

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
165-36 (COR)	Therese M. Terlaje Sabina Flores Perez	AN ACT TO AMEND §10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.	7/30/21 11:16 a.m.	8/9/21	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning			Request: 8/10/21 8/12/21	



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

August 12, 2021

MEMO

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

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

Re: **Fiscal Note on Bill No. 165-36 (COR)**

Håfa adai,

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

Bill No. 165-36 (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. 165-36 (COR)**

AN ACT TO AMEND §10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Environmental Protection Agency	Dept./Agency Head: Walter Leon Guerrero, Administrator
Department's General Fund (GF) appropriation(s) to date:	\$0
Department's Other Fund (Specify) appropriation(s) to date: Air Pollution Control Fund (\$162,292), Guam Env. Trust Fund (\$464,261), Pesticide Management Fund (\$94,989), Water Protection Fund (\$71,950), Water Research & Development Fund (\$66,411), Solid Waste Operations Fund (\$202,992), Tourist Attraction Fund (\$46,903), Recycling Revolving Fund (\$2,365,523)	\$3,475,321
Total Department/Agency Appropriation(s) to date:	\$3,475,321

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2021 Unreserved Fund Balance		\$0	\$0
FY 2022 Adopted Revenues	\$0	\$0	\$0
FY 2022 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 2022 (if applicable)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Water Protection Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes / / No 1/
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? \$ _____ / / N/A 1/
- 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: J. Blaz **Date:** 8/13/21 **Director:** Lester L. Carlson, Jr. **Date:** AUG 11 2021

Notes:
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
 COMMENTS ON BILL NO. 165-36 (COR)

The proposed legislation intends to amend §10115(a)(2) of Chapter 10, Title 22, Guam Administrative Rules and Regulations.

Section	§10115(a)(2)	Bill No. 165-36
(a)(2)	Administrative. Whenever on the basis of any information available the Administrator reasonably determines that any person has violated the provisions of this rules and regulations or a lawful order, or has violated any permit condition or limitation, the Administrator may assess a civil penalty that may not exceed Ten Thousand Dollars (\$10,000) per day violation that the violation continues, except that the maximum amount of any civil penalty under this Section shall not exceed One Hundred Twenty-five Thousand Dollars (\$125,000).	Administrative. Whenever on the basis of any information available the Administrator reasonably determines that any person has violated the provisions of this rules and regulations or a lawful order, or has violated any permit condition or limitation, the Administrator may assess a civil penalty that may not exceed Ten Thousand Dollars (\$10,000) per day violation that the violation continues, except that the maximum amount of any civil penalty under this Section shall not exceed One Hundred Twenty-five Thousand Dollars (\$125,000).

The Bill appears to be administrative in nature by removing the \$125,000 cap on violations. Absent any historical data or information from the Department affected, the Bureau is unable to determine any estimate of revenue collection or an approximate fiscal impact at this time.