

*I Mina'Trentai Dos Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
305-32 (COR)	Brant T. McCreadie	AN ACT TO AMEND § 58108 AND TO ADD A NEW § 58108.1 TO CHAPTER 58, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE DUTIES OF THE GUAM FIRE DEPARTMENT AND THE GUAM WATERWORKS AUTHORITY WITH RESPECT TO FIRE HYDRANTS.	4/7/14 10:23 a.m	04/07/14	Committee on Public Safety, Infrastructure, & Maritime Transportation			<b>Fiscal Note Request 04/08/14</b> <b>Fiscal Note Received 6/12/14</b>



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
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Member

June 12, 2014

## Memorandum

**To:** **Rennae Meno**  
*Clerk of the Legislature*

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

**Subject:** **Fiscal Notes / Waivers**

2014 JUN 12 PM 3:13 OF

*Hafa Adai!*

Attached please find the fiscal notes and waivers for the bill numbers listed below.

Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

### FISCAL NOTES:

- Bill No. 305-32(COR)
- Bill No. 331-32(LS)
- Bill No. 336-32(LS)

### WAIVERS:

- Bill No. 335-32(LS)
- Bill No. 341-32(COR)
- Bill No. 342-32(COR)
- Bill No. 343-32(COR)

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

*Si Yu'os ma'åse'!*

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO  
GOVERNORJOSE S. CALVO  
ACTING DIRECTORRAY TENORIO  
LIEUTENANT GOVERNORJOHN AB PANGELINAN  
ACTING DEPUTY DIRECTOR

JUN 06 2014

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Dos na Liheslaturan Guåhan  
The 32nd Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **305-32(COR), 331-32(LS), and 336-32(LS).**

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

A handwritten signature in black ink, appearing to read "J.S. Calvo".

JOSE S. CALVO  
Acting Director

Enclosures  
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 305-32 (COR)**

**AN ACT TO AMEND § 58108 AND TO ADD A NEW § 58108.1 TO CHAPTER 58, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE DUTIES OF THE GUAM FIRE DEPARTMENT AND THE GUAM WATERWORKS AUTHORITY WITH RESPECT TO FIRE HYDRANTS.**

Department/Agency Appropriation Information	
Dept./Agency Affected:	Dept./Agency Head:
Department's General Fund (GF) appropriation(s) to date:	27,613,540
Department's Other Fund (Specify) appropriation(s) to date: \$1,658,883 (Emergency 911 Fund) / \$318,742 (FLAME Fund)	1,977,625
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$29,591,165</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (Bill No. 1(4-S))	\$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 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- 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 / Ref footnotes      / x / Yes      / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_ / x / Ref footnotes
- 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: <u>Michael M. Aflague, B&amp;M Analyst IV</u> Date: <u>5/6/14</u> Director: <u>Jose S. Cayo, Acting Director</u> Date: <u>JUN 06 2014</u>
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Footnotes: see attachment.

5/14/14

**Bureau of Budget & Management Research**  
**Attachment 1 to Fiscal Note of Bill No. 305-32 (COR)**  
**(for revenue generating provisions)**

The proposed Bill is seeking to distinguish the duties of the Guam Fire Department (GFD) and the Guam Waterworks Authority (GWA) in the management and maintenance of 3,055 fire hydrants to avoid overlapping of responsibilities.

GFD's area of responsibilities includes:

1. The inspection of all fire hydrants bi-annually
2. The issuance of permits to qualified contractors or engineers for test conducting of hydraulic effectiveness and efficiency of fire flow determination of new and existing fire hydrants
3. The issuance of fines and fees for the improper use of fire hydrants to responsible parties
4. The notification of fire hydrant repairs to Guam Waterworks Authority for major repairs or replacement of defective hydrants.

GWA's area of responsibilities includes:

1. The repairs of fire hydrants not performed by GFD
2. The replacement of all fire hydrants deemed inoperable
3. The coordination of any and all future plans for fire hydrant development
4. The notification of non-fire connections to fire hydrants

This proposed legislation provides the authorization to the GFD to issue fees and fines in the improper use of fire hydrants to responsible parties; but, there are no existing fees established as of this date and any such fees would require the appropriate public hearing pursuant to the Administrative Adjudication Act (AAA). However, once such fees are established, a potential revenue income would be established for the General Fund.

