



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JUL 26 1996

The Honorable Judith Won-Pat Borja
Acting Lt. Governor and Acting Speaker
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By [Signature]
Time 9:53am
Date 26 JULY 96

Dear Speaker Won-Pat Borja:

Enclosed please find a copy of Substitute Bill No. 453 (LS), "AN ACT TO REPEAL AND REENACT §56101 OF TITLE 10, GUAM CODE ANNOTATED, AND TO ADD NEW §§56101.1, 56101.2, 56101.3, 56101.4, 56101.5 AND 56101.6 TO TITLE 10, GUAM CODE ANNOTATED, ALL RELATIVE TO PERMITTING GUAM POLICE DEPARTMENT OFFICERS TO USE THEIR PERSONAL VEHICLES FOR OFFICIAL PURPOSES", which I have signed into law today as **Public Law No. 23-115**.

This legislation allows the Guam Police Department to promulgate rules and regulations to implement a program for police officers to use their own personal vehicles for police work, and receive a subsidy for the upkeep and maintenance of the vehicles. Only certain types of vehicles would be authorized for police work, and the vehicle would have to be outfitted as prescribed. This type of program may have positive effects in encouraging the good maintenance of vehicles used in police work and should be a cost savings for the government.

A copy has also been delivered to the Office of the Legislative Secretary.

Very truly yours,

[Signature]
Carl T. C. Gutierrez
Governor of Guam

Attachment
231360



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JUL 26 1996

The Honorable Sonny L. Orsini
Acting Legislative Secretary
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910


OFFICE OF THE LEGISLATIVE SECRETARY		
ACKNOWLEDGMENT RECEIPT		
Received By	<u>OG</u>	
Time	<u>11:38 am</u>	
Date	<u>29 July 96</u>	

Dear Mr. Legislative Secretary:

Enclosed please find a copy of Governor's message and Substitute Bill No. 453 (LS), "AN ACT TO REPEAL AND REENACT §56101 OF TITLE 10, GUAM CODE ANNOTATED, AND TO ADD NEW §§56101.1, 56101.2, 56101.3, 56101.4, 56101.5 AND 56101.6 TO TITLE 10, GUAM CODE ANNOTATED, ALL RELATIVE TO PERMITTING GUAM POLICE DEPARTMENT OFFICERS TO USE THEIR PERSONAL VEHICLES FOR OFFICIAL PURPOSES", which I have signed into law today as **Public Law No. 23-115**.

A copy has also been delivered to the Office of the Speaker.

Very truly yours,


Carl T. C. Gutierrez
Governor of Guam

Attachments

231386

COMMITTEE ON RULES

Rec'd by: AM Date: 7/26/96 Time: 9:30

Routing: _____ Date: _____ Sen's Ini. _____

Action: _____

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 453 (LS), "AN ACT TO REPEAL AND REENACT §56101 OF TITLE 10, GUAM CODE ANNOTATED, AND TO ADD NEW §§56101.1, 56101.2, 56101.3, 56101.4, 56101.5 AND 56101.6 TO TITLE 10, GUAM CODE ANNOTATED, ALL RELATIVE TO PERMITTING GUAM POLICE DEPARTMENT OFFICERS TO USE THEIR PERSONAL VEHICLES FOR OFFICIAL PURPOSES," was on the 11th day of July, 1996, duly and regularly passed.



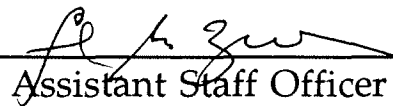
DON PARKINSON
Speaker

Attested:




JUDITH WON PAT-BORJA
Senator and Legislative Secretary

This Act was received by the Governor this 16th day of July,
1996, at 10:38 o'clock A.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 7-26-96

Public Law No. 23-115

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) REGULAR SESSION

Bill No. 453 (LS)

As substituted by the Committee on
Judiciary, Criminal Justice and
Environmental Affairs

Introduced by:

A. R. Unpingco
A. C. Blaz
M. C. Charfauros
F. P. Camacho
T. S. Nelson
T. C. Ada
J. P. Aguon
E. Barrett-Anderson
J. M. S. Brown
H. A. Cristobal
M. Forbes
A. C. Lamorena V
C. Leon Guerrero
L. Leon Guerrero
S. L. Orsini
V. C. Pangelinan
D. Parkinson
J. T. San Agustin
A. L. G. Santos
F. E. Santos
J. Won Pat-Borja

AN ACT TO REPEAL AND REENACT §56101 OF TITLE
10, GUAM CODE ANNOTATED, AND TO ADD NEW
§§56101.1, 56101.2, 56101.3, 56101.4, 56101.5 AND 56101.6
TO TITLE 10, GUAM CODE ANNOTATED, ALL
RELATIVE TO PERMITTING GUAM POLICE
DEPARTMENT OFFICERS TO USE THEIR
PERSONAL VEHICLES FOR OFFICIAL PURPOSES.

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

2 **Section 1. Legislative Intent.** The Legislature finds that the Guam
3 Police Department's (GPD) decades long practice of only using a fleet of
4 official GPD vehicles to carry out its law enforcement mission has not been
5 cost-effective, nor has it enhanced GPD's law enforcement to its fullest
6 potential. For example, it conservatively costs GPD roughly Seven Hundred
7 Fifty Thousand Dollars (\$750,000.00) to purchase a fleet of twenty-five (25)
8 vehicles for patrol officers for which maintenance, repair and replacement
9 costs amount to approximately One Hundred Fifty Thousand Dollars
10 (\$150,000.00) annually. This occurs because such vehicles must and are
11 frequently utilized on a twenty-four hour, five (5) to seven (7) day basis which
12 not only puts more wear and tear on the vehicle, but substantially shortens
13 the life of the vehicle by years. As a result of such extensive use, the available
14 number of official GPD vehicles becomes less in addition to other reasons for
15 loss of vehicles (e.g., accidents, collision in hot pursuits, etc.), and this
16 becomes especially evident when it occurs during a very tight fiscal budget
17 year for GPD. Thus, the low number of available official GPD vehicles not
18 only affects GPD's direct law enforcement efforts, but it lessens the visibility
19 of GPD officers on our streets and highways as well throughout our villages
20 and communities.

21 The Legislature therefore finds that permitting GPD police officers to
22 use their privately owned vehicles for patrol duty, police service and other
23 law enforcement related functions will not only prove to be cost-effective in
24 the long run, but it will provide many of the advantages that other
25 jurisdictions have enjoyed with similar programs. For example, the
26 Honolulu Police Department (HPD) has permitted their officers to utilize
27 their privately owned vehicle for police service since 1932. As recently as

1 February 28, 1996, HPD Police Chief Michael S. Nakamura has written to
2 GPD Police Chief Jack S. Shimizu indicating that their experience with their
3 subsidized vehicle program remains favorable. It was noted that the upkeep
4 and appearance of such vehicles are enhanced since the officers are
5 responsible for the repair and maintenance of their own cars (part of the
6 monthly subsidy incorporates such costs); that in addition to maintenance and
7 repair costs, their department was relieved of other indirect costs such as the
8 manpower and paperwork for managing hundreds of additional vehicles and
9 the costs of storing them; that the program gave HPD the capability to
10 mobilize many off-duty officers in an emergency without awaiting the
11 availability of official vehicles and to be in constant contact since such cars are
12 equipped with radios; and the fleet of official HPD owned vehicles was kept
13 small in number as well as in terms of its maintenance and replacement costs.

