member				

*Todorum
in floor*

*For floor 9/13/12
discussion only*

MAY 11 '92

Bill No. 858(COR)

Introduced by:

G. Mailloux

G. Mailloux

AN ACT TO AMEND TITLE XVI TO INCLUDE
TRANSLATIONS OF THE DRIVER'S LICENSE STUDY
GUIDE AND WRITTEN EXAMINATION IN LANGUAGES
OTHER THAN ENGLISH

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

1 Section 1. Legislative Findings. The Legislature finds that the
2 diverse ethnic makeup of the Territory of Guam has resulted in
3 many people wishing to drive have had difficulty obtaining drivers'
4 licenses from the Division of Motor Vehicles because of their lack
5 of English language skills. In the past the Motor Vehicle personnel
6 have allowed applicants to use translators. This system, which
7 has not been successful in other jurisdictions, is not reliable.
8 California has translated the driver's examination into several
9 languages and has all requested language translations in their
10 computer data bank. The Department of Revenue and Taxation,
11 Division of Motor Vehicles, is computerized now and has the same
12 capability to provide translations of study materials and written
13 driver's license examinations. Therefore,

14 Section 2. The Legislature authorizes the Department of Revenue
15 and Taxation to provide study materials and driver's license
16 examinations in Japanese, Tagalog, Korean and Chinese, and other
17 languages as they deem necessary. The Legislature also authorizes
18 the government of Guam to appropriate the necessary funds for the
19 computer programs and translators to implement this Act.

20 Section 3. This amendment shall remain uncodified until such time
21 as an appropriate Chapter and/or Section is selected.

**COMMITTEE ON WAYS AND MEANS
COMMITTEE REPORT ON**

BILL NO. 858

**AN ACT TO AMEND TITLE XVI TO INCLUDE TRANSLATIONS OF THE
DRIVER'S LICENSE STUDY GUIDE AND WRITTEN EXAMINATION IN
LANGUAGES OTHER THAN ENGLISH.**

PURPOSE AND ESSENTIAL ELEMENTS

Bill No. 858 contains legislative findings that the diverse ethnic makeup of the territory has resulted in many people wishing to drive but have difficulty obtaining drivers' licenses because of lack of English skills.

This bill authorizes the Department of Revenue and Taxation to provide study materials in Japanese, Tagalog, Korean, Chinese, and other languages deemed necessary, and authorizes an appropriation of necessary funds for the computer programs and translators.

PUBLIC HEARING

The Committee on Ways and Means conducted a public hearing on Monday, June 29, 1992 at 9:00 a.m. in the Legislative Public Hearing Room to gather testimony on Bill No.858. Present at the hearing were the Chairman, Senator Carl T.C. Gutierrez, Chairman of the Committee, who conducted the hearing, being joined by Senators J. George Bamba, Anthony C. Blaz, Don Parkinson, Michael J. Reidy, Elizabeth P. Arriola, Herminia D. Dierking, Speaker Joe T. San Agustin, and Doris F. Brooks.

TESTIMONY

Persons offering testimony at the public hearing were Mr. Joseph C. Barcinas representing the Motor Vehicle Division of the Department of Revenue and Taxation who submitted written testimony and gave oral testimony against the bill; Mr. Ben Conception representing the Department of Revenue and Taxation who offered oral testimony; Ms. Irene Y. Cheng representing the United Chinese Association who offered written testimony on behalf of Mr. Robert Kao, President of the Association; Mr. Peter R. Onedera representing the Chamorro Language Commission who offered oral testimony; Mr. Larry Ko representing the Korean American Club of Guam; Mr. Gerry Marcos representing the Filipino Community of Guam who offered oral testimony; Mr. John M. Vega representing the Filipino Community of Guam who offered written testimony; Mr. Young Lee representing the Korean Association of Guam

who offered oral testimony; and Mr. Michael U. Camacho, representing himself as a citizen, who offered written testimony against the bill.

