

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 |
|--------------|---------------------|---|-----------------------|---------------|--|---------------------|-----------------------------|-----------------------------------|-------|
| 362-36 (COR) | Sabina Flores Perez | AN ACT TO ADD A NEW § 6225.2 OF ARTICLE 2, CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATION OF HAZARDOUS PAY FOR GUAM DEPARTMENT OF REVENUE AND TAXATION (DRT) TAX COLLECTION BRANCH AND TAX EXAMINATION BRANCH. | 11/15/22<br>1:35 p.m. | 11/18/22      | Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning |                     |                             | Request: 11/18/22<br><br>11/30/22 |       |



Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guåhan*

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November 30, 2022

# MEMO

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

**From:** Senator Amanda L. Shelton  
Acting Chairperson, Committee on Rules

**Re:** Fiscal Note on Bill No. 362-36 (COR)

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*Håfa adai,*

Attached, please find the fiscal note for the following bill:

**Bill No. 362-36 (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. 362-36 (COR)**

**AN ACT TO ADD A NEW §6225.2 OF ARTICLE 2, CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATION OF HAZARDOUS PAY FOR GUAM DEPARTMENT OF REVENUE & TAXATION (DRT) TAX COLLECTION BRANCH AND TAX EXAMINATION BRANCH.**

**Department/Agency Appropriation Information**

|   |  |
|---|--|
| Dept./Agency Affected: Department of Revenue & Taxation   | Dept./Agency Head: Dafne Shimizu, Director |
| Department's General Fund (GF) appropriation(s) to date:  | \$13,555,858                               |
| Department's Other Fund (Specify) appropriation(s) to date: Better Public Service Fund, Tax Collection Enhancement Fund, and Banking & Insurance Enforcement Fund | \$2,389,409                                |
| Total Department/Agency Appropriation(s) to date:   | \$15,945,267                               |

**Department/Agency Appropriation Information**

|  |  |
|--|--|
| Dept./Agency Affected: Department of Administration  | Dept./Agency Head: Edward Birn, Director |
| Department's General Fund (GF) appropriation(s) to date:   | \$8,196,612                              |
| Department's Other Fund (Specify) appropriation(s) to date: Indirect Cost Fund & Limited Gaming Fund | \$772,067                                |
| Total Department/Agency Appropriation(s) to date:  | \$8,968,679                              |

**Fund Source Information of Proposed Appropriation**

|   | General Fund: | Special Fund: | Total: |
|---|---------------|---------------|--------|
| FY 2022 Unreserved Fund Balance         |               | \$0           | \$0    |
| FY 2023 Adopted Revenues                | \$0           | \$0           | \$0    |
| FY 2023 Appro. (P.L. 36-107 thru 36-XX) | \$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 2023 (if applicable) | FY 2024 | FY 2025 | FY 2026 | FY 2027 |
|--------------|----------------------|--|---------|---------|---------|---------|
| 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? / / Yes / X / 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? / / N/A / / Yes / X / 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>Jason Baza</u> Date: <u>11/29/22</u> | Director: <u>Lester L. Carlson, Jr.</u> Date: <u>NOV 29 2022</u> |
| Jason Baza, BMA Supervisor                       | Lester L. Carlson, Jr., Director                                 |

**Notes:**

1/ See attached comments.

**BUREAU OF BUDGET AND MANAGEMENT RESEARCH**  
**COMMENTS ON BILL NO. 362-36 (COR)**

The proposed legislation intends to establish hazardous pay differential for the Department of Revenue and Taxation (DRT) Tax Collection Branch and Tax Examination Branch. Per the legislation, the eligible personnel of these DRT branches shall receive a hazardous pay differential of ten percent (10%) for time worked while at risk of injury, death, or significant physical hardship under conditions that remained unmitigated by sufficient preventive measures as to eliminate said hazard(s).

The Directors of DRT and the Department of Administration (DOA) shall identify the direct-exposure personnel within the DRT Tax Collection and Tax Examination Branches for eligibility of the hazardous pay differential. Additionally, the Directors of DRT and DOA shall develop a protocol for personnel not normally in direct-exposure situations for times when they are in unusual and dangerous direct contact situations, in which said employees will also be entitled to the hazardous pay differential.

The Bureau reached out to both departments for comment on the fiscal impact, but has not received a response to date. The Bureau estimates that the following positions may be affected by the proposed legislation: Criminal Investigation Supervisor, Tax Investigator II, Tax Investigator I, Compliance Inspector Supervisor, Compliance Inspector III, Compliance Inspector II, and Compliance Inspector I.

However, absent information from the departments to confirm the specific positions for direct-exposure and positions not normally in direct-exposure, the frequency of when a hazard may arise, or any procedure for applying the hazardous pay differential (i.e. based on incidents, amount of hours spent per incident, or conversely a direct 10% hazardous pay differential regardless of an incident), the Bureau is unable to provide an approximate financial impact at this time.