14 **Section 2.** §56101 of Title 10, Guam Code Annotated, is hereby repealed
15 and reenacted to read as follows:

16 **“§56101. Police Use of Private Vehicles.** a) The Guam Police
17 Department shall permit police officers to use their privately owned
18 vehicles for police service, patrol duty and other law enforcement
19 related functions. The Department shall prescribe adequate
20 compensation and insurance as described below. The Chief of Police
21 shall prescribe, by regulation, the allowances the Department will pay
22 for the use of vehicles subsidized by this section.

23 b) Any authorized police officer of the Guam Police Department
24 who uses his private funds to purchase a subsidized vehicle and
25 regularly uses this vehicle to perform his official duties as authorized
26 under subsection (a), shall, in addition to his salary, be granted
27 allowances therefore at rates established by the Guam Police

1 Department for repair and maintenance services, official mileage,
2 gasoline and shall have his public liability and property insurance paid
3 by the Guam Police Department from its annual budget.

4 c) Any authorized police officer of the Guam Police Department
5 who agrees to use his or her private vehicle for police service shall
6 report to duty with the designated vehicle unless the vehicle is
7 unavailable due to required maintenance."

8 **Section 3.** A new §56101.1 is added to Title 10, Guam Code Annotated,
9 to read as follows:

10 **"§56101.1 Definitions.** a) "Subsidized Vehicle." A privately
11 owned vehicle utilized by police officers for on-duty law enforcement
12 purposes for which an allowance will be provided by the Government
13 of Guam.

14 (b) "Official Mileage." An allowance for vehicular travel
15 expenses at a certain rate per mile while performing official duty as
16 prescribed under §56101(a)."

17 **Section 4.** A new §56101.2 is added to Title 10, Guam Code Annotated,
18 to read as follows:

19 **"§56101.2. Requirements for Vehicles.** a) The Guam Police
20 Department shall establish an annual list of vehicles which it finds are
21 acceptable for use and compensation under this statute. Each vehicle on
22 said list must have at least a six cylinder engine, a wheel base of at least
23 100 inches, tires which do not exceed ten inches in width, a driver side
24 airbag, four sets of properly working seat belts and a gasoline engine.
25 All of the features required by this section must be maintained in good
26 working order for the police officer using the vehicle to receive

1 compensation. The Department may establish additional reasonable
2 requirements for vehicles authorized by this section.

3 b) Vehicles authorized by this section may have tinted windows
4 but must be in compliance with police regulations in regards to marked
5 police vehicles.

6 c) No vehicle authorized by this section may have a non-official
7 bumper sticker, poster, placard or painted design on its exterior."

8 **Section 5.** A new §56101.3 is added to Title 10, Guam Code Annotated,
9 to read as follows:

10 "§56101.3. **Registration of subsidized vehicles.** A subsidized
11 vehicle must be registered in the name of the police officer using it or
12 else in joint registration with his spouse, a member of immediate family
13 or a leasing company."

14 **Section 6.** A new §56101.4 is added to Title 10, Guam Code Annotated,
15 to read as follows:

16 "§56101.4. **Annual Renewal Procedures.** A police officer using a
17 subsidized vehicle shall ensure that his vehicle is properly registered
18 with the Department of Revenue and Taxation. Any vehicle not so
19 registered, may not be used for the purposes of this Act. The
20 Department of Revenue and Taxation shall note on the registration of
21 each subsidized vehicle that it is subsidized."

22 **Section 7.** A new §56101.5 is added to Title 10, Guam Code Annotated,
23 to read as follows:

24 "§56101.5. **Insurance of Subsidized Vehicles.** The Government of
25 Guam shall, under the Government Claims Act, be liable for and
26 indemnify the police officer for claims arising from his authorized use of
27 the subsidized vehicle while performing official duties."

1 **Section 8.** A new §56101.6 is added to Title 10, Guam Code Annotated,
2 to read as follows:

3 “**§56101.6. Regulations regarding subsidized vehicles.** The Chief
4 of Police shall, in accordance with the Administrative Adjudication Law,
5 enact regulations consistent with Title 10, Guam Code Annotated,
6 Chapter 56 in order to implement the use of private vehicles by the
7 Guam Police Department and its police officers.”

TWENTY-THIRD GUAM LEGISLATURE

1996 (SECOND) Regular Session

Date: 7/11/96

VOTING SHEET

Bill No. 453

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.				✓
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C /	✓			
CRISTOBAL, Hope A. /	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V /	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith	✓			

TOTAL 20 0 0 1

CERTIFIED TRUE AND CORRECT:

Recording Secretary



Guam Police Department



Government of Guam

Post Office Box 23909 ★ GMF, Guam 96921 U.S.A.

Tel.: (671) 475-8508~11 ★ Fax (671) 472-4036

**CARL T.C.
GUTIERREZ**
Governor of Guam

**MADELEINE Z.
BORDALLO**
Lieutenant Governor

**JACK S.
SHIMIZU**
Chief of Police

**COL. B.A.
LEON GUERRERO**
Deputy Chief of Police

APR 12 1996

The Honorable Senator Antonio Reyes Unpingco
Twenty-Third Guam Legislature
155 Hesler Place
Agana, Guam 96910

Dear Senator Unpingco:

"To Serve and Protect"
Attached to this letter is a copy of the proposed bill on subsidized privately owned vehicles (POVs) for use by GPD law enforcement personnel. The text of the bill has been amended from input by Major Jesus Togawa, ACOP of GPD Support Division and his staff, and GPD's Legal Advisor prepared a "legislative findings or intent" section for your use and/or modification as requested.

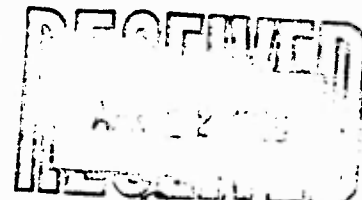
Please, however, keep in mind that the implementation of such a program, especially its commencement, is subject or more accurately contingent upon the availability of funds.

Sincerely,


J.S. SHIMIZU

Attachment

cc: Acting Deputy Chief of Police
District 1 Commander
District 2 Commander
ACOP, CID
ACOP, Support Division
GPD Legal Advisor
Chairperson, Committee on Judiciary, Criminal
Justice and Environmental Affairs



Drug Free Guam Para Todos

TWENTY-THIRD GUAM LEGISLATURE
1996 (_____) Regular Session

Bill No. 453

Introduced by: _____

**AN ACT TO PERMIT GUAM POLICE DEPARTMENT
OFFICERS TO USE THEIR PERSONAL VEHICLES FOR
OFFICIAL PURPOSES**

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 **Section 1. Legislative Intent.** The Legislature finds that the Guam Police
3 Department's (GPD) decades long practice of only using a fleet of official GPD
4 vehicles to carry out its law enforcement mission has not been cost-effective,
5 nor has it enhanced GPD's law enforcement efforts to its fullest potential. For
6 example, it conservatively costs GPD roughly Seven Hundred Fifty Thousand
7 Dollars (\$750,000.00) to purchase a fleet of twenty-five (25) vehicles for patrol
8 officers for which maintenance, repair and replacement costs amount to
9 approximately One Hundred Fifty Thousand Dollars (\$150,000.00) annually.
10 This occurs because such vehicles must and are frequently utilized on a twenty-
11 four hour, five (5) to seven (7) day basis which not only puts more wear and
12 tear on the vehicle, but substantially shortens the life of the vehicle by years.
13 As a result of such extensive use, the available number of official GPD vehicles
14 becomes less in addition to other reasons for loss of vehicles (e.g., accidents,
15 collision in hot pursuits, etc.), and this becomes especially evident when it
16 occurs during a very tight fiscal budget year for GPD. Thus, the low number
17 of available official GPD vehicles not only affects GPD's direct law enforcement
18 efforts, but it lessens the visibility of GPD officers on our streets and highways
19 as well as throughout our villages and communities.

