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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 294-31 (COR), "AN ACT TO *AMEND* §66103 OF CHAPTER 66, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE CIVILIAN VOLUNTEER POLICE RESERVE; TO *ADD* A NEW SUBSECTION (c) TO §50111 OF CHAPTER 50, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO RE-ESTABLISHING THE "ACCESSIBLE PARKING FUND"; AND TO *AMEND* §3401.1(e) OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO ACCESSIBLE PARKING FOR PERSONS WITH DISABILITIES,"** was on the 8th day of November, 2011, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 9th day of Nov., 2011, at 4:25 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____
Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 294-31 (LS)
As amended by the Committee on Public Safety,
Law Enforcement and Judiciary; and further amended on the Floor.

Introduced by: Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
M. Silva Taijeron
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R. J. Respicio
Dennis G. Rodriguez, Jr.
Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §66103 OF CHAPTER 66, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE CIVILIAN VOLUNTEER POLICE RESERVE; TO *ADD* A NEW SUBSECTION (c) TO §50111 OF CHAPTER 50, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO RE-ESTABLISHING THE "ACCESSIBLE PARKING FUND"; AND TO *AMEND* §3401.1(e) OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO ACCESSIBLE PARKING FOR PERSONS WITH DISABILITIES.

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Accessible Parking Fund (Fund), established as the *Disabled Parking Fund*

in 1985 by Public Law 18-28, was originally used to pay for the installation and maintenance of accessible parking spaces at government of Guam buildings. The *Disabled Parking Fund*, administered at the time by the Director of Public Works, was also used to cover the costs for the installation of appropriate parking signs, and for the fabrication of removable windshield placards for registered users.

I Liheslaturan Guåhan finds that in 1995, through Public Law 23-11, the *Disabled Parking Fund* was renamed to its current nomenclature, and the Governor's Commission on Persons with Disabilities was assigned the responsibility of maintaining such Fund. Proceeds of the Fund were designated for use in an aggressive media campaign to help educate the public about the human aspects of parking in an accessible parking space, and its impact on persons with disabilities.

In 1997 through Public Law 24-16, *I Liheslaturan Guåhan* further amended the Fund's enabling statute, 5GCA §50111(c), and assigned the Department of Integrated Services for Individuals with Disabilities (DISID) with the responsibility of maintaining the fund proceeds. *I Liheslaturan Guåhan* also mandated that the Fund be used to cover costs associated with monitoring compliance of accessible parking laws.

Nearly a decade later Public Law 28-130, through recommendations made in the Office of the Public Auditor's Report No. 06-03 dated April 2006, *I Liheslaturan Guåhan* repealed 5GCA §50111(c), which effectively closed what was reported to be an inactive fund account of the government of Guam. Public Law 28-130 also appropriated Five Thousand Dollars ($5,000) from a balance of Five Thousand Five Hundred Sixty-six Dollars ($5,566) to the Guam Police Department (GPD) for the purpose of training volunteers who would assist with the enforcement of accessible parking laws. The remaining balance was to be transferred into the General Fund.

I Liheslaturan Guåhan, through information recently received from the Chief of Police, finds that the Accessible Parking Fund was *not* closed, and that fines and fees continue to be deposited into the Fund. As of October 11, 2011, the Fund has a balance of Two Hundred Fifty-three Thousand Seven Hundred Fifteen Dollars and Thirty Cents ($253,715.30). Based on this information, the Chief of Police has requested the assistance of the Chairman of the Committee on Public Safety, Law Enforcement and Judiciary to introduce legislation that would authorize GPD to use proceeds from the Fund for the Civilian Volunteer Police Reserve (CVPR) and Community Assisted Policing Effort (CAPE) programs. Funds would be used to pay for equipment, supplies, and training activities for reservists and volunteers assigned to these units. Police Reservists and CAPE volunteers continue to assist regular full-time officers with the enforcement of accessible parking and other public safety and law enforcement mandates.

I Liheslaturan Guåhan also finds that the Chief of Police has requested that such legislation authorize GPD to extend the use of Fund proceeds to pay for similar requirements of the agency's operations bureau, including repairs to highway patrol vehicles, acquisition of police equipment and supplies, and for other purposes aimed at strengthening GPD's ability to enforce accessible parking and other public safety and law enforcement mandates.

