

*I Mina'Trentai Dos Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
294-32 (COR)	D.G. RODRIGUEZ, Jr. B.J.F. CRUZ C.M. DUENAS J.T. WON PAT, Ed.D. A.A. YAMSHITA, Ph.D V.ANTHONY ADA R.J. RESPICIO B.T. McCREADIE T.A. MORRISON	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.	03/24/14 3:57 p.m.	03/24/14	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

March 24, 2014

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

### MEMORANDUM

Senator  
Vicente (Ben) C. Pangelinan  
Member

**To: Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

**From: Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

Senator  
Dennis G. Rodriguez, Jr.  
Member

**Subject: Referral of Bill No. 294-32(COR)**

Vice-Speaker  
Benjamin J.F. Cruz  
Member

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 294-32(COR)**.

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Senator  
Frank Blas Aguon, Jr.  
Member

Should you have any questions, please feel free to contact our office at 472-7679.

Senator  
Michael F.Q. San Nicolas  
Member

*Si Yu'os Ma'åse!*

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Attachment

Senator  
Aline Yamashita  
Member

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

Bill No. 294 -32 (COR)

Introduced by:

D.G. RODRIGUEZ, Jr.  
B.J.F. CRUZ  
C.M. DUENAS  
J.T. WON PAT, Ed.D.  
A.A. YAMSHITA, Ph.D.  
V.ANTHONY ADA  
R.J. RESPICIO  
B.T. McCREADIE  
T. Morrison

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.