

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 294 -32 (COR)

Introduced by:

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2014 MAR 24 PM 3:57

AN ACT TO ESTABLISH THE “POLICE PATROL VEHICLE & EQUIPMENT REVOLVING FUND”, BY ADDING A NEW SECTION § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED; AND TO PROVIDE FUNDING BY AMENDING § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the annual vehicle safety inspection program is an effective tool to keep dangerous vehicles off the roadways and keep our community safe. However, we realize that it is the police officer that patrols the beat who is key to ensuring the safety and security of the community every day of the year.

I Liheslaturan Guåhan also finds that the number of cars in the Guam Police Department’s fleet that are in-service and available for patrolling our streets and neighborhoods has dropped to an unacceptable level, delaying police services to our community and hindering response to emergencies, thus endangering the lives

1 of our residents. In order to keep the Department’s vehicle fleet operating, GPD
2 has had to rely on generous donations of patrol cars, motorcycles and scooters
3 from private business as well as the occasional identification of federal funds to
4 ensure that the heart of our economic center in Tumon is protected. Additionally,
5 throughout the Department, our dedicated public servants have been spending their
6 personal funds for many years to keep the Department’s aging fleet and equipment
7 operating, so that they can continue to serve and protect our community, island-
8 wide.

9 Therefore, *I Liheslaturan Guåhan*, recognizing that it is a fundamental
10 responsibility of the government of Guam to provide for public safety, and that the
11 Guam Police Department is a primary instrumentality to provide for the public
12 safety and security needs of our Island, it is the *intent* of that a portion of the
13 vehicle safety inspection program be utilized support effective police enforcement.
14 And towards that end, *I Liheslaturan Guåhan* intends to establish a more
15 sustainable funding source by allocating a portion of the vehicle safety inspection
16 fees be dedicated to fund the continuous purchase of police vehicles, maintenance
17 and equipment so that the residents of Guam may be ensured the best possible
18 police services, unhindered by a lack of equipment or maintenance.

19 **Section 2.** Subsection (a) and (b) of § 3602, Article 6, Chapter 3, Title 16,
20 Guam Code Annotated, are hereby *AMENDED*, to read:

21 **“§ 3602. Regulations: Fee.**

(a) The Director of Revenue and Taxation is hereby authorized to make necessary rules and regulations, subject to the approval of I Maga’Lahi, for the administration and enforcement of inspections required under § 3601, including designation of the period or periods of time within which said inspections shall be

made and for the issuance and use of decalcomania or other identification to be attached to vehicles with reference to inspection status.

(1) The Director shall, commencing on January 01, 2015, and every two (2) years thereafter, review the safety inspection fee, and may increase or decrease the fee by an amount not greater or less than ten percent (10%). This adjustment shall not require the concurrence of the Legislature, provided, however, any proposed increase in excess of ten percent (10%) shall require the Director to conduct the rate review and adoption process of the proposed increase pursuant to Article 3, Chapter 9 [Administrative Adjudication Law], Division 1, Title 5, Guam Code Annotated.

1 (b) The fee to be charged for each such inspection shall be Fifteen Dollars
2 (\$15), inclusive of the administrative fee (also known as the ‘Official Vehicle
3 Inspection Safety (OVIS) Fee’) which shall be calculated at twenty percent (20%)
4 of the current fee. Provided, that the existing OVIS Fee of Three Dollars (\$3) shall
5 not be adjusted below this amount. The fee for re-inspection done pursuant to §
6 3601(c) shall be Two Dollars (\$2). Commercial and Armed Forces of the United
7 States vehicle safety inspection stations shall retain all fees collected, as payment
8 for inspection services rendered, however, such stations shall be required to
9 purchase official inspection administrative forms from the Department of Revenue
10 and Taxation. ~~All fees received by the Department of Revenue and Taxation shall~~
11 ~~be deposited in the General Fund of the Treasury of Guam.~~

(1) The total portion of all fees collected for the administrative fee (a.k.a., the ‘Official Vehicle Inspection Safety (OVIS) Fee’) shall be deposited into the “Police Patrol Vehicle & Equipment Revolving Fund”, a separate account established pursuant to § 77135 of Article 1, Chapter 77, Title 10, Guam Code Annotated, for that purpose.