1 The legislature therefore finds that permitting GPD police officers to use
2 their privately owned vehicles for patrol duty, police service and other law
3 enforcement related functions will not only prove to be cost-effective in the
4 long run, but it will provide many of the advantages that other jurisdictions have
5 enjoyed with similar programs. For example, the Honolulu Police Department
6 (HPD) has permitted their officers to utilize their privately owned vehicle for
7 police service since 1932. As recently as February 28, 1996, HPD Police Chief
8 Michael S. Nakamura has written to GPD Police Chief Jack S. Shimizu indicating
9 that their experience with their subsidized vehicle program remains favorable.
10 It was noted that the upkeep and appearance of such vehicles are enhanced
11 since the officers are responsible for the repair and maintenance of their own
12 cars (part of the monthly subsidy incorporates such costs); that in addition to
13 maintenance and repair costs, their department was relieved of other indirect
14 costs such as the manpower and paperwork for managing hundreds of
15 additional vehicles and the costs of storing them; that the program gave HPD
16 the capability to mobilize many off-duty officers in an emergency without
17 awaiting the availability of official vehicles and to be in constant contact since
18 such cars are equipped with radios; and the fleet of official HPD owned vehicles
19 was kept small in number as well as in terms of its maintenance and
20 replacement costs.

21 **Section 2.** Title 10 G.C.A. §56101 is hereby repealed and enacted to read:

22 **"§56101. Police Use of Private Vehicles.** a) The Guam Police
23 Department shall permit police officers to use their privately owned vehicles for
24 police service, patrol duty and other law enforcement related functions. The
25 Department shall prescribe adequate compensation and insurance as described
26 below. The Chief of Police shall prescribe, by regulation, the allowances the
27 Department will pay for the use of vehicles subsidized by this section.

28 b) Any authorized member of the Guam Police Department who uses his
29 private funds to purchase a subsidized vehicle and regularly uses this vehicle
30 to perform his official duties as authorized under subsection a., shall, in addition

1 to his annual salary, be granted allowances therefore at rates established by the
2 Guam Police Department for repair and maintenance services, official mileage,
3 gasoline and shall have his public liability and property insurance paid by the
4 Guam Police Department from its annual budget.

5 **Section 3.** A new §56101.1 is added to Title 10 G.C.A. to read:

6 "§56101.1. **Definitions** a) **Subsidized Vehicle.** A privately owned
7 vehicle utilized by police officers for on duty law enforcement purposes for
8 which an allowance will be provided by the Government of Guam.

9 (b) **Official Mileage.** An allowance for vehicular travel expenses at a certain
10 rate per mile while performing official duty as prescribed under §56101(a)."

11 **Section 4.** A new §56102 is added to Title 10 G.C.A. to read:

12 "§56102. **Requirements for Vehicles.** a) The Guam Police Department
13 shall establish an annual list of the vehicles which it finds are acceptable for use
14 and compensation under this statute. Each vehicle on said list must have at
15 least a six cylinder engine, a wheel base of at least 100 inches, tires which do
16 not exceed ten inches in width, a driver side airbag, four sets of properly
17 working seat belts and a gasoline engine. All of the features required by this
18 section must be maintained in good working order for the Department member
19 using the vehicle to receive compensation. The Department may establish
20 additional reasonable requirements for vehicles authorized by this section.

21 b) Vehicles authorized by this section may have tinted windows and
22 windshields as authorized by the Chief of Police at his discretion.

23 c) No vehicle authorized by this section may have a bumper sticker, poster,
24 placard or painted design on its exterior.

25 **Section 5.** A new §56103 is added to Title 10 G.C.A. to read:

26 "§56103. **Registration of subsidized vehicles.** A subsidized vehicle must
27 be registered in the name of the Department member using it or else in joint
28 registration with his spouse, a member of immediate family or a leasing
29 company."

30 **Section 6.** A new §56104 is added to Title 10 G.C.A. to read:

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"§56104. Annual Renewal Procedures. A Department member using a subsidized vehicle shall ensure that his vehicle is properly registered with the Department of Revenue and Taxation. If any vehicle is not so registered, the Department member using said vehicle shall receive no compensation for the use of said vehicles for the time period during which the vehicle is not registered. The Department of Revenue and Taxation shall note on the registration of each subsidized vehicle that it is subsidized."

Section 7. A new §56105 is added to Title 10 G.C.A. to read:

"§56106. Regulations regarding Subsidized Vehicles. The Chief of Police shall, in accordance with the Administrative Adjudication Law, enact regulations consistent with Title 10 G.C.A. Section 56 in order to implement the use of private vehicles by the Guam Police Department and its members."

Notice of Public Hearing



Senator
Mark C. Charfauros

Chairman, Committee on Judiciary,
Criminal Justice and Environmental Affairs
Twenty-Third Guam Legislature

9:30 a.m.

Agenda

Bill No. 354, AN ACT TO AMEND CHAPTER 33, TITLE 5, GUAM CODE ANNOTATED RELATIVE TO NOTARIES PUBLIC.

Bill No. 357, AN ACT TO ADD A NEW SECTION 1658 OF TITLE 1, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING THE GUAM CODE COMMISSION.

Bill No. 392 (AS AMENDED BY THE AUTHOR), AN ACT TO REPEAL AND REENACT §46.30 OF TITLE 9, GCA, RELATIVE TO THE ISSUANCE OF BAD CHECKS.

Bill No. 453, AN ACT TO PERMIT GUAM POLICE DEPARTMENT OFFICERS TO USE THEIR PERSONAL VEHICLES FOR OFFICIAL PURPOSES.

Date: Wednesday, January 24, 1996

Time: 9:30 a.m.

Place: Public Hearing Room, Guam Legislature
155 Hesler St., Agaña

The Public is invited to attend

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

FEB 06 1996

Bill No. 453 Date Received: 01/10/96
Amendatory Bill: NO Date Reviewed: 01/30/96

Department/Agency Affected: Guam Police Department
Department/Agency Head: Jack S. Shimizu
Total FY Appropriation to Date: \$24,144,845

Bill Title (preamble): **AN ACT TO PERMIT GUAM POLICE DEPARTMENTT OFFICERS TO USE THEIR PERSONAL VEHICLES FOR OFFICIAL PURPOSES.**

Change in Law: NONE

Bill's Impact on Present Program Funding:

Increase XXX Decrease _____ Reallocation _____ No Change _____

Bill is for:
Operations: XXX Capital Improvement: _____ Other: _____

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
Program Category	General Fund	OTHER	TOTAL
Public Saftey	1/		\$0

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	Total
GENERAL FUND	1/					\$0
OTHER						
TOTAL	\$0	\$0	\$0	\$0	\$0	\$0

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? Appropriation not provided for in Bill

IF NO, ADDITIONAL AMOUNT REQUIRED: 1/

AGENCY/PERSON/DATE CONTACTED: Guam Police Dept. / Jess Artero / 1/30/96

ESTIMATED POTENTIAL MULTI-YEAR REVENUES (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	Total
GENERAL FUND	1/					
OTHER						
TOTAL	0	0	0	0	0	0

ANALYST: Stephen J. Guerrero
Stephen J. Guerrero

DATE: 2/1/96

DIRECTOR: Joseph E. Rivera, Acting
Joseph E. Rivera, Acting

DATE: FEB 06 1996

FOOTNOTE: 1/ See attached comments.

