

I Mina'trentai Siette Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
104-37 (LS)	Sabina Flores Perez Christopher M. Dueñas Chris Barnett	AN ACT TO AMEND § 3606(d)(4) OF ARTICLE 6, CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED, AND TO AMEND § 51202(c), § 51205(b), AND § 51207(b) OF ARTICLE 2, CHAPTER 51, AND TO AMEND § 51301(p) OF ARTICLE 3, CHAPTER 51 AND TO ADD A NEW ARTICLE 6 TO CHAPTER 51, ALL OF TITLE 10 GUAM CODE ANNOTATED, AND TO ADD A NEW § 46.85 TO CHAPTER 46 OF TITLE 9 GUAM CODE ANNOTATED, RELATIVE TO THE DISPOSAL OF JUNK VEHICLES.	4/26/23 12:33 p.m.	5/1/23	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 5/2/23 5/15/23			



COMMITTEE ON RULES

Senator Chris Barnett, Chairperson
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature

May 15, 2023

To: **Joaquin P. Taitague**
Substitute Clerk of the Legislature

From: **Senator Chris Barnett** 
Chairperson, Committee on Rules

Subject: **Fiscal Note for Bill No. 104-37 (LS)**

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 104-37 (LS).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly forward the same to Management Information Services (MIS) for posting on our website.



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 104-37 (LS)**

AN ACT TO AMEND § 3606(d)(4) OF ARTICLE 6, CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED, AND TO AMEND §51202(c), §51205(b), AND §51207(b) OF ARTICLE 2, CHAPTER 51, AND TO AMEND §51301(p) OF ARTICLE 3, CHAPTER 51 AND TO ADD A NEW ARTICLE 6 TO CHAPTER 51, ALL OF TITLE 10 GUAM CODE ANNOTATED, AND TO ADD A NEW §46.85 TO CHAPTER 46 OF TITLE 9 GUAM CODE ANNOTATED, RELATIVE TO THE DISPOSAL OF JUNK VEHICLES.

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:	\$504,173
Department's Other Fund appropriation(s) to date: Closure, Monitoring, and Opening of the Island's Landfills (\$202,992); Beach Monitoring (\$46,903); Recycling Revolving Fund (\$2,776,824); 2% General Reserve Fund (\$470,574)	\$3,497,293
Total Department/Agency Appropriation(s) to date:	\$4,001,466

Fund Source Information of Proposed Appropriation

	General Fund:	Recycling Revolving Fund 1/	Total:
FY 2021 Unreserved Fund Balance	\$0	\$0	\$0
FY 2022 Adopted Revenues	\$0	0	0
FY 2022 Appro. (P.L. 36-54)	\$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
Recycling Revolving Fund 1/	1/	1/	1/	\$0	\$0	\$0
Total	1/	1/	1/	\$0	\$0	\$0

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|---|-------------------|---------------------------------------|
| 1. Does the bill contain "revenue generating" provisions?
If Yes, see attachment | // Yes | /X/ No |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?
If no, what is the additional amount required? \$ _____ | // N/A
/X/ N/A | // Yes
/ / No |
| 3. Does the Bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies?
Is there a federal mandate to establish the program/agency? | // Yes
/X/ N/A | // Yes
/ / No
/ / Yes
/X/ No |
| 4. Will the enactment of this Bill require new physical facilities? | // Yes | /X/ No |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:
/X/ Requested agency comments not received by due date: GEPA | // Other: | // No |

Analyst:  Bernice Torres	Date: 5/2/23	Director:  Lester L. Carlson, Jr., Director	Date: MAY 15 2023
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Notes:
1/ See attached comments.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 104-37 (LS)
(for revenue generating provisions)

Projected Multi-Year Revenues					
	Year 1 (FY2023)	Year 2 (FY2024)	Year 3 (FY2025)	Year 4 (FY2026)	Year 5 (FY2027)
Municipal Fund	1/	\$0	\$0	\$0	\$0
Recycling Revolving Fund	1/	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0

1/ Estimated Potential Revenue Impact

Revenue Item	Amount	# per month	\$ per month	\$ per year
Additional Fees: (per junk car)				
Municipal Fund	\$100.00	1	\$100.00	\$1,200.00
> Villages for enforcement		3	\$300.00	\$3,600.00
		5	\$500.00	\$6,000.00
Recycling Revolving Fund	\$500.00	1	\$500.00	\$6,000.00
> Dump litter of 10 pounds or more		3	\$1,500.00	\$18,000.00
* Subsequent Violations		5	\$2,500.00	\$30,000.00

Comments:

Section 5 intends to provide procedural due process in the form of a 48-hour notice to owners of junk vehicles, as well as the overall process of addressing the island's abandoned and/or junk vehicle situation. This section also provides for an additional fee of \$100 to cover the cost of the villages for enforcement. The fees collected from this provision shall be deposited in the Municipal Fund for the benefit of the village in which the violation occurred.

Section 7 amends § 51207 (b) of Article 2, Chapter 51, Title 10 GCA and establishes fines for dumping of litter in substantial quantities, of 10 lbs. or more. Violators shall be fined \$500 for the first offense, \$750 for the second offense, and \$1,000 for the third and subsequent offenses and \$1,000 if weight of the litter exceeds 100 lbs. or for a violation of § 51606 of Chapter 51.

Bureau of Budget & Management Research
Comments on Bill No. 104-37 (LS)

Bill No. 104-37 (LS) is an act to *amend* § 3606(d)(4) of Article 6, Chapter 3, Title 16 Guam Code Annotated (GCA) and to *amend* § 51202(c), § 51205(b), and § 51207(b) of Article 2, Chapter 51, and to *amend* § 51301(p) of Article 3, Chapter 51, and to *add* a new Article 6 to Chapter 51, all of Title 10 Guam Code Annotated, and to *add* a new § 46.85 to Chapter 46 of Title 9 Guam Code Annotated, relative to the disposal of junk vehicles.

Section 2 of the proposed legislation intends to direct the fines and fees collected from the removal and sale of abandoned vehicles to be deposited into the Recycling Revolving Fund instead of the Abandoned Vehicle and Streetlight Fund. Section 3 of the proposed legislation intends to add "junk vehicles" to the definition of litter and Section 4 will amend the definition of "junk vehicle".

The proposed new Article 6 added under Section 5 intends to provide procedural due process in the form of a 48-hour notice to owners of junk vehicles, as well as the overall process of addressing the island's abandoned and/or junk vehicle situation. The section also provides for an additional fee of \$100 to cover the cost of the villages for enforcement. The fees collected from this provision shall be deposited in the Municipal Fund for the benefit of the village in which the violation occurred.

Section 7 amends § 51207(b) of Article 2, Chapter 51, Title 10 GCA and establishes fines for dumping of litter in substantial quantities, of 10 lbs. or more. Violators shall be fined \$500 for the first offense, \$750 for the second offense, and \$1,000 for the third and subsequent offenses and \$1,000 if weight of the litter exceeds 100 lbs. or a violation of § 51606 of Chapter 51.

The Bureau notes that there may be additional costs to be incurred by GEPA and the other affected entities to include the Guam Police Department, the Department of Parks and Recreation, the Department of Agriculture, the Department of Public Works, the Department of Revenue and Taxation, and the Mayors Council of Guam due to the added mandates from this proposed legislation.

It should be noted that the Bureau had sought input on the proposed Bill No. 104-37 (LS) from GEPA on 4/27/2023 and 5/1/2023 but has not received any official comments as of the date of this fiscal note. Absent any historical data or pertinent information from the agencies affected, the Bureau is unable to determine an approximate fiscal impact at this time.