

I Mina'trentai Siette 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
23-37 (COR)	Committee on Rules by request of <i>I Maga'ñågan Guåhan</i> , the Governor of Guam, in accordance with the Organic Act of Guam.	AN ACT TO AMEND SUBSECTION (k) AND ADD NEW SUBSECTIONS (o) AND (p) TO § 80101, AND TO AMEND §§ 80104(b)(1), 80104(b)(3), 80104(c), AND 80104(e) EACH OF CHAPTER 80, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE STATUTORY MANDATE OF THE ANCESTRAL LAND TRUST BANK.	1/30/23 12:32 p.m.	1/31/23	Committee on General Government Operations and Appropriations			Request: 1/31/23 2/16/23	



COMMITTEE ON RULES

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

February 16, 2023

To: RennaeVanessa C. Meno
Clerk of the Legislature

From: Senator Chris Barnett 
Chairperson, Committee on Rules

Subject: Fiscal Note for Bill No. 23-37 (COR)

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 23-37 (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. 23-37 (COR)**

AN ACT TO AMEND SUBSECTION (k) AND ADD NEW SUBSECTIONS (o) AND (p) TO § 80101, AND TO AMEND §§ 80104(b)(1), 80104(b)(3), 80104(c), AND 80104(e) EACH OF CHAPTER 80, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE STATUTORY MANDATE OF THE ANCESTRAL LAND TRUST BANK

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Ancestral Lands Commission	Dept./Agency Head: John T. Burch, Executive Director
Department's General Fund (GF) appropriation(s) to date:	\$408,553
Department's Other Fund:	\$0
Total Department/Agency Appropriation(s) to date:	\$408,553

Fund Source Information of Proposed Appropriation			
	General Fund:	Special Fund:	Total:
FY 2022 Unreserved Fund Balance		\$0	\$0
FY 2023 Adopted Revenues	\$713,256,152	\$0	\$713,256,152
FY 2023 Appro. (P.L. 36-107 thru 36-XX)	(\$713,256,152)	\$0	(\$713,256,152)
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	(\$10,000,000)	\$0	(\$10,000,000)
Total:	(\$10,000,000)	\$0	(\$10,000,000)

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	\$10,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$10,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000

- Does the bill contain "revenue generating" provisions? /X/ Yes // No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? // N/A /X/ 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: 	Date: 2/14/23	Director: 	Date: FEB 16 2023
Anthony Quitugua, BMA I		Lester L. Carlson, Jr., Director	

1/ See attached comments

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 23-37 (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:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Total	1/	1/	1/	1/	1/

Comments:

1/ Section 5 of Bill 23-37 cites that the Land Bank shall be funded by government of Guam agencies that utilize ancestral property, a portion of Section 30 monies received by the government of Guam, and other annual local and federal appropriations or other funding sources and amounts deemed appropriate by the government of Guam. The Commission is also authorized to enter into financial Memorandum of Understandings (MOUs) to receive payments and reimbursements with government of Guam agencies whose services are requested and provided in furtherance of the Commission's efforts to provide just compensation for dispossessed ancestral landowners.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
 COMMENTS ON BILL NO. 23-37 (COR)

The proposed legislation is an act to amend subsection (k) and add new subsections (o) and (p) to §80101, and to amend §§ 80104(b)(1), 80104(b)(3), 80104(c), and 80104(e) each of Chapter 80, Title 21, Guam Code Annotated, relative to clarifying the statutory mandate of the Ancestral Land Trust Bank. This bill intends to clarify the classes of dispossessed landowners eligible for compensation from Land Bank funds as well as provide clarity as to who is eligible for compensation from the Land Bank.

Upon enactment of Bill No. 23-37, the GALC shall establish a Guam-based trust to administer all assets and revenues of the Land Bank, the Commission shall establish rules and regulations pursuant to the Administration Adjudication law for the Guam-based trust. It should be noted the Land Bank shall be funded by government of Guam agencies that utilize ancestral property, a portion of section 30 monies received by the government of Guam, and other annual local and federal appropriations or other funding sources and amounts deemed appropriate by the government of Guam.

The amount of \$10,000,000 is hereby appropriated to the Land Bank Trust Fund from Fiscal Year 2023 General Fund revenues collected in excess of adopted levels. Additionally, in Fiscal Year 2024 and each fiscal year thereafter, the amount of 2,000,000 is annually appropriated to the Land Bank Trust Fund from the General Fund.

Per the December 2022 Consolidated Revenue & Expenditure Report (CRER), the General Fund has collected approximately \$29.1 Million above adopted levels for the first quarter of FY 2023. The Bureau estimates that preliminary collection estimates for the month of January 2023 from the General Fund amounts to approximately \$13.0 Million above the adopted level for the month. This translates to an estimated \$42.0 Million in General Fund revenues collected over the adopted level through the month of January 2023.

It should be further noted that several proposed legislations have been introduced appropriating funds from the FY 2023 General Fund revenues collected in excess of adopted levels. The total sum of these appropriations exceed the FY 2023 General Fund excess that is estimated. The current list of proposed Bills are as follows:

Proposed Bills from FY2023 General Fund (GF) Excess Revenues collected over Adopted Levels

Total Estimated GF Revenues 1/	\$42,000,000.00	1/ Estimated GF revenues collected over the adopted level through the month of January 2023
Bill No.	Amount	Appropriation Recipient & Purpose
23-37 (COR)	\$10,000,000.00	GALC- Land Bank Trust Fund
24-37 (COR)	\$16,000,000.00	DOA- Implement Adjusted General Pay Plan
32-37 (COR)	\$30,000,000.00	GDOE- Repair & Maintenance of School Infrastructure
Total Appropriations	\$56,000,000.00	
Available Balance	-\$14,000,000.00	