First to give testimony was Mr. Joseph Barcinas, who read written testimony on behalf of the Director of the Department of Revenue and Taxation. The testimony indicated that many persons who have come to Guam from other places do not have language skills in English and have a lack of operating experience also, or different operating experience from Guam. The testimony cited various problems that have been experienced by the Division of Motor Vehicles with trying to administer tests in foreign languages. Also, it was indicated that representatives of the Department had looked into the practises of other jurisdictions, including Hawaii, Eugene, Oregon; and San Diego, California. Some gave exams in English only, whereas California makes foreign languages available if there is a certain level of demand for them. The Director indicated that he felt first time drivers should take a drivers' education course. The Department felt that there are serious problems with driving on Guam and that usage of English in signs would make it necessary for drivers to know English to help in driving proficiency.

Mr. Peter Onedera testified next, in Chamorro, he pointed out that both English and Chamorro are the official languages of Guam, and it was felt by the Chamorro Language Commission that the drivers' exams should be given in Chamorro also if they are given in other languages other than English. Mr. Onedera questioned whether Chamorro persons do not speak and write their own language. Mr. Onedera represented that Dr. Rosa Palomo, Chairperson of the Chamorro Language Commission has the same sentiment. The Commission does not deny the importance of other languages to those who speak them, however, why is the Chamorro language being pushed aside and not included in the Bill?

Chairman Gutierrez pointed out that he was happy that Mr. Onedera had brought up these points, and that the bill as presented was only up now for public hearing and probably would be changed when reported out of the committee when all the views of those testifying were taken into account.

Mr. Larry Ko then testified, and read his oral testimony from his notes. He testified in favor of bill 858. He expressed that he had become aware of the difficulties of the Koreans on Guam, in learning English which is considered a difficult task. Mr. Ko related the story of a person who came to him for help because she had had great difficulty passing the driver's test in English, and for this reason she could not get a job or take care of

her family, but had to rely on food stamps. Mr. Ko testified that persons from different ethnic backgrounds on Guam should be allowed to take the driver's test in their own language so that they can be productive citizens and have a decent quality of life.

Senator Parkinson commented that he felt that some aspects of speaking of English are not racial, but he felt that no particular remarks should be made towards any ethnic groups. He felt that the people would have to be tested on the English language that is on road signs. Senator Parkinson pointed out that in Korea the road test would not be given in English. Also, Guam could not give road tests in every language spoken on Guam. Senator Parkinson pointed out that even though English is spoken in Korea, that the test is never given in English.

Senator Parkinson inquired concerning the remarks in the letter from the Department of Revenue and Taxation regarding cheating by certain ethnic groups, as cheating is a universal problem. Mr. Joseph Barcinas indicated that the remarks were not meant against any ethnic group, but merely cited various experiences that were encountered at the Motor Vehicle Division.

Senator Parkinson inquired how long it would take to get a driver's license if you are a new driver now. Mr. Barcinas replied that road tests are not given every day at the present time. The reason for this is that they are shorthanded with employees at the Division to administer these tests. There is a tremendous demand now for the taking of driving tests. The Division is searching around for a way to get this backlog taken care of. The Division found that the backlog is made up of many people who fail to show up and people who have been failing the test over and over again.

Mr. Barcinas reported that they are rescheduling people to take care of the backlog.

Senator Parkinson inquired how the Department would feel about privatizing some of the functions. Mr. Barcinas replied that Mr. Frank Reyes, affiliated with the Department of Highway Safety has already started a program like this, so that instructors can be certified to give the exams. Senator Parkinson pointed out that a person who gives driving lessons should not be the same person who gives the tests.

Senator Parkinson pointed out that Guam is a different situation than in some large cities, where there is an abundance of public transportation

and people can get around without a car. Not having a driver's license is quite a handicap on Guam.

Senator Parkinson indicated that a certain event that happened recently, where the entire driver's test was printed in Korean for the Korean community in the newspaper, was not a fair situation. Mr. Ko pointed out that in California where foreign language tests are available that if someone fails, that they are able to take the test home with them so that they can study the material again. Senator Parkinson indicated that California had several variations of the test, that each time it was given it would not be the identical same test. Mr. Ko indicated that people needed study guides.

Senator Parkinson was also concerned that if a person does not know any English that they may encounter some situations where make-shift signs are put up by construction crews, and the signs are not shaped in the international sign designations. He felt that some minimal amount of English should be known in order to avoid road hazards. Signs that are not standard are frequently put up in emergency situations.