I Liheslaturan Guåhan further finds that individuals with disabilities are inconvenienced when the accessible parking law is violated, and thus have a significant stake in compliance with accessible parking. DISID thus has a role to play in promoting compliance with the law to the benefit of Guam's community of persons with disabilities.

It is, therefore, the intent of *I Liheslaturan Guåhan* to re-establish the Accessible Parking Fund in 5GCA §50111(c), and share the revenue derived from enforcement of the accessible parking law between the Accessible Parking Fund

and the Police Services Fund to improve compliance with accessible parking by amending 16GCA §3401.1(e). *I Liheslaturan Guåhan* intends for GPD to use the proceeds to assist with the enforcement of accessible parking and other public safety and law enforcement mandates towards the preservation of law and order.

Section 2. §66103 of Chapter 66, Title 10, Guam Code Annotated, is hereby *amended* to read:

"**§ 66103. Training, Equipping and Maintenance of Records.**

The Chief of Police *shall* devise a program whereby the Guam Police Department and the Civil Defense Office will provide the members of the Civilian Volunteer Police Reserve training in law enforcement and operational techniques and procedures for natural and man-made emergencies. The Civilian Volunteer Police Reserve *shall* maintain a roster of volunteers who have received the training prescribed herein. In order to maintain membership in the Reserve, each member must keep up with his scheduled training, and *no* volunteer may remain in the Reserve if he or she is unable to keep up with or otherwise absorb the training. Additionally, basic supplies and equipment *shall* be provided to assure a constant and operability of the Civilian Volunteer Police Reserve, including a continuing program for replacement."

Section 3. Accessible Parking Fund. A new Subsection (c) is hereby *added* to §50111 of Chapter 50 of Title 5, Guam Code Annotated, to read:

"(c) A Fund to be known as the Accessible Parking Fund (Fund) is hereby re-enacted and will continue to be separate and apart from any other fund of the government of Guam. The Department of Integrated Services for Individuals with Disabilities *shall* maintain the Fund, and *shall* utilize the Fund for the purpose of ensuring community awareness regarding parking issues for individuals with disabilities, which *shall* include the monitoring

and compliance for the provision of accessible parking for individuals with disabilities."

Section 4. Accessible Parking for Persons with Disabilities. §3401.1(e) of Article 4, Chapter 3, Title 16, Guam Code Annotated, is hereby *amended* to read as follows:

"(e) A violation of Subsections (b), (c), or (d) of this Section is punishable by a fine of *no less than* Three Hundred Dollars ($300.00) and *no more than* Five Hundred Dollars ($500.00). A violation of Subsections (b)(1) or (c) of this Section, or of Title 16 GCA Chapter 3, or §3401(d) by any individual(s) qualifying as a disabled person, as defined within Title 16 GCA §7120.1(a)(2), may have citation(s) dismissed upon the presentation of a special license plate or a removable windshield placard obtained pursuant to §7120.1 of Title 16, GCA before the Court. The Courts may, at its discretion and by direction, create a methodology and system that authorizes the administrative support services of the Courts to certify the presentation of a placard by a person with a disability for the purposes of dismissal in order to forgo the need of a personal court appearance, and that such methodology and system strongly consider the potential for abuse. Fifty percent (50%) of all fines imposed hereunder by the Court *shall* be deposited into the Accessible Parking Fund, maintained by the Department of Integrated Services for Individuals with Disabilities or its successor agency, pursuant to Title 5 GCA §50111(c), and the remaining fifty percent (50%) *shall* be deposited into the Police Services Fund, maintained by the Guam Police Department. Additionally, any vehicle(s) illegally parked pursuant to this Subsection, may be towed; and the owner of such vehicle(s) will be liable for reasonable towing expenses, which *shall* constitute a lien against the offending vehicle."

Section 5. Accumulated Funds. One Hundred One Thousand Five Hundred Dollars ($101,500) currently in an account of the Department of Administration where the proceeds of fines from enforcement of the Accessible Parking Law are deposited *shall*, on the effective date of this Act, be transferred from such account into the Police Services Fund to be maintained by the Guam Police Department, and the remaining balance of the funds *shall* remain in the Accessible Parking Fund to be maintained by the Department of Integrated Services for Individuals with Disabilities.