Comments on Bill No. 453

The Bill proposes to permit the Guam Police Department's uniform personnel to use their privately owned vehicle for official purposes. The department is to establish regulations pertaining to the compensation and insurance of such vehicles.

Information received from the Chief of Police, Guam Police Department reveal that the department recently established a In-house committee to study the feasibility and impact of the bill. As of the date of these comments, no analysis has been done on the fiscal impact of the program. The department has indicated that it is has been in communication with the State of Hawaii's Honolulu Police Department which has operated a similar program for approximently eighteen (18) years. Therefore, the fiscal impact of the bill cannot be ascertained until program guidelines and regulations are established.

23-115

Senator Mark C. Charfauros

Chairman

Committee on Judiciary, Criminal Justice, and Environmental Affairs Twenty-Third Guam Legislature

Ada's Commercial and Professional Center
138 East Marine Drive, Suite 101C-Annex
Agana, Guam 96910

Tel: (671) 472-3342/3/5
Fax: (671) 472-3440
E-Mail: markchar@uog9.uog.edu

April 10, 1996

SPEAKER DON PARKINSON
Twenty-Third Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker:

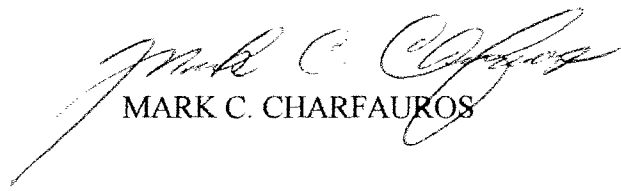
The Committee on Judiciary, Criminal Justice and Environmental Affairs to which was referred **Bill No. 453 As substituted by the Committee**, "AN ACT TO PERMIT GUAM POLICE DEPARTMENT OFFICERS TO USE THEIR PERSONAL VEHICLES FOR OFFICIAL PURPOSES."

The voting record is as follows:

TO PASS	13
NOT TO PASS	0
ABSTAIN	0
TO PLACE IN INACTIVE FILE	0

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.



MARK C. CHARFAUROS

Attachments.

Senator Mark C. Charfauros

Chairman

Committee on Judiciary, Criminal Justice, and Environmental Affairs Twenty-Third Guam Legislature

Ada's Commercial and Professional Center
138 East Marine Drive, Suite 101C-Annex
Agana, Guam 96910

Tel: (671) 472-3342/3/5
Fax: (671) 472-3440
E-Mail: markchar@uog9.uog.edu

April 10, 1996

MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report - **Bill No. 453 As substituted by the Committee**, "AN ACT TO PERMIT GUAM POLICE DEPARTMENT OFFICERS TO USE THEIR PERSONAL VEHICLES FOR OFFICIAL PURPOSES."

Transmitted herewith for your information and action is the Committee on Judiciary, Criminal Justice and Environmental Affairs' Report on the subject Bill.

The narrative report is accompanied by the following:

1. Original Bill 453; Bill 453 As substituted by the Committee;
2. Committee Voting Sheet;
3. Testimony and Sign-in Sheet
4. Public Hearing Notice.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Please take the appropriate action on the attached voting sheet and return the documents to my office for transmittal to the other members.

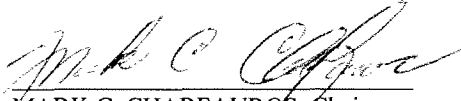


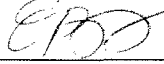


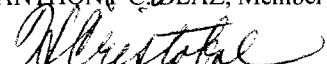






Your attention and cooperation in this matter is greatly appreciated.


MARK C. CHARFAUROS

Attachments.

**COMMITTEE ON JUDICIARY, CRIMINAL JUSTICE AND
ENVIRONMENTAL AFFAIRS
23rd Guam Legislature
VOTING RECORD**

Bill No. 453 As substituted by the Committee, "AN ACT TO PERMIT GUAM POLICE DEPARTMENT OFFICERS TO USE THEIR PERSONAL VEHICLES FOR OFFICIAL PURPOSES."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK C. CHARFAUROS, Chairman	✓	—	—	—
 JUDITH WONPAT-BORJA, Vice-Chairperson	✓	—	—	—
 THOMAS C. ADA, Member	✓	—	—	—
 ELIZABETH BARRETT-ANDERSON, Member	✓	—	—	—
 JOANNE BROWN, Member	✓	—	—	—
 ANTHONY C. BLAZ, Member	✓	—	—	—
 HOPE CRISTOBAL, Member	✓	—	—	—
 A. TONY LAMORENA, Member	✓	—	—	—
 LOU LEON GUERRERO, Member	✓	—	—	—
 TED S. NELSON, Member	✓	—	—	—
 VICENTE C. PANGELINAN, Member	✓	—	—	—
 ANGEL L.G. SANTOS, Member	✓	—	—	—
 DON PARKINSON, Ex-Officio Member	✓	—	—	—

COMMITTEE ON JUDICIARY, CRIMINAL
JUSTICE AND ENVIRONMENTAL
AFFAIRS

Twenty-Third Guam Legislature

COMMITTEE REPORT

on

Bill No. 453

As substituted by the Committee

“AN ACT TO PERMIT GUAM POLICE DEPARTMENT OFFICERS TO USE THEIR
PERSONAL VEHICLES FOR OFFICIAL PURPOSES.”

January 24, 1996

I. OVERVIEW

The Committee on Judiciary, Criminal Justice and Environmental Affairs scheduled a public hearing on January 24, 1996 at 9:30 a.m. at the Legislative Public Hearing Room. Public notice was announced on the January 23, 1996 issue of the PDN. Members present were:

Senator Mark C. Charfauros, Chairman
Senator Ben Pangelinan
Senator Ted Nelson
Senator Tom Ada
Senator Elizabeth Barret-Anderson
Senator Joanne Brown
Senator Tony Blaz
Senator Tony Unpingco

Appearing before the Committee to testify on the bill were:

Phil Tydingco, Legal Counsel, Guam Police Department, **oral**.
James Marquez, Captain, Guam Police Department, **oral**.
Joe R. San Agustin, testifying as a private citizen, **oral**.
Jack Shimizu, Chief, Guam Police Department, **written**.