For illustrative purposes, fines imposed by the state of Washington and South Carolina average \$400 for improper use of fire hydrants (i.e., withdrawing water etc). Guam has approximately 3,055 active fire hydrants (data as of Jan 2013). Assuming 10% of active hydrants were improperly used and fines imposed at a rate of \$400 per violation, a total of \$122K would be realized annually. The projected hourly cost for maintaining a fire hydrant was determined to be \$90.35 based on the following assumptions (reference Attachment 2):

**Bureau of Budget & Management Research**  
**Attachment 2 to Fiscal Note of Bill No. 305-32 (COR)**

<u>Description</u>	<u>Hourly Rate</u>
<b>Labor Expenses</b>	
<u>Field Worker hrly wage (Direct Expense):</u>	
Average hourly wage per worker	\$ 17.63
Average hourly benefit per worker	\$ 3.70
Total Average Hrly Cost per Worker	\$ 21.33
<u>Administrative Worker hrly wage (Direct Expense):</u>	
Average hourly wage per worker	\$ 17.12
Average hourly benefit per worker	\$ 3.12
Total Average Hrly Cost per Worker	\$ 20.24
<u>Indirect Cost (Professional Services):</u>	
Average hourly wage per worker	\$ 25.15
Average hourly benefit per worker	\$ 3.23
Total Average Hrly Cost per Worker	\$ 28.38
<u>Labor Cost (hourly):</u>	<u>\$ 69.96</u> 1/
<b>Equipment / Materials / Fuel Expense</b>	
<u>Utility Trucks:</u>	
Assumed avg hrly rate per utility truck (cost per mile)	\$ 0.56
Mile per avg trip	10
Avg hrly rate per utility truck per trip	\$ 5.60
<u>Avg round-trip miles per service trip:</u>	
Avg round-trip miles per service trip	10
Gallons per trip	1
Cost per Gallon	\$ 4.79 2/
<u>Materials/Supplies Expense:</u>	
Total	\$ 10.00
<u>Equipment/Fuel/Supplies/Materials:</u>	<u>\$ 20.39</u>
<u>Total Hrly Service Cost (projected):</u>	<u>\$ 90.35</u>

**Footnote(s):**

1/ Avg salaries/benefits

2/ Avg fuel cost for unleaded gasoline (CY2013)



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April 8, 2014

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

**John A. Rios**  
**Director**  
**Bureau of Budget & Management Research**  
**P.O. Box 2950**  
**Hagåtña, Guam 96910**

**RE: Request for Fiscal Notes– Bill Nos. 305-32 (COR) through 308-32(COR)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

**Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature

<b>Bill Nos.</b>	<b>Sponsors</b>	<b>Title</b>
<b>305-32 (COR)</b>	Brant T. McCreadie	AN ACT TO AMEND § 58108 AND TO ADD A NEW § 58108.1 TO CHAPTER 58, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE DUTIES OF THE GUAM FIRE DEPARTMENT AND THE GUAM WATERWORKS AUTHORITY WITH RESPECT TO FIRE HYDRANTS.
<b>306-32 (COR)</b>	FRANK B. AGUON, JR	AN ACT TO APPROPRIATE FUNDS TO THE OFFICE OF VETERANS AFFAIRS FOR THE IMPLEMENTATION OF THE GUAM VETERANS REGISTRY AS MANDATED IN PUBLIC LAW 32-101.
<b>307-32 (COR)</b>	FRANK B. AGUON, JR	AN ACT TO AMEND SECTION 5102(d) OF TITLE 7 OF THE GUAM CODE ANNOTATED RELATIVE TO THE POWER OF THE JUDICIAL COUNCIL TO ADOPT PAY SCHEDULES AND PLANS AND TO APPROPRIATE FUNDS FOR SALARY AND BENEFIT INCREASES FOR NON-LAW ENFORCEMENT EMPLOYEES OF THE JUDICIARY.
<b>308-32 (COR)</b>	Dennis G. Rodriguez, Jr.	AN ACT TO PROVIDE AN EX-OFFICIO REPRESENTATIVE OF THE GMH VOLUNTEERS ASSOCIATION A MEMBER POSITION ON THE GUAM MEMORIAL HOSPITAL AUTHORITY BOARD OF TRUSTEES, BY AMENDING SUBSECTION (a) OF §80105, CHAPTER 80, DIVISION 4, 10 GCA.