1 **Section 3.** A *NEW* Section § 77135 -POLICE PATROL VEHICLE &
2 EQUIPMENT REVOLVING FUND, is hereby *ADDED* to Article 1, Chapter 77
3 of Title 10, Guam Code Annotated, to read:

4 “§ 77135. POLICE PATROL VEHICLE & EQUIPMENT
5 REVOLVING FUND; Establishment. There is hereby established a “Police
6 Patrol Vehicle & Equipment Revolving Fund (Fund)”, to be maintained by the
7 Department of Administration for the sole the benefit of the Guam Police
8 Department. The Fund shall be established and maintained in a bank account apart
9 and separate from the General Fund or any other bank account(s) of the
10 government of Guam, and shall not be co-mingled with, or a part of, the General
11 Fund. All funds due or accruing to the account from whatever source(s), as
12 provided or authorized pursuant to applicable law, inclusive of any interest, shall
13 be deposited in the Fund in its entirety immediately upon receipt by the
14 government of Guam. The Fund shall not be subject to the transfer authority of I
15 Maga’lahan Guåhan. It is further, provided, that:

16 (a) Funding. The Police Patrol Vehicle & Equipment Revolving Fund
17 shall be funded by, but is not limited to, fees collected and allocated in accordance
18 with Title 16 G.C.A. § 3602 (b), and, it is further, provided:

19 (1)All monies received, collected from or paid by parties responsible for
20 damages to vehicles owned by the Guam Police Department shall be
21 deposited in the Fund;

22 (b) Purpose. The primary and *sole* purpose of the Fund is the acquisition
23 of vehicles and requisite associated equipment, and to support the repair and

1 maintenance needs for vehicles of the Guam Police Department on a fiscal year
2 basis;

3 (c) Authorized Expenditure and Continuing Appropriation. All monies in
4 the Fund are hereby APPROPRIATED, and shall be deemed APPROPRIATED on
5 a CONTINUING basis and shall not lapse, and shall not be subject to
6 appropriation constraints in order to be expended for the purposes of acquiring,
7 repairing, and maintaining vehicles and requisite associated equipment for the
8 Guam Police Department. It is further, provided:

9 (1) Not less than thirty-three percent (33%) of the annual revenue
10 collected by the fund shall be used solely for the purchase of new
11 police patrol vehicles within the government of Guam fiscal year
12 during which such funding was generated from revenue received.

13 (i) The expenditure prioritization mandate pursuant to this
14 Item (1) shall not apply to the purchase of non-patrol vehicles for
15 administrative utilization purposes, which is prohibited.

16 (ii) Any unexpended funds remaining at the end of the fiscal
17 year shall continue to be available for expenditure in the next fiscal
18 year solely for the purposes of this Item (1).

19 (2) The Guam Police Department may expend a portion of the Fund to
20 subsidize the utilization of privately owned vehicles for police service,
21 patrol duty and other law enforcement related functions, as provided
22 pursuant to 10 GCA Chapter 65.

23 (3) The Guam Police Department may expend a portion of the Fund to
24 pursue the collection of just compensation from parties responsible for
25 damages to vehicles owned by the Guam Police Department.

26 (d) Reporting. Any and all collections deposited into and/or expenditures
27 from the Fund shall be reported quarterly to I Maga'lahan Guåhan and the

1 Speaker of I Liheslaturan Guåhan, and the Guam Police Department, in
2 conjunction with the Department of Administration, shall report and maintain full
3 compliance with all financial reporting requirements of the government of Guam
4 pursuant to applicable law. The Fund shall be subject to review and audit by the
5 Office of Public Accountability, which shall provide I Maga'lahan Guåhan and
6 the Speaker of I Liheslaturan Guåhan with a copy of any audited report; and

7 (e) The Chief of Police shall submit an annual spending plan for the Fund
8 in accordance with and at the same time as the Bureau of Budget and Management
9 Research budget call. The spending plan shall include the actual experience of the
10 fund, and any shortfalls experienced for the current fiscal year, or anticipated for
11 the succeeding fiscal year. A budget request for additional funding as is required
12 for necessary vehicle acquisition, repairs and maintenance shall be in provided for
13 in the Budget Request of the Executive Branch for the Department for the
14 succeeding fiscal year.”

15 **Section 4. Promulgation of Rules and Codification in GARR; 10 GCA,**
16 **Chapter 56 – Automobiles, § 56101.6 - Regulations Regarding Subsidized**
17 **Vehicles.** (a) The Chief of Police shall review and ensure that the enactment of
18 regulations pursuant to and consistent with Chapter 65 of Title 10, Guam Code
19 Annotated, has been duly promulgated and updated pursuant to Article 3 [Rule-
20 Making Procedures], Chapter 9 [Administrative Adjudication Law], Division 1,
21 Title 5, Guam Code Annotated [Government Operations], and which shall be
22 codified in Article 7 of Title 27, Guam Administrative Rules and Regulations.

23 (b) A NEW Article 7 - Privately Owned Vehicles for Police Service
24 Policy, is hereby established under Title 27 – Public Safety, Guam Administrative
25 Rules and Regulations.

1 **Section 5. Severability.** *If* any provision of this Act or its application to any
2 person or circumstance is found to be invalid or contrary to law, such invalidity
3 shall *not* affect other provisions or applications of this Act which can be given
4 effect without the invalid provisions or application, and to this end the provisions
5 of this Act are severable.

6 **Section 6. Effective Date.** This Act shall become immediately effective
7 upon enactment.