II. SUMMARY OF TESTIMONY

Senator Tony Unpingco, the author of the Bill, stated that in 1982, he introduced a Bill creating a pilot program similar to Bill 453. He stated that this idea is currently a successful program in Hawaii. He stated that Hawaii's experience has shown that the personal vehicles are less likely to be damaged than publicly owned vehicles. He stated that Bill 453 is very similar to Hawaii's program. He stated that Bill 453 would save costs associated with the purchase and replacement of vehicles within the Guam Police Department. He further stated that the use of personal vehicles would also increase communications amongst police officers, both on or off duty. He stated that such communication would be beneficial, especially during emergency situations. He further stated that Hawaii has utilized this program for the last forty years.

Phil Tydingco, Legal Counsel, Guam Police Department (GPD), testified that GPD supports the intent of Bill 453. He stated that GPD would like to study the law further to ensure that the law is sound technically. He maintained that GPD is supportive of the intent.

James Marquez, Captain, Guam Police Department, stated that the Chief of Police supports the Bill. He stated that the budget questions brought up by the Bill would need to be studied further. He suggested that we initially begin with a small area of GPD, and study the effects and impact of the program.

Joe R. San Agustin, testifying as a private citizen, testified in favor of Bill 453. As an employee of the sponsor, he stated that he was in communication with the Chief of Police of Hawaii, stating that the program is working well out there. He further stated that although the Bill does not address every step that would be taken, it does provide for rules and regulations which would address other specific issues. He stated that another issue to consider is the presence of the police. He stated that the potentiality of deterrence would be a beneficial aspect of allowing personal vehicle use by police officers.

Senator Barret-Anderson stated her support of Bill 453. She questioned whether the line officers would hesitate in a hot pursuit if the vehicle used is personal, as opposed to publicly owned.

Marquez responded that the program's rules and regulations regarding the responsibility over maintenance or repair costs would answer some of the questions the Bill does not specifically address.

Jack Shimizu, Chief, Guam Police Department, **written.**

III. FINDING AND RECOMMENDATION

The Committee finds that Bill 453 as substituted by the Committee would create a program whereby officers within the Guam Police Department would be permitted to use their private vehicles for official purposes. The Committee finds that such use would provide several benefits for the Department, as well for the public's safety. The Committee finds that Bill 453 as substituted would reduce the costs associated with the purchase and replacement of official police vehicles. The Committee further finds that the Bill would provide for increased communication among police officers, especially off-duty officers. The Committee finds that such communication would increase the effectiveness of the officers in accomplishing the Department objectives, especially during emergency situations. The Committee further finds that Bill 453 would increase the visibility of police officers in the community by allowing such officers to use their private vehicles for official duties. Finally, the Committee finds that Bill 453 would be beneficial to the Guam Police Department, its members, and to the general public. The Committee finds that the incentives existing in the proposed legislation should be sufficient in enticing officers to utilize the program. The Committee finds that such a program has been proven to be successful in other jurisdictions of the United States, including Hawaii.

Accordingly, the Committee on Judiciary, Criminal Justice and Environmental Affairs, to which was referred **Bill No. 453**, does hereby submit its findings and recommendation to the Twenty-Third Guam Legislature **TO DO PASS Bill No. 453 As substituted by the Committee**, "AN ACT TO PERMIT GUAM POLICE DEPARTMENT OFFICERS TO USE THEIR PERSONAL VEHICLES FOR OFFICIAL PURPOSES."

DEC 21 1995



COMMITTEE ON RULES

Twenty-Third Guam Legislature
155 Hesler St., Agana, Guam 96910

December 18, 1995

MEMORANDUM

TO: Chairman, Committee on Judiciary, Criminal Justice
and Environmental Affairs

FROM: Chairman, Committee on Rules

SUBJECT: Referral - Bill No. 453

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.



SONNY LUJAN ORSINI

Attachment:

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) REGULAR SESSION

Bill No. 453
Introduced by:

A.R. Unpingco
A.C. Blas
M.C. Charfauros
F.P. Camacho

AN ACT TO PERMIT GUAM POLICE DEPARTMENT
OFFICERS TO USE THEIR PERSONAL VEHICLES FOR
OFFICIAL PURPOSES.

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

2 Section 1. Title 10 G.C.A. Section 56101 is hereby repealed and re-enacted to read:

3 "§56101. Police Use of Private Vehicles. (a) The Guam Police Department shall
4 permit police officers to use their privately owned vehicles for official purposes. The
5 Department shall prescribe adequate compensation and insurance as described below.
6 The Chief of Police shall prescribe, by regulation, the mileage allowance the
7 Department will pay for the use of vehicles subsidized by this section.

8 (b) Any member of the Guam Police Department who uses his private funds to
9 purchase a subsidized vehicle and regularly uses his own vehicle to perform his official
10 duties shall, in addition to his annual salary, be granted an allowance therefor at rates
11 established by the Guam Police Department, shall be allowed gasoline and a mileage
12 allowance based on official mileage, and shall have his public liability and property
13 damage insurance paid by the Guam Police Department from its annual budget."

14 Section 2. A new Section 56103 is added to Title 10 G.C.A. to read:

1 **"§56103. Requirements for Vehicles.** (a) The Guam Police Department shall
2 establish an annual list, to be distributed to all Department Personnel, of the vehicles
3 which it finds are acceptable for use and compensation under this statute. Each vehicle
4 on said list must have at least a six cylinder engine, a wheel base of at least 100 inches,
5 tired^s which do not exceed ten inches in width, a diver side airbag, four sets of properly
6 working seat belts and a gasoline engine. All of the features required by this section
7 must be maintained in good working order for the Department member using the
8 vehicle to receive compensation. The Department may establish additional reasonable
9 requirements for vehicles authorized by this section.

10 (b) Vehicles authorized by this section may have tinted windows so long as the
11 tinting meets the requirements of Guam and federal law.

12 (c) No vehicle authorized by this section may have a bumper sticker, poster,
13 placard or painted design on its exterior."

14 **Section 3.** A new Section 56104 is added to Title 10 G.C.A. to read:

15 **"§56104. Registration of subsidized vehicles.** A subsidized vehicle must be
16 registered in the name of the Department member using it or else in joint registration
17 with his spouse, a member of immediate family or a leasing company."

18 **Section 4.** A new Section 56105 is added to Title 10 G.C.A. to read:

19 **"§56105. Annual Renewal Procedures.** A Department member using a
20 subsidized vehicle shall ensure that his vehicle is properly registered with the
21 Department of Revenue and Taxation. If any vehicle is not so registered, the
22 Department member using said vehicle shall receive no compensation for the use of
23 said vehicle for the time period during which the vehicle is not registered. The

1 Department of Revenue and Taxation shall note on the registration of each subsidized
2 vehicle that it is subsidized."

3 **Section 5.** A new Section 56106 is added to Title 10 G.C.A. to read:

4 **"§56106. Insurance of Subsidized Vehicles.** The Government of Guam shall
5 purchase public liability and property damage insurance for every subsidized vehicle.
6 The amount of said insurance shall be the minimum amount required by Guam law.
7 The Government of Guam shall, under the Government Claims Act, be liable for and
8 indemnify the Department member for claims arising from his use of the subsidized
9 vehicle while performing Department duties."

10 **Section 6.** A new Section 56107 is added to Title 10 G.C.A. to read:

11 **"§56107. Regulations regarding Subsidized Vehicles.** The Chief of Police shall, in
12 accordance with the Administrative Adjudication Law, enact regulations consistent
13 with Title 10 G.C.A. Section 56 in order to implement the use of private vehicles by the
14 Guam Police Department and its members."

**TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) REGULAR SESSION**

Bill No. 453

As substituted by the Committee on Judiciary,
Criminal Justice and Environmental Affairs

Introduced by:

A.R. Unpingco

A.C. Blaz

M.C. Charfauros

F.P. Camacho



**AN ACT TO PERMIT GUAM POLICE DEPARTMENT OFFICERS TO USE THEIR
PERSONAL VEHICLES FOR OFFICIAL PURPOSES.**

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

2 **Section 1. Legislative Intent.** The Legislature finds that the Guam Police Department's
3 (GPD's) decades long practice of only using a fleet of official GPD vehicles to carry out its law
4 enforcement mission has not been cost-effective, nor has it enhanced GPD's law enforcement to its
5 fullest potential. For example, it conservatively cots GPD roughly Seven Hundred Fifty Thousand
6 Dollars (\$750,000.00) to purchase a fleet of twenty-five (25) vehicles for patrol officers for which
7 maintenance, repair and replacement costs amount to approximately One Hundred Fifty Thousand
8 Dollars (\$150,000.00) annually. This occurs because such vehicles must and are frequently utilized
9 on a twenty-four hour, five (5) to seven (7) day basis which not only puts more wear and tear on the
10 vehicle, but substantially shortens the life of the vehicle by years. As a result of such extensive use,
11 the available number of official GPD vehicles becomes less in addition to other reasons for loss of
12 vehicles (e.g., accidents, collision in hot pursuits, etc.), and this becomes especially evident when
13 it occurs during a very tight fiscal budget year for GPD. Thus, the low number of available official
14 GPD vehicles not only affects GPD's direct law enforcement efforts, but it lessens the visibility of
15 GPD officers on our streets and highways as well throughout our villages and communities.

16 The Legislature therefore finds that permitting GPD police officers to use their privately
17 owned vehicles for patrol duty, police service and other law enforcement related functions will not
18 only prove to be cost-effective in the long run, but it will provide many of the advantages that other
19 jurisdictions have enjoyed with similar programs. For example, the Honolulu Police Department

1 (HPD) has permitted their officers to utilize their privately owned vehicle for police service since
2 1932. As recently as February 28, 1996, HPD Police Chief Michael S. Nakamura has written to
3 GPD Police Chief Jack S. Shimizu indicating that their experience with their subsidized vehicle
4 program remains favorable. It was noted that the upkeep and appearance of such vehicles are
5 enhanced since the officers are responsible for the repair and maintenance of their own cars (part
6 of the monthly subsidy incorporates such costs); that in addition to maintenance and repair costs,
7 their department was relieved of other indirect costs such as the manpower and paperwork for
8 managing hundreds of additional vehicles and the costs of storing them; that the program gave HPD
9 the capability to mobilize many off-duty officers in an emergency without awaiting the availability
10 of official vehicles and to be in constant contact since such cars are equipped with radios; and the
11 fleet of official HPD owned vehicles was kept small in number as well as in terms of its
12 maintenance and replacement costs.

13 **Section 2. §56101 of Title 10 GCA is hereby repealed and reenacted to read as follows:**

14 **“§56101. Police Use of Private Vehicles.** a) The Guam Police Department (GPD) shall
15 permit police officers to use their privately owned vehicles for police service, patrol duty and other
16 law enforcement related functions. GPD shall prescribe adequate compensation and insurance as
17 described below. The Chief of Police shall prescribe, by regulation, the allowances the Department
18 will pay for the use of vehicles subsidized by this section.

19 b) Any authorized member of the Guam Police Department who uses his private funds to
20 purchase a subsidized vehicle and regularly uses this vehicle to perform his official duties as
21 authorized under subsection (a), shall, in addition to his annual salary, be granted allowances
22 therefore at rates established by the Guam Police Department for repair and maintenance services,
23 official mileage, gasoline and shall have his public liability and property insurance paid by the
24 Guam Police Department from its annual budget.”

25 **Section 3. A new §56101.1 is added to Title 10 GCA to read as follows:**

26 **“§56101.1 Definitions.** a) Subsidized Vehicle. A privately owned vehicle utilized by police
27 officers for on duty law enforcement purposes for which an allowance will be provided by the
28 Government of Guam.

29 (b) Official Mileage. An allowance for vehicular travel expenses at a certain rate per mile

1 while performing official duty as prescribed under §56101(a).”

2 **Section 4. A new §56101.2 is added to Title 10 GCA to read as follows:**

3 **“§56101.2. Requirements for Vehicles.** a) The Guam Police Department shall establish
4 an annual list of vehicles which it finds are acceptable for use and compensation under this statute.
5 Each vehicle on said list must have at least a six cylinder engine, a wheel base of at least 100 inches,
6 tires which do not exceed ten inches in width, a driver side airbag, four sets of properly working seat
7 belts and a gasoline engine. All of the features required by this section must be maintained in good
8 working order for the Department member using the vehicle to receive compensation. The
9 Department may establish additional reasonable requirements for vehicles authorized by this
10 section.

11 b) Vehicles authorized by this section may have tinted windows and windshields so long
12 as the tinting meets the requirements of Guam and federal law and are authorized by the Chief of
13 Police at his discretion.

14 c) No vehicle authorized by this section may have a bumper sticker, poster, placard or
15 painted design on its exterior.”

16 **Section 5. A new §56101.3 is added to Title 10 GCA to read as follows:**

17 **“§56101.3. Registration of subsidized vehicles.** A subsidized vehicle must be registered
18 in the name of the Department member using it or else in joint registration with his/her spouse, a
19 member of immediate family or a leasing company.”

20 **Section 6. A new §56101.4 is added to Title 10 GCA to read as follows:**

21 **“§56101.4. Annual Renewal Procedures.** A Department member using a subsidized
22 vehicle shall ensure that his vehicle is properly registered with the Department of Revenue and
23 Taxation. If any vehicle is not so registered, the Department member using said vehicle shall
24 receive no compensation for the use of said vehicle for the time period during which the vehicle is
25 not registered. The Department of Revenue and Taxation shall note on the registration of each
26 subsidized vehicle that it is subsidized.”

27 **Section 7. A new §56101.5 is added to Title 10 GCA to read as follows:**

28 **“§56101.5. Insurance of Subsidized Vehicles.** The Government of Guam shall, under the
29 Government Claims Act, be liable for and indemnify the Department member for claims arising

1 from his use of the subsidized vehicle while performing Department duties.”

2 **Section 8. A new §56101.6 is added to Title 10 GCA to read as follows:**

3 **“§56101.6. Regulations regarding subsidized vehicles.** The Chief of Police shall, in
4 accordance with the Administrative Adjudication Law, enact regulations consistent with Title 10
5 GCA Chapter 56 in order to implement the use of private vehicles by the Guam Police Department
6 and its members.”



Guam Police Department



Government of Guam

Post Office Box 23909 ★ GMF, Guam 96921 U.S.A.