Mr. Ko indicated that he had received some recent information that if you go to Korea, that the American Driver's License is recognized, without taking the test over again. That is not the case when one comes from Korea to the United States.

Mr. Barcinas reported that they do not have people who can speak all these languages working at the Motor Vehicle Division, and many times the employees have to use hand signs to communicate. They are thinking of providing translators, or having the employees learn basic levels of other languages.

Senator Reidy questioned that he would like to have more information on the statistics of accidents, and whether certain nationalities would have more accidents. Mr. Barcinas said that GPD statistics would bear this out. Senator Reidy indicated that he thought that many accidents were due to alcohol usage.

Mr. Ko indicated that he did not ask for the tests to be easier, to be a hard test, just that it be available in other languages. He felt the road test should be hard.

Mr. Young Lee also testified in favor of the bill. Mr. Lee said that he did not think that the language that the test is given in makes a poorer driver,

but the driver's skills need to be good also. He pointed out that the waiting period for taking driver's tests is very, very long and is oppressive.

Senator Reidy wanted to emphasize the international signage, that this would be a big help to persons speaking other languages than English.

Senator Blaz inquired why foreign language tests were discontinued being given by the Division. Mr. Barcinas pointed out the various problems that the Division was experiencing.

Senator Blaz wanted the Department to write another letter regarding their testimony and not make references to ethnic background in regard to criminal activities, and so forth. The employees who had been subject to the problems are no longer working there.

Mr. Barcinas reiterated that he needed more employees and better facilities to conduct these tests, and that would alleviate some of the problems.

Chairman Gutierrez asked the status of \$1.3M appropriation to build a new building for the Division of Motor Vehicles to take care of this. The building is ready to go out for bid now, but the land is not adequate to give the road tests. Chairman Gutierrez indicated that the funds would not be enough to cover the project now and that no priority is being placed upon the project.

With these comments, the Chairman closed the hearing on Bill No.858.

COMMITTEE ACTION

The Committee on Ways and Means, after consideration of the testimony offered at the public hearing, indicated that a substitute bill 858 should be reported out with the inclusion of the Chamorro language as one of the languages that is mentioned in the bill in which a driver's test is to be administered.

COMMITTEE RECOMMENDATION

The Committee on Ways and Means wishes to report out Bill 858 to the full legislature to do pass, as substituted by the committee.

Michael H. Camacho
P. O. Box 3265
Agaña, Guam 96910
June 26, 1992

The Honorable Carl T. C. Gutierrez
Senator/Chairman, Committee on Ways and Means
21st Guam Legislature
155 Hasler Street
Agaña, Guam 96910

RE: Bill No. 858 - An Act To Amend Title XVI To Include
Translations Of The Driver's License Study Guide And
Written Examination In Languages Other Than English

Dear Senator Gutierrez and distinguished members of the Ways
and Means Committee:

"Saludos!!" My name is Michael H. Camacho. I am a resident of
Guam and a registered voter.

I am writing to you because I'm under the impression that
someone is trying to enact a law, via Bill No. 858, that
would not only publish driver's license study guides in
languages other than English, but to also administer written
examinations for Guam driver's licenses in "... Japanese,
Tagalog, Korean and Chinese, and other languages..." as
deemed necessary. A photocopy of the Bill is attached for
your perusal.

Senator Gutierrez and distinguished members of the Ways and
Means Committee, I oppose Bill No. 858.

To begin with, there are only two official languages on Guam:
Chamoru and English. This is the law.

Bill No. 858 is an insult to the Chamoru people. It will
further dilute our sovereignty and identity on our own
homeland. The study guide for Guam driver's licenses are not
even published in the Island's vernacular - Chamoru. The
literature are all published in English.

In the past, the Government of Guam used to accommodate the
non-Chamoru and/or non-English speaking members of our
community by administering the written examinations for Guam
driver's licenses in Japanese, Tagalog, Korean, and Chinese.
This, to my understanding, was recently rescinded when
allegations about "fixed" driver's licenses emerged. Quite
frankly, I am glad that the policy was repealed. I only hope
that the decision stays.

Moreover, all of the Island's traffic signs are in English. I
feel that people should, perhaps, not be allowed to drive on
our Island's roadways if they can't even comprehend enough

English to understand traffic signs or the rules of prudent driving.

