FILE COPY

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

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

This is to certify that **Bill No. 294-32 (COR), "AN ACT TO *ADD* A NEW § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE "POLICE PATROL VEHICLE AND EQUIPMENT REVOLVING FUND"; TO *AMEND* § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES; AND TO REQUIRE THE ENACTMENT OF REGULATIONS FOR THE USE OF PRIVATELY OWNED VEHICLES FOR POLICE SERVICE,"** was on the 3rd day of October, 2014, 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 6 day of Oct, 2014, at 6:32 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 DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 294-32 (COR)
As amended on the Floor.

Introduced by: Dennis G. Rodriguez, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith T. Won Pat, Ed.D.
Aline A. Yamashita, Ph.D.
V. Anthony Ada
R. J. Respicio
Brant T. McCreadie
Tommy Morrison
T. C. Ada
FRANK B. AGUON, JR.
Michael T. Limtiaco
T. R. Muña Barnes
Michael F. Q. San Nicolas

AN ACT TO *ADD* A NEW § 77135 TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE "POLICE PATROL VEHICLE AND EQUIPMENT REVOLVING FUND"; TO *AMEND* § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ASSESSMENT AND COLLECTION OF VEHICLE SAFETY INSPECTION FEES; AND TO REQUIRE THE ENACTMENT OF REGULATIONS FOR THE USE OF PRIVATELY OWNED VEHICLES FOR POLICE SERVICE.

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, *I*

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

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

Section 2. § 3602 of Article 6, Chapter 3 of Title 16, Guam Code Annotated, is hereby *amended* to read:

"**§ 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.

The Director *shall,* commencing on January 1, 2015, and every two (2) years thereafter, review the safety inspection fee, and may increase the fee by an amount *not to exceed* ten percent (10%) of the fee on December 31, 2014. This adjustment *shall not* require the concurrence of *I Liheslaturan Guåhan* (the Legislature) nor require compliance with the AAL, but the Director *shall* cause a notice describing the original fee and the increase to be published on its website and in a newspaper of general circulation in Guam; and to be given to the media and to the Speaker of *I Liheslaturan Guåhan* at least sixty (60) days prior to the implementation date. A proposed increase in excess of ten percent (10%) of the fee on December 31, 2014, *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.

(b) The fee to be charged for each such inspection *shall* be Fifteen Dollars ($15.00), inclusive of the administrative fee (also known as the Official Vehicle Inspection Safety (OVIS) Fee), which

shall be calculated at twenty percent (20%) of the current fee; *provided*, that the existing OVIS Fee of Three Dollars ($3.00) *shall not* be adjusted below this amount. The fee for reinspection done pursuant to § 3601(c) *shall* be Two Dollars ($2.00). Commercial and Armed Forces of the United States vehicle safety inspection stations *shall* retain all fees collected, as payment for inspection services rendered, however, such stations *shall* be required to purchase official inspection administrative forms from the Department of Revenue and Taxation.

All OVIS Fees *shall* be deposited into the "Police Patrol Vehicle and Equipment Revolving Fund", a separate account established pursuant to § 77135 of Article 1, Chapter 77, Title 10, Guam Code Annotated, for that purpose."

Section 3. A new § 77135 is hereby *added* to Article 1, Chapter 77 of Title 10, Guam Code Annotated, to read:

"**§ 77135. Police Patrol Vehicle and Equipment Revolving Fund; Establishment.** There is hereby established a "Police Patrol Vehicle and Equipment Revolving Fund" (Fund), to be maintained by the Department of Administration for the *sole* benefit of the Guam Police Department. The Fund *shall* be established and maintained in a bank account separate and apart from the General Fund, or any other bank account(s) of the government of Guam, and *shall not* be co-mingled with, or a part of, the General Fund. All funds due or accruing to the account from whatever source(s), as provided or authorized pursuant to applicable law, inclusive of any interest, *shall* be deposited in the Fund in its entirety immediately upon

receipt by the government of Guam. The Fund *shall not* be subject to the transfer authority of *I Maga'lahen Guåhan.*

(a) **Funding.**

(1) The Police Patrol Vehicle and Equipment Revolving Fund *shall* be funded by, but is *not* limited to, OVIS fees collected and allocated in accordance with § 3602(b), of Title 16, Guam Code Annotated.

(2) All monies received, collected from or paid by parties responsible for damages to vehicles owned by the Guam Police Department *shall* be deposited in the Fund.

(b) Purpose. The primary and *sole* purpose of the Fund is the acquisition of vehicles and requisite associated equipment, and to support the repair and maintenance needs for vehicles of the Guam Police Department on a fiscal year basis.

(c) Authorized Expenditure and Continuing Appropriation. All monies in the Fund are hereby appropriated, and *shall* be deemed appropriated on a continuing basis and *shall not* lapse, and *shall not* be subject to appropriation constraints in order to be expended for the purposes of acquiring, repairing, and maintaining vehicles and requisite associated equipment for the Guam Police Department.

(1) Thirty percent (30%) of the annual revenue collected by the Fund *shall* be used *solely* for the purchase of new police patrol vehicles within the government of Guam fiscal year during which the revenue was received or used to subsidize the utilization of privately owned vehicles for police

service, patrol duty, and other law enforcement related functions, as provided pursuant to Title 10 GCA Chapter 56.

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

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

(2) Seventy percent (70%) of the annual revenue collected by the Fund *shall* be used *solely* for the repair and maintenance of police patrol vehicles within the government of Guam fiscal year during which such funding was generated from revenue received.

(d) Reporting. Any and all collections deposited into and/or expenditures from the Fund *shall* be reported quarterly to *I Maga'lahen Guåhan* and the Speaker of *I Liheslaturan Guåhan*, and the Guam Police Department, in conjunction with the Department of Administration, *shall* report and maintain full compliance with all financial reporting requirements of the government of Guam pursuant to applicable law. The Fund *shall* be subject to review and audit by the Office of Public Accountability, which shall provide *I Maga'lahen Guåhan* and the Speaker of *I Liheslaturan Guåhan* with a copy of any audited report.

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

Section 4. Promulgation of Rules and Codification in GARR; 10 GCA, Chapter 56 - Automobiles, § 56101.6 - Regulations Regarding Subsidized Vehicles.

(a) The Chief of Police *shall* review and ensure that the enactment of regulations pursuant to and consistent with Chapter 65 of Title 10, Guam Code Annotated, has been duly promulgated and updated pursuant to Article 3 (Rule-Making Procedures), Chapter 9 (Administrative Adjudication Law), Division 1, Title 5, Guam Code Annotated (Government Operations), and which *shall* be codified in Article 7 of Title 27, Guam Administrative Rules and Regulations.

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

Section 5. Severability. *If* any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this Act which can be

given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

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