Tel.: (671) 475-8508~11 ★ Fax (671) 472-4036

CARL T.C. GUTIERREZ
Governor of Guam

MADELEINE Z. BORDALLO
Lieutenant Governor

JACK S. SHIMIZU
Chief of Police

COL. B.A. LEON GUERRERO
Deputy Chief of Police

APR 12 1996

The Honorable Senator Antonio Reyes Unpingco
Twenty-Third Guam Legislature
155 Hesler Place
Agana, Guam 96910

Dear Senator Unpingco:

Attached to this letter is a copy of the proposed bill on subsidized privately owned vehicles (POVs) for use by GPD law enforcement personnel. The text of the bill has been amended from input by Major Jesus Togawa, ACOP of GPD Support Division and his staff, and GPD's Legal Advisor prepared a "legislative findings or intent" section for your use and/or modification as requested.

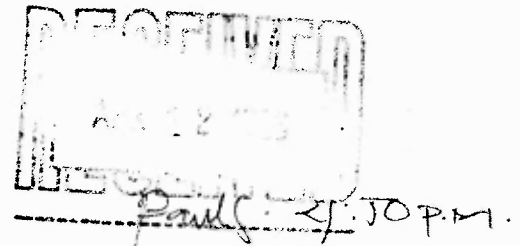
Please, however, keep in mind that the implementation of such a program, especially its commencement, is subject or more accurately contingent upon the availability of funds.

Sincerely,


J.S. SHIMIZU

Attachment

cc: Acting Deputy Chief of Police
District 1 Commander
District 2 Commander
ACOP, CID
ACOP, Support Division
GPD Legal Advisor
Chairperson, Committee on Judiciary, Criminal
Justice and Environmental Affairs



Drug Free Guam Para Todos

**TWENTY-THIRD GUAM LEGISLATURE
1996 (_____) Regular Session**

Bill No. 453

Introduced by: _____

**AN ACT TO PERMIT GUAM POLICE DEPARTMENT
OFFICERS TO USE THEIR PERSONAL VEHICLES FOR
OFFICIAL PURPOSES**

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

2 **Section 1. Legislative Intent.** The Legislature finds that the Guam Police
3 Department's (GPD) decades long practice of only using a fleet of official GPD
4 vehicles to carry out its law enforcement mission has not been cost-effective,
5 nor has it enhanced GPD's law enforcement efforts to its fullest potential. For
6 example, it conservatively costs GPD roughly Seven Hundred Fifty Thousand
7 Dollars (\$750,000.00) to purchase a fleet of twenty-five (25) vehicles for patrol
8 officers for which maintenance, repair and replacement costs amount to
9 approximately One Hundred Fifty Thousand Dollars (\$150,000.00) annually.
10 This occurs because such vehicles must and are frequently utilized on a twenty-
11 four hour, five (5) to seven (7) day basis which not only puts more wear and
12 tear on the vehicle, but substantially shortens the life of the vehicle by years.
13 As a result of such extensive use, the available number of official GPD vehicles
14 becomes less in addition to other reasons for loss of vehicles (e.g., accidents,
15 collision in hot pursuits, etc.), and this becomes especially evident when it
16 occurs during a very tight fiscal budget year for GPD. Thus, the low number
17 of available official GPD vehicles not only affects GPD's direct law enforcement
18 efforts, but it lessens the visibility of GPD officers on our streets and highways
19 as well as throughout our villages and communities.

1 The legislature therefore finds that permitting GPD police officers to use
2 their privately owned vehicles for patrol duty, police service and other law
3 enforcement related functions will not only prove to be cost-effective in the
4 long run, but it will provide many of the advantages that other jurisdictions have
5 enjoyed with similar programs. For example, the Honolulu Police Department
6 (HPD) has permitted their officers to utilize their privately owned vehicle for
7 police service since 1932. As recently as February 28, 1996, HPD Police Chief
8 Michael S. Nakamura has written to GPD Police Chief Jack S. Shimizu indicating
9 that their experience with their subsidized vehicle program remains favorable.
10 It was noted that the upkeep and appearance of such vehicles are enhanced
11 since the officers are responsible for the repair and maintenance of their own
12 cars (part of the monthly subsidy incorporates such costs); that in addition to
13 maintenance and repair costs, their department was relieved of other indirect
14 costs such as the manpower and paperwork for managing hundreds of
15 additional vehicles and the costs of storing them; that the program gave HPD
16 the capability to mobilize many off-duty officers in an emergency without
17 awaiting the availability of official vehicles and to be in constant contact since
18 such cars are equipped with radios; and the fleet of official HPD owned vehicles
19 was kept small in number as well as in terms of its maintenance and
20 replacement costs.

21 **Section 2.** Title 10 G.C.A. §56101 is hereby repealed and enacted to read:

22 **"§56101. Police Use of Private Vehicles.** a) The Guam Police
23 Department shall permit police officers to use their privately owned vehicles for
24 police service, patrol duty and other law enforcement related functions. The
25 Department shall prescribe adequate compensation and insurance as described
26 below. The Chief of Police shall prescribe, by regulation, the allowances the
27 Department will pay for the use of vehicles subsidized by this section.

28 b) Any authorized member of the Guam Police Department who uses his
29 private funds to purchase a subsidized vehicle and regularly uses this vehicle
30 to perform his official duties as authorized under subsection a., shall, in addition

1 to his annual salary, be granted allowances therefore at rates established by the
2 Guam Police Department for repair and maintenance services, official mileage,
3 gasoline and shall have his public liability and property insurance paid by the
4 Guam Police Department from its annual budget.

5 **Section 3.** A new §56101.1 is added to Title 10 G.C.A. to read:

6 "§56101.1. **Definitions** a) Subsidized Vehicle. A privately owned
7 vehicle utilized by police officers for on duty law enforcement purposes for
8 which an allowance will be provided by the Government of Guam.

9 (b) Official Mileage. An allowance for vehicular travel expenses at a certain
10 rate per mile while performing official duty as prescribed under §56101(a)."

11 **Section 4.** A new §56102 is added to Title 10 G.C.A. to read:

12 "§56102. **Requirements for Vehicles.** a) The Guam Police Department
13 shall establish an annual list of the vehicles which it finds are acceptable for use
14 and compensation under this statute. Each vehicle on said list must have at
15 least a six cylinder engine, a wheel base of at least 100 inches, tires which do
16 not exceed ten inches in width, a driver side airbag, four sets of properly
17 working seat belts and a gasoline engine. All of the features required by this
18 section must be maintained in good working order for the Department member
19 using the vehicle to receive compensation. The Department may establish
20 additional reasonable requirements for vehicles authorized by this section.

21 b) Vehicles authorized by this section may have tinted windows and
22 windshields as authorized by the Chief of Police at his discretion.

23 c) No vehicle authorized by this section may have a bumper sticker, poster,
24 placard or painted design on its exterior.

25 **Section 5.** A new §56103 is added to Title 10 G.C.A. to read:

26 "§56103. **Registration of subsidized vehicles.** A subsidized vehicle must
27 be registered in the name of the Department member using it or else in joint
28 registration with his spouse, a member of immediate family or a leasing
29 company."

30 **Section 6.** A new §56104 is added to Title 10 G.C.A. to read:

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"§56104. Annual Renewal Procedures. A Department member using a subsidized vehicle shall ensure that his vehicle is properly registered with the Department of Revenue and Taxation. If any vehicle is not so registered, the Department member using said vehicle shall receive no compensation for the use of said vehicles for the time period during which the vehicle is not registered. The Department of Revenue and Taxation shall note on the registration of each subsidized vehicle that it is subsidized."

