



# COMMITTEE ON RULES

*I Mina'trentai Unu na Libeslaturan Guåhan* • The 31<sup>ST</sup> Guam Legislature  
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2012 APR 12 PM 3:26

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

April 12, 2012

## Memorandum

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

**To:** Pat C. Santos  
Clerk of the Legislature

MAJORITY  
MEMBERS:

**From:** Senator Rory J. Respicio  
Majority Leader & Rules Chair

Speaker  
Judith T. Won Pat

**Subject:** Fiscal Notes

Vice Speaker  
Benjamin J. F. Cruz

*Hafa Adai!*

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Senator  
Dennis G. Rodriguez, Jr.  
ASST. MAJORITY WHIP

Bill No.: 425-31 (COR) 441-31 (COR)  
436-31 (COR) 443-31 (COR)  
438-31 (LS)

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator  
vicente c. pangelinan

MINORITY  
MEMBERS:

*Si Yu'os ma'åse'!*

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas



# BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR

**JOHN A. RIOS**  
DIRECTOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

**STEPHEN J. GUERRERO**  
DEPUTY DIRECTOR

## FACSIMILE INFORMATION PAGE

PLEASE DELIVER TO: Sen. Respicio's Ofc.

FACSIMILE NUMBER: 472-3547

FROM: BBMR

Total Pages including this page: 4

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RE: fiscal notes

COMMENTS:  
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**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932**EDDIE BAZA CALVO**  
GOVERNOR**RAY TENORIO**  
LIEUTENANT GOVERNOR**JOHN A. RIOS**  
DIRECTOR**STEPHEN J. GUERRERO**  
DEPUTY DIRECTOR**APR 12 2012**

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith are Fiscal Notes on the following Bill Nos.: 425-31(COR), 436-31(COR), 438-31(LS), 441-31(COR), 443-31(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

JOHN A. RIOS

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 425-31 (COR)**

**AN ACT TO AMEND §53108 OF 5 GCA, RELATIVE TO DAILY FINES FOR ENCROACHMENT VIOLATIONS.**

Department/Agency Appropriation Information	
Dept./Agency Affected: <b>Public Works</b>	Dept./Agency Head: <b>Joanne M.S. Brown</b>
Department's General Fund (GF) appropriation(s) to date: Base Operations \$8,456,304; Health Cost Account \$221,084; GWA Reimbursement Medical/Dental/Life Insurance \$345,428	9,022,816
Department's Other Fund (Specify) appropriation(s) to date: Department's Other Fund (Specify) appropriation(s) to date: Base Operations - DPW Building & Design Fund (DPWBDF) \$497,806, Guam Highway Fund (GHF) \$8,484,373, Solid Waste Operations Fund (SWOF) \$6,246,626; Health Cost Account - GHF \$205,611, DPWBDF \$6,906; Utilities Cost Account - GHF \$1,306,215, SWOF \$200,000 (not including public streetlights appropriations under DOA-Street Light Fund \$3,473,531, Tourist Attraction Fund \$212,482, GHF \$2,323,190)	16,947,537
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$25,970,353</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2011 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2012 Adopted Revenues	\$0	\$0	\$0
FY 2012 Appro. (P.L. 31-75 & 31-77)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2012 (if applicable)	FY 2013	FY 2014	FY 2015	FY 2016
General Fund	1/	1/	1/	1/	1/	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	1/	1/	1/	1/	1/	1/

- 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? /X/ N/A    // 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: // Yes    /X/ No  
// Requested agency comments not received by due date /X/ Other: Time constraints

Analyst: <u>Angela Flores</u>	Date: <u>3/20/12</u>	Director: <u>JOHN A. RIOS</u>	Date: <u>APR 12 2012</u>
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**Footnotes:**

1/ There is potential for additional revenues to the Government of Guam as a result of updated fines for unlawful encroachment, as specified in the proposed legislation. See Attachment.

**Bureau of Budget & Management Research**  
**Attachment to Fiscal Note No. 425-31 (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/ Currently, highway encroachment fees are at \$10 for each day in which such encroachment remains after the expiration of five days from the initial service of notice, per §53109, Chapter 53 of 5 GCA. The AS400 record reflects a collection of \$17,955 (at 1,795.5 days) for Highway Encroachment Fees; \$850,556.28 (at 85,055.63 days) for Bond Highway Encroachment; and \$18,300 (at 1,830 days) for Bond Political Signs; or a combined total of \$886,811.28 for the period ending September 30, 2011. This represents about 88,681 days at \$10 per day. Should the proposed increase in fines go into effect, just based on \$100 per day for the first (1st) offense, an estimated \$179,550 for Highway Encroachment Fees; \$8,505,563 for Bond Highway Encroachment; and \$183,000 for Bond Political Signs, or a combined total of \$8,868,113 would be collected. Information on the number served notice for second (2nd) offense, third (3rd) offense, or higher are not available at this time, for which specified fines are included the proposed legislation (i.e. not to exceed \$500 per day for 2nd offense, and not to exceed \$1,000 per day for 3rd offense and subsequent offenses).