Driving is a privilege, not a right! The public's safety should be the first and primary concern on this issue.

Incidentally, I've been told that Guam has high traffic accident rates. I am confident that this is probably due to "Astranberus" not understanding enough English to comprehend the rules of prudent driving or traffic signs.

Last, I'd like to bring up the phrase "... When in Rome, do as the Romans do...".

Why are we always going out of our way to accommodate "Astranberus"?

I'm sick and tired of hearing about the problems and plight of outsiders. Remember, they chose to come here. They all made a decision (self-determination) to leave their homeland and reside on our Island. If they don't like the rules, then they should leave. This sentiment, by-the-way, also applies to statesiders.

I am very confident that the Japanese, Philippine, Korean, or Chinese government will not go out of their way to give Chamorus (like me for example) study guides or examinations in a language other than the host countries' vernacular. I am confident that the traffic signs in the aforementioned countries are all in the respective countries' vernacular - not Chamoru or English.

Please don't support or pass Bill No. 858.

"Si Yulio Malase!"



Michael U. Camacho

Honorable Senator H.D. Dierking
Acting Chairperson, Ways and Means
Committee and Distinguished of the
21st Guam Legislature

Good Morning!

Relative to Bill 858, " An Act to Amend Title XVI to Include Translation of the Driver's License Study Guide and Written Examination in Languages Other than English."

It is a proven fact that Guam is populated with a mixture of people of diversified nationalities. Influx of different ethnics is prevalently expected indefinitely.

Aside from English language, written examinations tailored in Chinese, Japanese, Korean, Vietnamese, Tagalog and others are necessary. This should be designed to create accommodation accessibility and enhance equal treatment to all the people of Guam.

In view of the foregoing reasons, I support Bill 858 be enacted into law. Translator be furnished by individual nationality for oral test.

Thank you very much for the opportunity to testify in behalf of Asian people and others who are unable to comprehend and understand written and oral test for Drivers.

Sincerely,



JOHN M. VEGA
Chairman, FCG & FAPG



JOSEPH F. ADA
Governor

FRANK F. BLAS
Lieutenant Governor

DEPARTMENT OF

REVENUE & TAXATION

GOVERNMENT OF GUAM

JOAQUIN G. BLAZ, Director • V.M. CONCEPCION, Deputy Director

JUN 26 1992

Honorable Carl T. C. Gutierrez
Chairman, Committee on Ways and Means
Twenty-First Guam Legislature
Agana, Guam 96910

Dear Mr. Chairman and Members of the Committee:

We are submitting testimony in opposition to Bill No. 858, "An Act to Amend Title XVI to include Translations of the Driver's License Study Guide and Written Examination in Languages other than English."

Alien migration to Guam, including the migration of temporary workers and citizens of Micronesian States, has dramatically accelerated in recent years. A large number of these migrants do not speak or read English and this lack of the English language comprehension has prohibited their ability to qualify, under Guam law, for motor vehicle operator's licenses.

Besides language limitations, alien motorists also often lack operating experience or have operating experience inappropriate to Guam. Working together, these factors contribute to circumvention of the law and a high incidence of illegal operation of motor vehicles and serious vehicular mishaps.

Prior to August 1991, foreign language examinations in Japanese, Korean, Chinese and Filipino were made available at the Driver's Examination Branch, Motor Vehicle Division. Some of the more serious problems encountered with this practice include:

1. The Korean examination in its entirety was published in the Korean Annual Magazine.
2. Many Korean, Chinese and Filipino foreign nationals resorted to cheating and bribery due to frequent failures on both the written and road test. On many occasions, pressure from employers to pass the required tests contributed to the above problem. Failure to be licensed as of a given time-frame would lead to threats of deportation.
3. Many Filipino nationals cannot speak or comprehend the Tagalog examination because the Filipino language is comprised of many different dialects. This is also true of the Chinese examination whereby many Chinese nationals neither speak nor comprehend Mandarin, the Chinese national language.