Section 7. A new §56105 is added to Title 10 G.C.A. to read:

"§56106. Regulations regarding Subsidized Vehicles. The Chief of Police shall, in accordance with the Administrative Adjudication Law, enact regulations consistent with Title 10 G.C.A. Section 56 in order to implement the use of private vehicles by the Guam Police Department and its members."

Notice of Public Hearing



**Senator
Mark C. Charfauros**

**Chairman, Committee on Judiciary,
Criminal Justice and Environmental Affairs
Twenty-Third Guam Legislature**

**9:30 a.m.
Agenda**

Bill No. 354, AN ACT TO AMEND CHAPTER 33 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO NOTARIES PUBLIC.

Bill No. 357, AN ACT TO ADD A NEW SECTION 1658 OF TITLE 1 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING THE GUAM CODE COMMISSION.

Bill No. 392 (AS AMENDED BY THE AUTHOR), AN ACT TO REPEAL AND REENACT §46.30 OF TITLE 9, GCA, RELATIVE TO THE ISSUANCE OF BAD CHECKS.

Bill No. 453, AN ACT TO PERMIT GUAM POLICE DEPARTMENT OFFICERS TO USE THEIR PERSONAL VEHICLES FOR OFFICIAL PURPOSES.

Date: Wednesday, January 24, 1996

Time: 9:30 a.m.

Place: Public Hearing Room, Guam Legislature
155 Hesler St., Agana

The Public is invited to attend

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

FEB 06 1996

Bill No. 453 Date Received: 01/10/96
Amendatory Bill: NO Date Reviewed: 01/30/96

Department/Agency Affected: Guam Police Department
Department/Agency Head: Jack S. Shimizu
Total FY Appropriation to Date: \$24,144,845

Bill Title (preamble): AN ACT TO PERMIT GUAM POLICE DEPARTMENTT OFFICERS TO USE THEIR PERSONAL VEHICLES FOR OFFICIAL PURPOSES.

Change in Law: NONE

Bill's Impact on Present Program Funding:

Increase XXX Decrease _____ Reallocation _____ No Change _____

Bill is for:
Operations: XXX Capital Improvement: _____ Other: _____

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
Program Category	General Fund	OTHER	TOTAL
Public Safety	1/		\$0

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	Total
GENERAL FUND	1/					\$0
OTHER						
TOTAL	\$0	\$0	\$0	\$0	\$0	\$0

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? Appropriation not provided for in Bill

IF NO, ADDITIONAL AMOUNT REQUIRED: 1/

AGENCY/PERSON/DATE CONTACTED: Guam Police Dept. / Jess Artero / 1/30/96

ESTIMATED POTENTIAL MULTI-YEAR REVENUES (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	Total
GENERAL FUND	1/					
OTHER						
TOTAL	0	0	0	0	0	0

ANALYST: Stephen J. Guerrero

DATE: 2/1/96

DIRECTOR: Joseph E. Rivera

DATE: FEB 06 1996

FOOTNOTE: 1/ See attached comments.

Comments on Bill No. 453

The Bill proposes to permit the Guam Police Department's uniform personnel to use their privately owned vehicle for official purposes. The department is to establish regulations pertaining to the compensation and insurance of such vehicles.

Information received from the Chief of Police, Guam Police Department reveal that the department recently established a In-house committee to study the feasibility and impact of the bill. As of the date of these comments, no analysis has been done on the fiscal impact of the program. The department has indicated that it is has been in communication with the State of Hawaii's Honolulu Police Department which has operated a similar program for approximately eighteen (18) years. Therefore, the fiscal impact of the bill cannot be ascertained until program guidelines and regulations are established.

JAN 04 1996

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) REGULAR SESSION

Bill No. 453 (LS)
Introduced by:

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AN ACT TO PERMIT GUAM POLICE DEPARTMENT
OFFICERS TO USE THEIR PERSONAL VEHICLES FOR
OFFICIAL PURPOSES.

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

2 **Section 1.** Title 10 G.C.A. Section 56101 is hereby repealed and re-enacted to read:

3 **"§56101. Police Use of Private Vehicles.** (a) The Guam Police Department shall
4 permit police officers to use their privately owned vehicles for official purposes. The
5 Department shall prescribe adequate compensation and insurance as described below.
6 The Chief of Police shall prescribe, by regulation, the mileage allowance the
7 Department will pay for the use of vehicles subsidized by this section.

8 (b) Any member of the Guam Police Department who uses his private funds to
9 purchase a subsidized vehicle and regularly uses his own vehicle to perform his official
10 duties shall, in addition to his annual salary, be granted an allowance therefor at rates
11 established by the Guam Police Department, shall be allowed gasoline and a mileage
12 allowance based on official mileage, and shall have his public liability and property
13 damage insurance paid by the Guam Police Department from its annual budget."

14 **Section 2.** A new Section 56103 is added to Title 10 G.C.A. to read:

1 **“§56103. Requirements for Vehicles.** (a) The Guam Police Department shall
2 establish an annual list, to be distributed to all Department Personnel, of the vehicles
3 which it finds are acceptable for use and compensation under this statute. Each vehicle
4 on said list must have at least a six cylinder engine, a wheel base of at least 100 inches,
5 tired^s which do not exceed ten inches in width, a d^fiver side airbag, four sets of properly
6 working seat belts and a gasoline engine. All of the features required by this section
7 must be maintained in good working order for the Department member using the
8 vehicle to receive compensation. The Department may establish additional reasonable
9 requirements for vehicles authorized by this section.

10 (b) Vehicles authorized by this section may have tinted windows so long as the
11 tinting meets the requirements of Guam and federal law.

12 (c) No vehicle authorized by this section may have a bumper sticker, poster,
13 placard or painted design on its exterior.”

14 **Section 3.** A new Section 56104 is added to Title 10 G.C.A. to read:

15 **“§56104. Registration of subsidized vehicles.** A subsidized vehicle must be
16 registered in the name of the Department member using it or else in joint registration
17 with his spouse, a member of immediate family or a leasing company.”

18 **Section 4.** A new Section 56105 is added to Title 10 G.C.A. to read:

19 **“§56105. Annual Renewal Procedures.** A Department member using a
20 subsidized vehicle shall ensure that his vehicle is properly registered with the
21 Department of Revenue and Taxation. If any vehicle is not so registered, the
22 Department member using said vehicle shall receive no compensation for the use of
23 said vehicle for the time period during which the vehicle is not registered. The

1 Department of Revenue and Taxation shall note on the registration of each subsidized
2 vehicle that it is subsidized.”

3 **Section 5.** A new Section 56106 is added to Title 10 G.C.A. to read:

4 “**§56106. Insurance of Subsidized Vehicles.** The Government of Guam shall
5 purchase public liability and property damage insurance for every subsidized vehicle.
6 The amount of said insurance shall be the minimum amount required by Guam law.
7 The Government of Guam shall, under the Government Claims Act, be liable for and
8 indemnify the Department member for claims arising from his use of the subsidized
9 vehicle while performing Department duties.”

10 **Section 6.** A new Section 56107 is added to Title 10 G.C.A. to read:

11 “**§56107. Regulations regarding Subsidized Vehicles.** The Chief of Police shall, in
12 accordance with the Administrative Adjudication Law, enact regulations consistent
13 with Title 10 G.C.A. Section 56 in order to implement the use of private vehicles by the
14 Guam Police Department and its members.”