

I Mina'trentai Sais 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
251-36 (COR)	James C. Moylan	AN ACT TO IDENTIFY AND AUTHORIZE THE GOVERNOR OF GUAM TO TRANSFER NO MORE THAN TWO MILLION DOLLARS (\$2,000,000) TO THE GUAM CUSTOMS AND QUARANTINE AGENCY FOR THE ARCHITECTURAL AND ENGINEERING DESIGN FOR THE CONSTRUCTION OF A CUSTOMS SATELLITE INSPECTION, HOLDING, AND SECURED STERILE FACILITY AREA.	2/8/22 3:43 p.m.	2/16/22	Committee on General Government Operations, Appropriations, and Housing			Request: 2/17/22 2/18/22	



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGÅTÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

February 18, 2022

MEMO

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

From: **Senator Amanda L. Shelton**
Acting Chairperson, Committee on Rules

Re: **Fiscal Note on Bill No. 251-36 (COR)**

Håfa adai,

Attached, please find the fiscal note for the following bill:

Bill No. 251-36 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 251-36 (COR)**

AN ACT TO IDENTIFY AND AUTHORIZE THE GOVERNOR OF GUAM TO TRANSFER NO MORE THAN TWO MILLION DOLLARS (\$2,000,000) TO THE GUAM CUSTOMS AND QUARANTINE AGENCY FOR THE ARCHITECTURAL AND ENGINEERING DESIGN FOR THE CONSTRUCTION OF A CUSTOMS SATELLITE INSPECTION, HOLDING, AND SECURED STERILE FACILITY AREA.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Customs and Quarantine Agency (CQA)	Dept./Agency Head: Ignacio Q. Peredo, Director
Department's General Fund (GF) appropriation(s) to date:	\$12,709,575
Department's Other Fund (Customs, Agriculture, and Quarantine Inspection Services Fund) appropriation(s) to date:	\$2,738,473
Total Department/Agency Appropriation(s) to date:	\$15,448,048

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2021 Unreserved Fund Balance		\$0	\$0
FY 2022 Adopted Revenues	\$0	\$0	\$0
FY 2022 Appro. (P.L. 36-54)	\$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 2022 (if applicable)	FY 2023	FY 2024	FY 2025	FY 2026
General Fund 1/	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund 1/	\$0	\$0	\$0	\$0	\$0	\$0
Total 1/	\$0	\$0	\$0	\$0	\$0	\$0

- | | | |
|--|------------|---------|
| 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 |
| If no, what is the additional amount required? \$ _____ | /X/ N/A | / / No |
| 3. Does the Bill establish a new program/agency? | / / Yes | /X/ No |
| If yes, will the program duplicate existing programs/agencies? | / / 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>Joaquin A.J. Guerrero II</u>	Date: <u>2/17/22</u>	Director: <u>Lester L. Carlson, Jr.</u>	Date: <u>FEB 18 2022</u>
---	-----------------------------	--	---------------------------------

Notes:
1/ See attached comments.

Bureau of Budget and Management Research
Comments on Bill No. 251-36 (COR)

The proposed legislation intends to identify and authorize the Governor of Guam to transfer no more than \$2 Million from the General Fund, any special fund, or any federal fund where such expense is an eligible expense, to the Guam Customs and Quarantine Agency (CQA) for the Architectural and Engineering Design for the construction of a Customs Satellite Inspection, Holding, and Secured Sterile Facility (CSIHSSF). The Bill specifies that this transfer authority is above the transfer authority already granted to the Governor pursuant to Public Law 36-54 (FY 2022 Budget Act). Per the CQA, the total cost of the CSIHSSF is estimated to be \$15 Million and ten percent (10%) of the total estimate will be dedicated for the professional Architectural and Engineering Design.

The Bureau notes that Public Law 36-65 appropriates \$25 Million from the General Fund to the Department of Administration for the Local Employers' Assistance Program. Additionally, Bill No. 220-36 (LS) proposes to authorize approximately \$150 Million over a five-year period (\$75 Million from Business Privilege Tax Credits and \$75 Million from Section 30 Revenues) or \$30 Million per fiscal year from revenue sources that are deposited into the General Fund for payments to adjudicated World War II claimants from the Guam War Claims Fund.

The FY 2022 Budget Act does not contain language that grants the Governor the authority to transfer funds from any special fund. The Bureau recognizes that § 4103.1, Chapter 4, Title 5 of the Guam Code Annotated authorizes the Governor to transfer, to the General Fund, cash available from any appropriated special fund to fund the appropriations authorized by the Annual or Supplemental Budget Act. However, all cash amounts from special funds transferred to cover the appropriations authorized by the Annual or Supplemental Budget Act, or any other act or law authorizing appropriations, shall be promptly reimbursed to the special fund from which it was withdrawn within sixty (60) days after receipt of transferred cash amounts from the General Fund. Further, a majority of the special fund revenue collections are not tracking with the adopted levels in accordance with the FY 2022 Budget Act. While most if not all departments/agencies are working with limited budgets to fulfill their mandates, there will likely be no additional funds available to reallocate for the provisions of this Bill and it may adversely affect the Governor's ability to provide financial resources to other vital government service areas for public safety, health, and education. Lastly, all grants and appropriations made by the United States federal government that provides one hundred percent (100%) of the funding to the Government of Guam for a specific project or purpose makes no provision for local legislative control.