Recently, two representatives from the Department of Revenue and Taxation visited the Driver's License Division, Department of Motor Vehicles, located in Honolulu, Hawaii; Eugene, Oregon and San Diego, California. The results of their meetings with licensing officials revealed the following:

1. For the last three (3) years, the Honolulu office, the largest Driver's Licensing Division in the State of Hawaii, administered English-only driver license examinations. This decision was effectuated because traffic safety laws or statutes and road signs or demarcations are entirely in English.
2. Both the Honolulu, Hawaii, and Eugene, Oregon offices utilize automated testing systems. User-friendly computer systems depicting real life traffic scenes are currently in use, however, many persons express unwillingness or fear in taking computerized tests and such systems are either too expensive to maintain or not totally reliable.
3. The San Diego, California office does make available specific foreign language examinations, provided that random survey results show five percent (5%) of all persons requesting for a driver's license express a need for a specific foreign language examination. This measure is a statutory requirement, and if such a need arise, persons able to speak or comprehend the required language are employed to accommodate requesting persons.

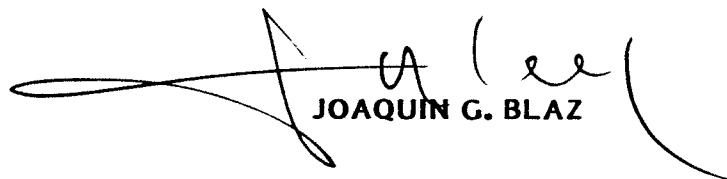
After reflecting on the aforementioned problems and policies employed by similar jurisdictions, I have come to the conclusion a serious and urgent response is required. Motor vehicle and traffic law enforcement must be strengthened and this will require additional resources. Also, penalties imposed upon offenders must be increased and revised.

To further help remedy this serious situation, I believe all first-time Guam drivers, including alien immigrants and resident applicants who reach eligible age, must be required by law to pass a comprehensive course in driver education as a prerequisite to obtaining an operator's license. To administer such a mandatory driver's education program, special legislation is required; perhaps Guam Community College or the Department of Education should be tasked to expand this curriculum. Alternatively, such training could be privatized. A letter suggesting the above proposals was submitted to both the Governor and Speaker of this Legislature on May 14, 1992. The old adage, "an ounce of prevention is worth a pound of cure," is synonymous with the above proposals.

For some time, this Department has cooperated with members of the Legislature concerned with motor vehicle law revision. Bill No. 422, "An Act to Repeal and Reenact title 16, Guam Code Annotated, to Completely Update the Vehicle Laws of Guam," is currently being introduced. This legislative measure identifies existing traffic safety problems and provides an objective basis on which to evaluate the effectiveness of reasonable proposals. I would like to urge the acceleration of this worthwhile collaboration and even more urgency placed on addressing the enforcement, penalty and mandatory education issues outlined above.

Thank you.

Sincerely,


JOAQUIN G. BLAZ

美國關島中華總會
UNITED CHINESE ASSOCIATION OF GUAM

P. O. BOX 9033, TAMUNING, GUAM 96931 U.S.A.
TELEPHONE 646-5290 • FAX (671) 649-5290



Carl T.C. Gutierrez
Senator
Committee on Ways and Means
Twenty-First Guam Legislature

Committee Members;

We the Chinese Community of Guam, most heartily endorse Senator Mailloux's bill, number 858.

Finding a good translator to go to the Department of Motor Vehicles to accompany each non-English speaking person desirous of getting a drivers license is very difficult.

We also realize, as we are sure you do, that driving a car on Guam is vital in almost all job opportunities; that is, either driving on the job, or to and from the job.

Therefore, we respectfully add our support for this bill for we feel it will not cost very much, as compared to the amount of taxes paid by our multicultural society, and it's availability will provide easy access to obtain a driver's license to all members of the Guam community.

Sincerely,

Robert Kao, President
United Chinese Association of Guam

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill No. 858 (COR)

Amendatory Bill YES NO

Date Received 6/18/92

Date Reviewed 6/25/92

Department/Agency Affected: Revenue and Taxation

Department/Agency Head: Joaquin G. Blaz

Total FY Appropriation to Date: \$8,439,359

Bill Title (preamble): AN ACT TO AMEND TITLE XVI TO INCLUDE TRANSLATION OF THE DRIVER'S
LICENSE STUDY GUIDE AND WRITTEN EXAMINATION IN LANGUAGES OTHER THAN ENGLISH.

