



# COMMITTEE ON RULES

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

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MINORITY MEMBER

May 20, 2016

## Memorandum

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

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

**Subject:** Fiscal Notes and Fiscal Note Waiver

*Hafa Adai!*

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

### FISCAL NOTES:

- Bill No. 300-33(COR)
- Bill No. 303-33(LS)
- Bill No. 304-33(LS)
- Bill No. 305-33(LS)
- Bill No. 306-33(LS)
- Bill No. 307-33(LS)
- Bill No. 308-33(LS)
- Bill No. 313-33(COR)
- Bill No. 314-33(COR)
- Bill No. 315-33(COR)

### FISCAL NOTE WAIVER:

- Bill No. 318-33(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'!*

2016 MAY 20 PM 12:42

**Bureau of Budget & Management Research  
Fiscal Note of Bill Nos. 315-33 (COR)**

**AN ACT TO TRANSFER A PORTION OF LOT NO. 5075-REM-A NEW-1, MUNICIPALITY OF TAMUNING WITH AN AREA OF 5,686 SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A NEW WATER STORAGE TANKS.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Chamorro Land Trust Commission	Dept./Agency Head: Michael J. B. Borja, Director
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date: Chamorro Land Trust Operating Fund	<u>1,424,311</u>
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$1,424,311</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special 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
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>

1. Does the bill contain "revenue generating" provisions? // Yes      /X/ No  
If Yes, see attachment
2. 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
3. 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
4. Will the enactment of this Bill require new physical facilities? /X/ Yes      // No
5. 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: <u>Jason Baza</u> Jason Baza, BMA II	Date: <u>5/19/16</u>	Director: <u>Jose S. Calvo</u> Jose S. Calvo, Director	Date: <u>MAY 19 2016</u>
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Notes:  
See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH  
COMMENTS ON BILL NO. 315-33 (COR)

The proposed legislation intends to transfer a portion of Lot No. 5075-REM-A NEW-1 in the municipality of Tamuning (approx. 5,686± square meters) from the Chamorro Land Trust Commission (CLTC) to the Guam Waterworks Authority (GWA) for the purpose of constructing new water storage tanks.

Sections 2(a) and 2(b) stipulate that the GWA will be responsible for covering the cost of the appraisal of the property by two different appraisers as well as the cost of the property survey that shall be approved and recorded by the Department of Land Management (DLM).

Although compensation for the transfer of CLTC property to the GWA is not specifically outlined, Section 2(c) stipulates that the two parties will determine the appropriate method of compensation to include, but not limited to, a land exchange, in-kind services, purchase, or a combination of the listed options. All compensation options shall be approved by the GWA, CLTC, and the Consolidated Commission on Utilities (CCU). The compensation agreement between the GWA and CLTC must be finalized within 180 days after the enactment of the proposed legislation.

Because the GWA does not receive appropriations from the Government of Guam, having GWA cover the cost of the appraisals and survey of the subject property will not have an impact on any of the Government of Guam's finances.

As previously mentioned, the CLTC will receive an appropriate compensation for the transfer of the subject property. However, because the specific terms of compensation have not been outlined or agreed upon at the time of preparing comments, the Bureau is unable to determine if the compensation is equal, more, or less than the value of the subject property.



**DIPĀTTAMENTON MINANEHAN TĀNO'**  
 (Department of Land Management)  
**GUBETNAMENTON GUĀHAN**  
 (Government of Guahan)



EDDIE BAZA CALVO  
 Governor of Guahan

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May 18, 2016

Senator Thomas C. Ada  
 33<sup>rd</sup> Guam Legislature  
 Chairman, Committee on Transportation,  
 Infrastructure, Lands, Border Protection,  
 Veteran's Affairs and Procurement  
 173 Aspinall Ave, Ste 207  
 Hagatna, Guam 96910

**SUBJECT: Bill No. 315-33 – AN ACT TO TRANSFER A PORTION OF LOT NO. 5075-REM-A NEW-1, MUNICIPALITY OF TAMUNING WITH AN AREA OF 5,686 SQUARE METERS FROM THE CHAMORRO LAND TRUST INVENTORY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTING A NEW WATER STORAGE TANK.**

***Hafa Adai!***

The Department of Land Management and the Chamorro Land Trust Commission (CLTC) have reviewed Bill No. 315-33. The CLTC board of commissioners, in Resolution No. 2016-02, approved the intent of this bill to provide the Guam Waterworks Authority (GWA) with land necessary for the development of water infrastructure which is in the public interest.

Nevertheless, compensation for the land is necessary but due to the immediate need for GWA to acquire the property and begin construction of infrastructure facilities, the period of 180 days is adequate time to determine the best manner of compensation. Equally, GWA would be responsible for all costs associated with this land transfer.

As shown in the exhibits to this bill, both the CLTC and GWA respective boards of commissioners have issued resolutions supporting this measure. Additionally, each have been working collaboratively because water is a necessary element for everyone. Just as many water wells and potential sites reside on CLTC property, both agencies have worked together to ensure the availability and protection of these water sources. In the same way, both agencies have been cooperative in ensuring CLTC lessees' utility authorization requests are honored and managed as expeditiously as possible.

However, there are a few technical issues with the wording of Bill No. 315-33 which may be errors in transcription:

- a. Make the following changes to Section 1, page 1, line 3:

I Liheslaturan Guahan finds that the Guam Waterworks Authority (GWA) has identified property, owned by the Chamorro Land Trust Commission (CLTC), for the purpose of ~~providing a staging area during the construction of a new water reservoir, preparing the site for the future construction of an additional 2MG reservoir, and for the relocation of an existing pump station.~~ constructing a new detention basin which will allow for the replacement of the existing one (1) million gallon water storage and for the construction of an above ground two (2) million gallons water storage reservoir.

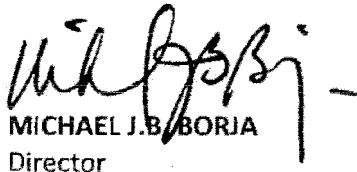
- b. Make corrections in Section 1, page 2, line 9:
  - 1) Remove "1,852" and replace with "5,686"
  - 2) Remove "0.446" and replace with "1.40"

Lastly, the Department of Land Management requests the inclusion of language in this bill to rezone Lot 5075-REM-A NEW-1, Tamuning, to zoning designation "PF" (Public Facility), in accordance with 21GCA, Chapter 61, Section 61313.

Bill No. 315-33 is intended to serve the needs of the public and a land transfer is necessary. The CLTC recommends passage of this bill.

Thank you for the opportunity to submit this testimony.

*Senseramente,*

  
MICHAEL J.B. BORJA  
Director