

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 |
|--------------|---------------------|---|----------------------|---------------|--|----------------------------------|---------------------|-----------------------------|-----------------------------|
| 182-37 (COR) | Sabina Flores Perez | AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 51A OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE ORDOT DUMP RESERVE FUND. | 9/29/23 3:58 p.m. | 10/5/23 | Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning | Request: 10/5/23 10/16/23 | | | Referred Version 10/3/23 |



COMMITTEE ON RULES

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

October 16, 2023

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

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

Subject: **Fiscal Note for Bill No. 182-37 (COR)**

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 182-37 (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. 182-37 (COR)**

AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 51A OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE ORDOT DUMP RESERVE FUND

Department/Agency Appropriation Information

| | | | |
|--|--|--|--|
| Dept./Agency Affected: Guam Solid Waste Authority | | Dept./Agency Head: Irvin L. Slike, General Manager | |
| Department's General Fund (GF) appropriation(s) to date: | | \$0 | |
| Department's Other Fund (Specify) appropriation(s) to date: Solid Waste Operations Fund | | \$15,928,509 | |
| Total Department/Agency Appropriation(s) to date: | | \$15,928,509 | |

Fund Source Information of Proposed Appropriation

| | General Fund: | Special Fund: | Total: |
|---------------------------------|---------------|---------------|--------|
| FY 2023 Unreserved Fund Balance | \$0 | \$0 | \$0 |
| FY 2024 Adopted Revenues | \$0 | 0 | 0 |
| FY 2024 Appro. (P.L. 37-42) | \$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 2024 (if applicable) | FY 2025 | FY 2026 | FY 2027 | FY 2028 |
|----------------------------|----------------------|--|-----------|-----------|-----------|-----------|
| General Fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ordot Dump Reserve Fund 1/ | 1/ | 1/ | 1/ | 1/ | 1/ | 1/ |
| Total | <u>1/</u> | <u>1/</u> | <u>1/</u> | <u>1/</u> | <u>1/</u> | <u>1/</u> |

- | | | | |
|---|------------|--------|----------|
| 1. Does the bill contain "revenue generating" provisions? If Yes, see attachment | // N/A | // Yes | / X / 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? | /X/ N/A | // Yes | // No |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / X / Requested agency comments not received by due date | | // Yes | / X / No |
| | / / Other: | | |

| | | | |
|--|-----------------------|---|--------------------------|
| Analyst: <u>J. C. Tereas</u> Jasmine C. Tereas, BMA I | Date: <u>10/12/23</u> | Director: <u>Lester L. Carlson, Jr.</u> Lester L. Carlson, Jr., Director | Date: <u>OCT 13 2023</u> |
|--|-----------------------|---|--------------------------|

Notes:
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 182-37 (COR)

The proposed legislation seeks to add a new Article 10 to Chapter 51A of Title 10, Guam Code Annotated, relative to establishing the Ordot Dump Reserve Fund.

The intent of the Bill is to keep all collections from the Partial Consent Decree separate and apart from other funds of the government of Guam. It also allows for the fund to be a continuing fund, not be subject to further appropriation and to the transfer authority of *I Maga'hāgan Guåhan*. With the Guam Solid Waste Authority (GSWA) primarily responsible for the operation of the Ordot Dump, the GSWA shall administer the Fund. The Fund shall include all money, payments, or other things of value in the nature of civil damages or other payments received by the Treasurer of Guam relating to the Partial Consent Decree approved by the U.S. District Court for the District of Columbia on September 25, 2023, in *Government of Guam v. United States of America*, Case No. 1:17-cv-2487. Please note that under the Partial Consent Decree, the United States has agreed to pay up to \$48,900,000 to partially resolve Guam's claims for past costs incurred by the Government of Guam for cleanup, corrective action and closure of the Ordot Dump. Furthermore, the Bill provides that the monies in the Fund shall be expended exclusively for costs associated with the implementation of the Ordot Dump Post-Closure and Maintenance Plan pursuant to the Consent Decree approved by the U.S. District Court for Guam on February 11, 2004, in *United States of America v. Government of Guam*, Civil Case No. 02-00022.

It should be noted that the Bureau had sought input on the proposed Bill No. 182-37 (COR) from the GSWA on 10/03/2023 and on 10/12/2023 but has not received any official comments as of the date of this fiscal note. Absent pertinent information from the GSWA, the Bureau is unable to determine an approximate fiscal impact at this time.