Change in Law:

Bill's Impact on Present Program Funding:
 ___ Increase ___ Decrease ___ Reallocation x No Change

Bill is for: x Operations ___ Capital Improvement ___ Other (_____)

FINANCIAL/PROGRAM IMPACT

PROGRAM CATEGORY	ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)		TOTAL
	GENERAL FUND	OTHER	
<u>ECONOMICS & FINANCE</u>	<u>SEE FOOTNOTES</u>		

FUND	ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)					TOTAL
	1st	2nd	3rd	4th	5th	
GENERAL FUND	<u>SEE FOOTNOTES</u>					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO-IF NO, ADD'L AMOUNT REQUIRED \$ _____
 AGENCY/PERSON/DATE CONTACTED: _____/_____/_____

FUND	ESTIMATED POTENTIAL MULTI-YEAR REVENUES					TOTAL
	1st	2nd	3rd	4th	5th	
GENERAL FUND	<u>SEE FOOTNOTES</u>					
OTHER						
TOTAL						


ANALYST PAUL D. LEON GUERRERO DATE 6/29/92 DIRECTOR G.T. SGAMBELLURI DATE 6/29/92

FOOTNOTES: Funds will be necessary for implementation of the Bill. However, the amounts are not available. Potential increase in Licenses and Fees Collection.

MAY 11 '92

Bill No. 858 (COR)

Introduced by:

G. Mailloux 

AN ACT TO AMEND TITLE XVI TO INCLUDE
TRANSLATIONS OF THE DRIVER'S LICENSE STUDY
GUIDE AND WRITTEN EXAMINATION IN LANGUAGES
OTHER THAN ENGLISH

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

1 Section 1. Legislative Findings. The Legislature finds that the
2 diverse ethnic makeup of the Territory of Guam has resulted in
3 many people wishing to drive have had difficulty obtaining drivers'
4 licenses from the Division of Motor Vehicles because of their lack
5 of English language skills. In the past the Motor Vehicle personnel
6 have allowed applicants to use translators. This system, which
7 has not been successful in other jurisdictions, is not reliable.
8 California has translated the driver's examination into several
9 languages and has all requested language translations in their
10 computer data bank. The Department of Revenue and Taxation,
11 Division of Motor Vehicles, is computerized now and has the same
12 capability to provide translations of study materials and written
13 driver's license examinations. Therefore,
14 Section 2. The Legislature authorizes the Department of Revenue
15 and Taxation to provide study materials and driver's license
16 examinations in Japanese, Tagalog, Korean and Chinese, and other
17 languages as they deem necessary. The Legislature also authorizes
18 the government of Guam to appropriate the necessary funds for the
19 computer programs and translators to implement this Act.
20 Section 3. This amendment shall remain uncodified until such time
21 as an appropriate Chapter and/or Section is selected.

amp

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 858 (COR)

As amended on the floor

*

Introduced by:

- G. Mailloux
- J. P. Aguon
- E. P. Arriola

- M. Z. Bordallo
- H. D. Dierking
- C. T. C. Gutierrez
- P. C. Lujan
- D. Parkinson
- J. T. San Agustin
- F. R. Santos
- D. L. G. Shimizu
- J. G. Bamba
- A. C. Blaz
- D. F. Brooks
- E. R. Dueñas
- E. M. Espaldon
- M. D. A. Manibusan
- M. J. Reidy
- M. C. Ruth
- T. V. C. Tanaka
- A. R. Unpingco

AN ACT TO AMEND TITLE XVI TO INCLUDE TRANSLATIONS OF THE DRIVER'S LICENSE STUDY GUIDE AND WRITTEN EXAMINATION IN LANGUAGES OTHER THAN ENGLISH AND TO AMEND SUBSECTION (a) OF SECTION 6 OF PUBLIC LAW 21-24 TO EXTEND THE TIME LIMIT FOR THE PORT'S LEASE CONSULTANT TO REPORT.

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

1 **Section 1. (a) Legislative findings.** The Legislature finds that the
2 diverse ethnic makeup of the territory of Guam has resulted in many people
3 who wish to drive have had difficulty obtaining driver's licenses from the
4 Division of Motor Vehicles because of their lack of English language skills. In
5 the past, the Motor Vehicle Division personnel have allowed applicants to
6 use translators. This system, which has not been successful in other
7 jurisdictions, is not reliable. California has translated the driver's
8 examination into several languages and has included all requested language
9 translations in their computer data bank. The Department of Revenue and
10 Taxation, Division of Motor Vehicles, is computerized now and has the same
11 capability to provide translations of study materials and written driver's
12 license examinations.

