

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
83-36 (COR)	Tina Rose Muña Barnes James C. Moylan	AN ACT TO <i>AMEND</i> §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO <i>REPEAL</i> §5103 AND §5105, AND TO <i>ADD</i> §5119, and ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES.	3/15/21 1:52 p.m.	3/19/21	Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation			Request: 3/22/21 4/12/21	



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGÁTÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

April 12, 2021

MEMO

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

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

Re: **Fiscal Notes for Bill Nos. 83-36 (COR) and 103-36 (COR)**

Buenas yan Håfa adai,

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

Bill No. 83-36 (COR)
Bill No. 103-36 (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. 83-36 (COR)**

AN ACT TO AMEND §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO REPEAL §5103 AND §5105, AND TO ADD §5119, AND ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Public Works (DPW)	Dept./Agency Head: Vincent P. Arriola, Director
Department's General Fund (GF) appropriation(s) to date: N/A	-
Department's Other Fund (Specify) appropriation(s) to date: Guam Highway Fund (\$11,054,309); Territorial Educational Facilities Fund (\$7,254,262)	<u>18,308,571</u>
	\$18,308,571
Dept./Agency Affected: Department of Revenue and Taxation (DRT)	Dept./Agency Head: Daphne T. Mansapit Shimizu, Director
Department's General Fund (GF) appropriation(s) to date:	8,945,336
Department's Other Fund (Specify) appropriation(s) to date: Banking and Insurance Enforcement Fund (\$479,765); Better Public Service Fund (\$1,410,919); Tax Collection Enhancement Fund (\$919,948)	<u>2,810,632</u>
	\$11,755,968

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 thru _____)	\$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
Better Public Service Fund	1/	1/	1/	1/	1/	1/
TESS Facility Fund	1/	1/	1/	1/	1/	1/
Total	1/	1/	1/	1/	1/	1/

- 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: William P. Altinogong Date: 4/9/21 Director: Lester L. Carlson, Jr. Date: APR 12 2021

Footnotes:
1/ See attached comments on Bill 83-36 (COR).

COMMENTS ON BILL NO. 83-36 (COR)

Bill No. 83-36 (COR) is an act to amend §5101, §5104, §5107, §5109, §5112, §5114, §5118 and §5120 to repeal §5103 and §5105, and all to Chapter 5 of Title 16, Guam Code Annotated, relative to the size, weight, and load limitations, and restrictions of certain vehicles. The Bureau notes that a correction to the Bill's preamble is required as it incorrectly refers to amend §5120 instead of to add §5120.

The Bill 83-36 is similar to the previously introduced Bill No. 71-35 (LS) in the 35th *I Liheslaturan Guåhan*. The intent of Bill No 83-36 (COR) is to increase the allowed size, weight and load of certain vehicles on Guam roads in attempt to ultimately reduce the cost of goods. It will classify specific haul roads in order to efficiently and affordably assist commerce as well as updates and modernizes specific sections of the law concerning size of the trucks on Guam's roads. Bill 83-36 differs from that of Bill 71-35 as it does not eliminate the Federal Bridge Formula within the current law and it changes the maximum vehicle weight for a combination of truck-tractor and semi-trailer combinations of 80,000 pounds, to be allowable up to 95,000 pounds on designated haul routes. Bill 71-35 had proposed to double the current permissible total gross weight capacity to be allowable up to 160,000 pounds.

The current statute enforces weight limits and safe operations of commercial vehicles on Guam's highways and establishes penalties for violations as well as permit requirements. The penalties start at \$100.00 for non-compliant vehicles. Those who continue to violate the weight regulations could potentially get their licenses revoked. The Departments of Public Works (DPW) and Revenue and Taxation (DRT) are the enforcement authorities to inspect vehicles and cite them for violations if they are overweight or carrying loads that exceed the length limits without special permits. The enforcement of these penalties to non-compliant commercial vehicles is to protect Guam's roads from the wear and tear caused by commercial vehicles that exceed weight limits.

The Bureau had sought input on the financial impact of the proposed Bill 83-36 from both DPW and DRT and have not received any official comments from either department as of the date of this fiscal note.

However, the Bureau does anticipate that should Bill 83-36 be enacted, there will be potential decreases in the revenue collections to the Better Public Service (BPS) Fund in terms of fines collected from citations issued by the Department of Revenue Taxation (DRT) Division of Motor Vehicle Motor Carrier Assistance Program (DMV/MCAP), and to the Truck Enforcement Screening Station (TESS) Facility Fund in terms of fines collected from citations and permits granted by the Department of Public Works Division of Highway.

The 3 year average (FY2018, FY2019, FY2020) revenue collections of the BPS Fund relative to fees and fines total \$15,696 per year based on data extracted from the Bureau's Special Revenue Fund Tracking Reports, and for the TESS Facility Fund relative to fines and permits is \$86,980 per year based on the total annual revenue collected for the Fund according to the government of Guam's AS400 financial management information system.

A more detailed data relative to the decrease of revenue collections cannot be specifically quantified at this time, although, the decrease in these two noted Special Funds could potentially impact the future operation of the DRT Division of Motor Vehicles, and the future operation and maintenance of the DPW TESS Facility.

The primary concern and major impact of the proposed legislation is to Guam's roads, bridges and highways and whether the government of Guam have the ability to pay for the repairs and maintenance of the road infrastructure that may result with the passage of the proposed changes of the current law.