



## COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhån* • The 33rd Guam Legislature

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December 18, 2015

### Memorandum

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

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

**Subject:** Fiscal Notes and Fiscal Notes Waivers

*Hafa Adai!*

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

#### FISCAL NOTES:

Bill No. 147-33(COR)  
Bill No. 198-33(LS)  
Bill No. 206-33(COR)  
Bill No. 207-33(COR)  
Bill No. 208-33(LS)  
Bill No. 210-33(COR)

#### FISCAL NOTES WAIVERS:

Bill No. 187-33(COR)  
Bill No. 209-33(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'!*

2015 DEC 19 AM 10:58

*Frank*

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 147-33 (COR)**

**AN ACT TO AMEND §§ 5101, 5104, 5107, 5109, 5112, AND 5114, AND TO ADD A NEW § 5118, ALL OF CHAPTER 5, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE AUTHORITIES AND RESPONSIBILITIES OF THE DEPARTMENT OF REVENUE AND TAXATION AND THE DEPARTMENT OF PUBLIC WORKS TO ENFORCE WEIGHT LIMITS AND SAFE OPERATIONS OF COMMERCIAL VEHICLES ON GUAM'S HIGHWAYS; ESTABLISHING PERMIT REQUIREMENTS; AND ESTABLISHING A TRUCK ENFORCEMENT SCREENING STATION (TESS) FACILITY FUND.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Public Works	Dept./Agency Head: Glenn Leon Guerrero
Department's General Fund (GF) appropriation(s) to date:	6,732,115
Department's Other Fund (Specify) appropriation(s) to date: Guam/Territorial Highway Fund	12,226,118
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$18,958,233</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	Guam/Territorial Highway Fund	Total:
FY 2015 Unreserved Fund Balance		\$0	\$0
FY 2016 Adopted Revenues	\$0	\$0	\$0
FY 2016 Appro. (P.L. 33-66 thru )	\$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 2016 (if applicable)	FY 2017	FY 2018	FY 2019	FY 2020
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Guam/Territorial Highway Fund	\$248,990	\$248,990	\$248,990	\$248,990	\$248,990	\$248,990
<b>Total</b>	<b>\$248,990</b>	<b>\$248,990</b>	<b>\$248,990</b>	<b>\$248,990</b>	<b>\$248,990</b>	<b>\$248,990</b>

- Does the bill contain "revenue generating" provisions? 1/ / / 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? \$ \_\_\_\_\_ 1/ / / N/A
- Does the Bill establish a new program/agency? /X/ Yes / / 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  
/ / Requested agency comments not received by due date / / Other:

Analyst: Angela Flores, BMA IV Date: 11/12/15 Director: Jose S. Calvo, Director Date: NOV 18 2015

Footnotes: 1/ See attachment.

**Bureau of Budget & Management Research**  
**Attachment to Fiscal Note No. 147-33 (COR)**  
**(for revenue generating provisions)**

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$0	\$0	\$0	\$0	\$0
DRT Better Public Service Fund	<u>\$2,500</u>	<u>\$2,500</u>	<u>\$2,500</u>	<u>\$2,500</u>	<u>\$2,500</u>
DPW TESS Facility Fund	<u>\$17,000</u>	<u>\$17,000</u>	<u>\$17,000</u>	<u>\$17,000</u>	<u>\$17,000</u>
<b>Total</b>	<b>\$19,500</b>	<b>\$19,500</b>	<b>\$19,500</b>	<b>\$19,500</b>	<b>\$19,500</b>

**Comments:**

Footnotes: 1/ The fiscal impact of the proposed legislation relates to DPW operations of the Truck Enforcement Screening Station (TESS) Facility located at Route 11, and a second one being developed at the DPW location along Route 1.

The operations will include weighing vehicles and/or combinations of vehicles operating on Guam's roads, streets, or highways. Based on cost information currently available, a total of up to \$248,990 may be estimated as the annual fund requirement to operate the TESS Facility (Attachment A).

Various fines and penalties are identified in the Bill. DRT Director (through DMV/MCSAP) is primarily responsible for implementing and enforcing the registration and safety of vehicles, and the Bill includes for DRT to inspect business premises, buildings, freight and equipment of commercial motor carriers. Fines collected by DMV/MCSAP inspectors for violation of this Subsection shall be deposited in the Better Public Service Fund (BPSF) and expended in accordance with § 16101 of Chapter 161, Title 11, GCA. The added areas of inspection may entail additional fines/fees which, for cost purposes, may be assumed at \$500 each for five (5) business premises, as an example, found in non-compliance per year, would entail a total of \$2,500 in fines/fees per year.

Fines collected from citations issued by DPW inspectors for violations of this Subsection shall be deposited in the TESS Facility Fund and shall be expended in accordance with § 5118 of this Chapter.

The AS400 reflects Fees and Fines for the BPSF of \$17,440 for FY14; and the Port Authority of Guam Total Containers Handled of 85,696 is reported for FY14. And assuming that there is a correlation between fines/fees for vehicle safety violations and the fines/fees gross vehicle weight (GVW) violations, then .04% of such Containers (or 34) found in non-compliance per year, at citations each of e.g. \$500, would entail a total of \$17,000 in fines/fees per year for gross vehicle weight (GVW) violations.

Collection from Fines/fees will offset costs of operations by DRT and DPW to meet the objective of the proposed legislation. The objective of the Bill through compliance by responsible parties would entail increased safety on the roads, streets and highways, and less costs for the repair of roads, streets and highways.

The Bill has a potential for additional impacts, however in its present form that impact cannot be determined at this time.

**Attachment A**

**TESS Facility cost estimate (unofficial)  
as of 11/17/2015**

Position Title	No.	Grade	Per Annum	Salary 111	Benefits 113	Total Benefits
				Total Salary	30%	
Inspector Technician	2	G	24,729.00	49,458.00	7,418.70	14,837.40
Inspector I	2	I	28,595.00	57,190.00	8,578.50	17,157.00
Inspector II	2	J	31,076.00	62,152.00	9,322.80	18,645.60
Supervisor	1	L	37,100.00	37,100.00	11,130.00	11,130.00
<b>Total</b>			<b>\$ 121,500.00</b>			<b>\$ 61,770.00</b>

	Est Cost per annum
<b>Power obj 361</b>	<b>\$ 5,000.00</b>
<b>Water obj 362</b>	<b>\$ 500.00</b>

**Telephone obj 363**

Monthly	monthly	No. units	No.	Total
	cost		months	
	40	3	12	<b>\$ 1,440.00</b>

**Equipment obj 250**

Scale @ 2,195.00 ea x 4 scales	<b>\$ 8,780.00</b>
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**Material & Supplies obj 240**

Misc supplies	<b>\$ 50,000.00</b>
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**Object Categories**

111	\$	121,500.00
113	\$	61,770.00
240	\$	50,000.00
250	\$	8,780.00
361	\$	5,000.00
362	\$	500.00
363	\$	1,440.00
<b>Grand Total</b>	<b>\$</b>	<b>248,990.00</b>