13 (b) The Legislature authorizes the Department of Revenue and
14 Taxation to provide study materials and driver's license examinations in
15 Chamorro, Japanese, Tagalog, Korean, Chinese, and other languages as they
16 deem necessary.

17 (c) Ten Thousand Dollars (\$10,000) are hereby appropriated from the
18 General Fund to the Department of Revenue and Taxation to begin the
19 necessary translations.

20 **Section 2.** Section 6(a) of Public Law 21-24 is amended to read:

21 "(a) **Financial review.** The Governor shall retain a
22 financial consultant as soon as practicable after the effective date
23 of this Act to review the provisions of the Lease as set out in
24 Exhibit B to ensure that its financial terms and conditions are fair
25 to the Lessee and the Authority. Within ninety (90) days after the

1 effective date of this Act, the financial consultant shall advise the
2 Authority whether the Lease is satisfactory in its financial terms
3 and conditions. If it is not, then such consultant shall submit to the
4 Legislature, through the Authority, recommended changes to the
5 Lease. The Legislature may approve, disapprove or further
6 amend any such recommended amendments within forty-five (45)
7 days from the date of their filing with the Legislature. If the
8 Legislature fails to take action thereon within such period, the
9 Lease shall be deemed amended as recommended, and the Lease,
10 as so amended, shall be deemed in final form, which final form
11 shall be submitted to the Attorney General."

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 858 (COR)

*

Introduced by:

as amended on the floor

G. Mailloux

FOIMS & ROPS

AN ACT TO AMEND TITLE XVI TO INCLUDE TRANSLATIONS OF THE DRIVER'S LICENSE STUDY GUIDE AND WRITTEN EXAMINATION IN LANGUAGES OTHER THAN ENGLISH, AND TO AMEND SECTION (A) OF SECTION 2 OF PUBLIC LAW 21-24 TO EXTEND THE

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

2 Section 1. (a) Legislative findings. The Legislature finds that the
3 diverse ethnic makeup of the territory of Guam has resulted in many people
4 who wish to drive have had difficulty obtaining driver's licenses from the
5 Division of Motor Vehicles because of their lack of English language skills. In
6 the past, the Motor Vehicle Division personnel have allowed applicants to
7 use translators. This system, which has not been successful in other
8 jurisdictions, is not reliable. California has translated the driver's
9 examination into several languages and has included all requested language
10 translations in their computer data bank. The Department of Revenue and
11 Taxation, Division of Motor Vehicles, is computerized now and has the same
12 capability to provide translations of study materials and written driver's
13 license examinations.

14 (b) The Legislature authorizes the Department of Revenue and
15 Taxation to provide study materials and driver's license examinations in

REPORT
TIME LIMIT FOR THE
PORTS & GRAV-MILE

1 Chamorro, Japanese, Tagalog, Korean, Chinese, and other languages as they
2 deem necessary.

3 ~~(1) The sum of~~ Ten Thousand Dollars (\$10,000) ^{is} hereby appropriated from
4 the General Fund to the Department of Revenue and Taxation to begin
5 ^{the necessary} translations.

6 **Section 2.** Section 6(a) of Public Law 21-24 is amended to read:

7 "(a) **Financial review.** The Governor shall retain a
8 financial consultant as soon as practicable after the effective date
9 of this Act to review the provisions of the Lease as set out in
10 Exhibit B to ensure that its financial terms and conditions are fair
11 to the Lessee and the Authority. Within ninety (90) days after the
12 effective date of this Act, the financial consultant shall advise the
13 Authority whether the Lease is satisfactory in its financial terms
14 and conditions. If it is not, then such consultant shall submit to the
15 Legislature, through the Authority, recommended changes to the
16 Lease. The Legislature may approve, disapprove or further
17 amend any such recommended amendments within forty-five (45)
18 days from the date of their filing with the Legislature. If the
19 Legislature fails to take action thereon within such period, the
20 Lease shall be deemed amended as recommended, and the Lease,
21 as so amended, shall be deemed in final form, which final form
22 shall be submitted to the Attorney General."

