

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
60-37 (COR)	Sabina Flores Perez Joe S. San Agustin Tina Rose Muña Barnes Chris Barnett Roy A. B. Quinata	AN ACT TO REPEAL AND REENACT § 7161 (a) AND (e) AND TO AMEND § 7161 (b) ALL OF CHAPTER 7, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO UPDATING THE STREET LIGHT FUND TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO FACILITATE INSTALLATION AND MAINTENANCE, OPERATION AND REPAIR OR REPLACEMENT OF STREET LIGHTS.	2/28/23 2:13 p.m.	3/1/23	Committee on General Government Operations and Appropriations			Request: 3/1/23 3/31/23	



COMMITTEE ON RULES

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

March 31, 2023

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

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

Subject: **Fiscal Note for Bill No. 60-37 (COR)**

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 60-37 (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. 60-37 (COR)**

AN ACT TO REPEAL AND REENACT § 7161 (a) and (e) ALL OF CHAPTER 7, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO UPDATING THE STREET LIGHT FUND TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO FACILITATE INSTALLATION AND MAINTENANCE, OPERATION AND REPAIR OR REPLACEMENT OF STREET LIGHTS.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Public Works (DPW)	Dept./Agency Head: Vincent P. Arriola, Director
Department's General Fund (GF) appropriation(s) to date: 2% General Fund Reserve-Section 2(l) of P.L. 36-54 (\$10,628,742)	10,628,742
Department's Other Fund (Specify) appropriation(s) to date: Guam Highway Fund (\$12,404,709); Guam Educational Facilities Fund (\$6,889,928);	19,294,637
Sub-total:	\$29,923,379

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify 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)	\$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
Street Light Fund	\$0	1/	1/	1/	1/	1/
Total	\$0	1/	1/	1/	1/	1/

- Does the bill contain "revenue generating" provisions? / / Yes / X / No
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
- 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:  Date: 3/30/23	Director:  Date: MAR 31 2023
William P. Taitinglong	Lester L. Carlson, Jr., Director

Comments:
1/ See attached comments on Bill 60-37 (COR).

Bureau of Budget and Management Research
Comments on Bill No. 60-37 (COR)

The proposed Bill 60-37 (COR) is an act to repeal and reenact § 7161 (a) and (e) and to amend § 7161 (b) all of Chapter 7, Title 16, Guam Code Annotated, relative to updating the Street Light Fund to authorize the Department of Public Works (DPW) to facilitate installation and maintenance, operation and repair or replacement of street lights.

The intent of Bill No. 60-37 (COR) is to delegate the lead role to DPW of coordinating streetlights installation, maintenance, and operation in coordination with the Guam Power Authority (GPA), to achieve the timely installation, maintenance, operation and repair or replacement of street lights.

Currently, § 7161 (a) establishes the Street Light Fund and that it be maintained separate and apart from any other funds, including the General Fund of the government of Guam. § 7161 (a)(1) provides that money in the Street Light Fund be used to pay for the installation and operation of public street lights and § 7161 (a) (2) provides that all revenues deposited in the Fund are reserved for use by the GPA for payment for operation and installation of public street lights.

Section 2 of the Bill repeals and reenacts § 7161(a) creating the Street Light Fund as a non-lapsing, revolving fund. It will continue to be maintained separate and apart from other funds of the government of Guam. It will not be subject to any transfer authority of *I Maga'hågan Guahan*. However, the Director of DPW shall have programmatic oversight of the Street Light Fund. The Director of DPW shall submit a quarterly collections and expenditure report to *I Liheslaturan Guåhan*. Monies in the Street Light Fund can be expended for the procurement, installation, operation, and maintenance of public streetlights including the payments to the GPA for costs associated with the procurement, installation, operation, maintenance or repair and replacement of street lights. Any other use of the Street Light Fund is subject to appropriation by *I Liheslaturan Guåhan*.

Section 3 of the Bill amends § 7161 (b) relative to the \$25.00 annual fee imposed upon any vehicle subject to registration under Title 16 and deposited into the Street Light Fund. The amendment adds that monies collected, herein, shall be deposited in the Street Light Fund within 20 days following the end of the month for which the fees are collected. The Director of Revenue and Taxation shall submit quarterly collection reports to *I Liheslaturan Guåhan*.

Additionally, §7161 (e) currently mandates that no funds from the Street Light Fund may be expended or encumbered without an appropriation by *I Liheslaturan Guåhan*. Section 4 of the Bill repeals and reenacts subsection (e) and will provide that all monies in the Street Light Fund are continually appropriated to DPW to be expended in accordance with § 7161 (a). The funds shall not be used for any other purpose unless expressly authorized by *I Liheslaturan Guåhan*.

It should be noted that funds under the Street Light Funds are annually appropriated to the Department of Administration (DOA) to partially pay the GPA for the operation of public streetlights. The following table provides information as to Public Streetlight Appropriations:

Public Streetlight Appropriations (FY2021 to FY2023)					
	FY2021	FY2022	FY2023	FY2021-FY2023	FY2021-FY2023
Fund Source	(P.L. 35-99)	(P.L. 36-54)	(P.L. 36-107)	(3 Year Average)	(% Average)
Street Light Fund	\$4,302,419	\$4,226,064	\$4,996,945	\$4,508,476	86%
Guam Highway Fund	\$649,288	\$811,077	\$811,077	\$757,147	14%
Total Appropriation	\$4,951,707	\$5,037,141	\$5,808,022	\$5,265,623	100%

According to comments received, the DPW notes the following questions and concerns with Bill 60-37 (COR) relative to DPW facilitating the installation and maintenance of public street lights. Such as:

- 1) The transition period for DPW to ease the installation and maintenance process of Street Lights if repealed and reenacted.
- 2) Clarification of the installation and maintenance responsibilities between DPW and GPA. Does GPA continue to do the installation of street lights and maintain it? Or will DPW ease this process through the Bill by maintaining the street lights?
- 3) Manpower requirements for the additional responsibilities. As DPW is short in manpower, will additional funding from the General Fund be provided for additional FTEs, goods, and services for maintenance?

The DPW also provided the following information on the total number of streetlights by type and the average monthly costs for FY2022:

- Total Number of Streetlight Installations for FY2022: 914
Average monthly: \$408,280.56
- Total Number of Village Streetlights for FY2022: 12,229
Average monthly: \$326,252.09
- Total Number of Primary Streetlights for FY2022: 2,342
Average monthly: \$61,894.30
- Total Number of Secondary/Collective Streetlights for FY2022: 717
Average monthly: \$20,127.17

It should be also noted that the Bureau had requested comments on the proposed Bill No. 60-37 (COR) from DPW on March 8, 2023 and again on March 15, 2023. The Bureau had received DPW's comments on Bill No. 60-37 (COR) on March 23, 2023.