

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
38-36 (COR)	Telo T. Taitague	AN ACT TO AMEND § 61106(b) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE THAT FAILS TO PROVIDE REQUIRED REPORTS OR POSITION STATEMENTS ON LAND USE APPLICATIONS.	1/22/21 3:32 p.m.	1/26/21	Committee on Health, Land, Justice, and Culture	2/4/21 2:00 p.m.	2/12/21 3:17 p.m. As amended by the Committee on Health, Land, Justice and Culture	Request: 1/26/21 1/29/21 2/18/21 Revised	



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

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February 18, 2021

MEMO

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

From: **Vice Speaker Tina Rose Muña Barnes**
Chairperson, Committee on Rules

Re: **Fiscal Notes**

Buenas yan Håfa adai.

Attached, please find the fiscal notes for the following bills:

Bill No. 38-36 (COR) – Revised

Bill No. 46-36 (COR)

Bill No. 59-36 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 38-36 (COR)**

BILL NO. 38-36 (COR) "IS AN ACT TO AMEND §61106 (B) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER- AGENCY OF THE APPLICATION REVIEW COMMITTEE THAT FAILS TO PROVIDE REQUIRED REPORTS OR POSITION STATEMENTS ON LAND USE APPLICATIONS."

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Land Management	Dept./Agency Head: Joseph M. Borja, Director
Department's General Fund (GF) appropriation(s) to date:	\$0
Department's Other Fund (Specify) appropriation(s) to date: Land Survey Revolving Fund	\$3,158,566
Total Department/Agency Appropriation(s) to date:	\$3,158,566

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2020 Unreserved Fund Balance		\$0	\$0
FY 2021 Adopted Revenues	\$0	\$0	\$0
FY 2021 Appro. (P.L. 35-99)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2021 (if applicable)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / X/ Yes / / No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? / X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ / X/ N/A
- Does the Bill establish a new program/agency? / / Yes / X/ No
If yes, will the program duplicate existing programs/agencies? / X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes / X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes / X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / X/ Yes / / No
/ X/ Requested agency comments not received by due date / / Other:

Analyst: <u>Katherine Parkinson-Borja</u> Date: <u>2/16/21</u>	Director: <u>Lester L. Carlson, Jr.</u> Date: <u>FEB 17 2021</u>
Katherine Parkinson-Borja, BMA I	Lester L. Carlson, Jr., Director

Notes:
See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 38-36 (COR)

The intent of the proposed legislation is to amend the current reporting requirement of the Application Review Committee (ARC) by: 1) amending the timeframe for submittal of reports and position statements from thirty (30) calendar days to forty-five (45) working days; 2) authorizing an extension period for submittal of reports and position statements not to exceed an additional fourteen (14) days pending written approval from the Chairman of the ARC; and 3) imposing a two hundred fifty dollar (\$250) fine for the Director of any member agency of the ARC that doesn't comply with the aforementioned submittal requirements.

The ARC is comprised of eight (8) Government of Guam agencies to include the Department of Land Management, Bureau of Statistics and Plans, Department of Public Works, Guam Environmental Protection Agency, Department of Agriculture, Guam Waterworks Authority, Department of Parks and Recreation, and the Guam Power Authority.

The proposed legislation stipulates that the subject fine for non-compliance in the reporting requirement shall be a personal fine to the Director of the non-compliant department/agency and shall not be charged to the department/agency's operating budget. Per the legislation, any funds received from such fines shall be deposited into the Land and Survey Revolving Fund (LSRF).

Although the proposed legislation provides a potential revenue stream in the form of administrative fines to be received by the LRSF, the Bureau notes that the legislation is administrative in nature as it serves as a deterrent for delays in the ARC's reporting obligations.