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No.858

Substitute Bill by Committee on Ways and Means

Introduced by:

G. Mailloux

AN ACT TO AMEND TITLE XVI TO INCLUDE TRANSLATIONS
OF THE DRIVER'S LICENSE STUDY GUIDE AND WRITTEN
EXAMINATION IN LANGUAGES OTHER THAN ENGLISH.

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

2 Section 1. (a) Legislative Findings. The Legislature finds that the
3 diverse ethnic makeup of the territory of Guam has resulted in many
4 people who wish to drive have had difficulty obtaining driver's licenses
5 from the Division of Motor Vehicles because of their lack of English
6 language skills. In the past, the Motor Vehicle Division personnel have
7 allowed applicants to use translators. This system, which has not been
8 successful in other jurisdictions, is not reliable. California has translated
9 the driver's examination into several languages and has included all
10 requested language translations in their computer data bank. The
11 Department of Revenue and Taxation, Division of Motor Vehicles, is
12 computerized now and has the same capability to provide translations of
13 study materials and written driver's license examinations.

14 (b) The Legislature authorizes the Department of Revenue and
15 Taxation to provide study materials and driver's license examinations in
16 Chamorro, Japanese, Tagalog Korean, Chinese, and other languages as they
17 deem necessary.

18 [(c) Such sums as are necessary for this program are authorized to
19 be utilized from the Fiscal Year 1993 budget of the Department of Revenue
20 and Taxation.] *The sum of \$10,000*

The sum of ten thousand Dollars (\$10,000) is hereby appropriated from the Legislative Fund to the Department of Revenue and Taxation to be used for the purpose of this Act.

I B858 81

~~Floor amendment by Sen. A. R. Unpingee~~

Section 2. Section 6 (a) of Public Law 21-124 is amended to read:

“(a) **Financial Review.** The Governor shall retain a financial consultant as soon as practicable after the effective date of this Act to review the provisions of the Lease as set out in Exhibit B to ensure that its financial terms and conditions are fair to the Lessee and the Authority. Within [sixty (60)] ninety (90) days after the effective date of this Act, the financial consultant shall advise the Authority whether the Lease is satisfactory in its financial terms and conditions. If it is not, then such consultant shall submit to the Legislature, through the Authority, recommended changes to the Lease. The Legislature may approve, disapprove or further amend any such recommended amendments within forty-five (45) days from the date of their filing with the Legislature. If the Legislature fails to take action thereon within such period, the Lease shall be deemed amended as recommended, and the Lease, as so amended, shall be deemed in final form, which final form shall be submitted to the Attorney General.”


TWENTY-FIRST GUAM LEGISLATURE
1992 (Second) Regular Session

Introduced

Bill No. 858 (COR)

MAY 11 '92

Introduced by:

G. Mailloux 

AN ACT TO AMEND TITLE XVI TO INCLUDE
TRANSLATIONS OF THE DRIVER'S LICENSE STUDY
GUIDE AND WRITTEN EXAMINATION IN LANGUAGES
OTHER THAN ENGLISH

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

1 Section 1. Legislative Findings. The Legislature finds that the
2 diverse ethnic makeup of the Territory of Guam has resulted in
3 many people wishing to drive have had difficulty obtaining drivers'
4 licenses from the Division of Motor Vehicles because of their lack
5 of English language skills. In the past the Motor Vehicle personnel
6 have allowed applicants to use translators. This system, which
7 has not been successful in other jurisdictions, is not reliable.
8 California has translated the driver's examination into several
9 languages and has all requested language translations in their
10 computer data bank. The Department of Revenue and Taxation,
11 Division of Motor Vehicles, is computerized now and has the same
12 capability to provide translations of study materials and written
13 driver's license examinations. Therefore,
14 Section 2. The Legislature authorizes the Department of Revenue
15 and Taxation to provide study materials and driver's license
16 examinations in Japanese, Tagalog, Korean and Chinese, and other
17 languages as they deem necessary. The Legislature also authorizes
18 the government of Guam to appropriate the necessary funds for the
19 computer programs and translators to implement this Act.
20 Section 3. This amendment shall remain uncodified until such time
21 as an appropriate Chapter and/or Section is selected.