

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
116-37 (COR)	Therese M. Terlaje	AN ACT TO AMEND § 61304(b)(7) AND § 61310 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED AND TO ADD A NEW §10104(d)(8) AND §10104(d)(9) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO STRENGTHENING AND HARMONIZING GOVERNMENT AGENCY ENFORCEMENT CAPABILITIES AND ENSURING BEST MINING OR QUARRYING PRACTICES.	5/11/23 2:43 p.m.	5/15/23	Committee on Health, Land, Justice, and Culture	Request: 5/15/23 6/8/23			



COMMITTEE ON RULES

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

June 8, 2023

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

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

Subject: **Fiscal Note for Bill No. 116-37 (COR)**

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 116-37 (COR).

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. 116-37 (COR)**

AN ACT TO AMEND §61304(b)(7) AND §61310 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED AND TO ADD A NEW §10104(d)(8) AND §10104(d)(9) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO STRENGTHENING AND HARMONIZING GOVERNMENT AGENCY ENFORCEMENT CAPABILITIES AND ENSURING BEST MINING OR QUARRYING PRACTICES.

Department/Agency Appropriation Information	
Dept./Agency Affected: (1) Land Management (2) Public Works (3) Guam Environmental Protection Agency (4) Department of Labor (5) Bureau of Statistics and Plans	Dept./Agency Head: (1) Joseph M. Borja, Director (2) Vincent P. Arriola, Director (3) Michelle C. R. Lastimoza, Acting Administrator (4) David Dell'Isola, Director (5) Lola E. Leon Guerrero, Director
Department's General Fund (GF) appropriation(s) to date: (4) \$724,183 (5) \$1,307,250	\$2,031,433
Department's Other Fund: (1) \$3,378,351 (2) \$19,294,637 (3) \$504,173 (4) \$2,371,680	\$25,548,841
Total Department/Agency Appropriation(s) to date:	\$27,580,274

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

- | | | | |
|---|-----------------|---------|--------|
| 1. Does the bill contain "revenue generating" provisions?
If Yes, see attachment | | /X/ Yes | // No |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?
If no, what is the additional amount required? \$ _____ | /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? | // N/A | // 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 | | /X/ Yes | // No |
| | // Other: _____ | | |

Analyst:  Anthony Oullugua, BMA	Date: 6/6/23	Director:  Lester L. Carson, Jr., Director	Date: JUN 08 2023
---	--------------	--	-------------------

1/ See attached comments

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 116-37 (COR)
(for revenue generating provisions)

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	1/	1/	1/	1/	1/
Other Fund:	1/	1/	1/	1/	1/
Total	1/	1/	1/	1/	1/

Comments: 1/

Section 4 of Bill 116-37 will add a new §10104(d)(9) to Chapter 10, Title 22, Guam Administrative Rules and Regulations which will require a special permit for mining and quarrying. However, absent information such as the cost of these special permits from the affected departments and agencies, the Bureau is unable to provide an estimate of the potential revenue from these special permits. It should be noted the subsection does not identify a specific fund that such revenues from special permits are to be deposited.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 116-37 (COR)

The proposed legislation is an act to amend §61304(b)(7) and §61310 of Chapter 61, Title 21, Guam Code Annotated and to add a new §10104(d)(8) and §10104(d)(9) of Chapter 10, Title 22, Guam Administrative Rules and Regulations relative to strengthening and harmonizing government agency enforcement capabilities and ensuring best mining or quarrying practices.

Section 4 of Bill 116-37 will implement the requirement of a special permit when mining or quarrying. It also places the responsibility of regulation on the Department of Public Works, Guam Environmental Protection Agency, Guam Department of Labor, Guam Land Use Commission, Bureau of Statistics and Plans, Mine Safety and Health Administration and other local agencies.

The Bureau anticipates that, should this legislation be enacted, there could be potential revenues due to the establishment of special permits for mining and quarrying. In addition, the current language of the proposed bill does not specify where collected revenue will be deposited. Furthermore, the proposed legislation involves the regulation of mining and quarrying from multiple agencies. Therefore, absent information from the affected departments and agencies, the Bureau is unable to provide an estimate of the potential revenues that these special permits will generate.