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Member

April 7, 2014

### MEMORANDUM

**To: Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From: Senator Rory J. Respicio**   
*Chairperson of the Committee on Rules*

**Subject: Referral of Bill No. 305-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 305-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

**MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2014 (SECOND) Regular Session**

Bill No. 305-32 (COR)

Introduced by:

Brant T. McCreadie 

**AN ACT TO AMEND § 58108 AND TO ADD A NEW  
§ 58108.1 TO CHAPTER 58, TITLE 10 GUAM CODE  
ANNOTATED RELATIVE TO THE DUTIES OF THE  
GUAM FIRE DEPARTMENT AND THE GUAM  
WATERWORKS AUTHORITY WITH RESPECT TO  
FIRE HYDRANTS.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 there is ambiguity in current Guam law as to who is responsible for the maintenance,  
4 repair and replacement of fire hydrants throughout Guam. *I Liheslaturan Guåhan*  
5 further finds that many fire hydrants are in need of replacement, and that some of  
6 Guam's current fire hydrants are not designed for Guam's firefighting needs.  
7 Currently, the Guam Fire Department conducts inspection of fire hydrants and  
8 performs peripheral maintenance for the purposes of pre-fire response planning, but  
9 does not have the capability or resources to conduct full repairs and/or replacements  
10 of fire hydrants. Lastly, *I Liheslaturan Guåhan* finds that the responsibility of repair  
11 and replacement of fire hydrants should fall on the Guam Waterworks Authority.

12       Therefore, it is the intent of *I Liheslaturan Guåhan* to properly identify both the  
13 Guam Fire Department's and the Guam Waterworks Authority's respective duties  
14 regarding inspection, repair and replacement of fire hydrants by amending § 58108 of

2014 APR - 7 AM 10: 23  


1 Chapter 58, Title 10 Guam Code Annotated and by adding a new § 58108.1 of  
2 Chapter 58, Title 10 Guam Code Annotated.

3 **Section 2.** § 58108 of Chapter 58, Title 10 Guam Code Annotated is hereby  
4 *amended* to read:

5 **“§ 58108. Fire Hydrant Inspection by the Guam Fire Department.**

6 1) The Fire Chief shall have all fire hydrants inspected bi-annually to  
7 see that they are maintained in good working order. for the following:

8 a) to ensure that the area surrounding the fire hydrant is clear  
9 of any obstruction; and

10 b) to conduct general inspection for rust or any condition that  
11 may deem the fire hydrant inoperable.

12 2) The Fire Chief shall have the authority to issue permits to qualified  
13 contractors or engineers to conduct testing for the purpose of hydraulic  
14 calculations or fire flow determination for new and existing occupancies.

15 3) The Fire Chief shall maintain the authority to issue fees and fines  
16 for the improper use of fire hydrants to responsible parties.

17 4) In the case where the Fire Chief determines that a fire hydrant is  
18 inoperable, written notification shall be sent to the Guam Waterworks Authority  
19 requesting timely repair, and/or replacement of the defective hydrant.

20 **Section 3.** § 58108.1 of Chapter 58, Title 10 Guam Code Annotated is hereby  
21 *added* to read:

22 **“§ 58108.1. Fire Hydrants; Duties and Responsibilities of the Guam**  
23 **Waterworks Authority.**

24 1) Seeing that fire hydrants are part and parcel of Guam’s water system,  
25 the Guam Waterworks Authority shall have the following responsibilities:

1                   a) to conduct any and all fire hydrant repairs not performed by  
2 the Guam Fire Department;

3                   b) to replace any and all fire hydrants deemed inoperable by  
4 either the Guam Waterworks Authority or the Guam Fire Department;

5                   c) to coordinate with the Guam Fire Department any and all  
6 future plans/programs for fire hydrant development; and

7                   d) to inform the Guam Fire Department and route for approval  
8 when applications are submitted to connect to fire hydrants for purposes  
9 other than Firefighting or Fire Operations.

10           **Section 4. Effective Date.** This act shall be effective immediately upon  
11 enactment.

12           **Section 5. Severability.** *If* any provision of this Law or its application to any  
13 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
14 *not* affect other provisions or applications of this Law which can be given effect  
15 without the invalid provisions or application, and to this end the provisions of this  
16 Law are severable.