

I Mina'trentai Siette 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
29-37 (COR)	Chris Barnett Sabina Flores Perez Therese M. Terlaje Roy Anthony Benavente Quinata William A. Parkinson Christopher M. Dueñas Telo T. Taitague Frank Blas, Jr. Thomas Fisher Joanne Brown Jesse A. Lujan Tina Rose Muña Barnes Amanda L. Shelton	AN ACT TO <i>RENUMBER</i> § 4721 ENTITLED "VARIANCE" AND TO <i>AMEND</i> §§ 4719 AND 4721 ENTITLED "VARIANCE" ALL OF DIVISION 1, ARTICLE 7, CHAPTER 4, TITLE 26 OF GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO UPDATING SANITATION REGULATIONS TO PROMOTE HEALTH AND SAFETY OF OUR SCHOOLS.	2/3/23 4:23 p.m.	2/3/23	Committee on Health, Land, Justice, and Culture			Request: 2/3/23 2/16/23	



COMMITTEE ON RULES

Senator Chris Barnett, Chairperson
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature

February 16, 2023

To: RennaeVanessa C. Meno
Clerk of the Legislature

From: Senator Chris Barnett 
Chairperson, Committee on Rules

Subject: Fiscal Note for Bill No. 29-37 (COR)

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 29-37 (COR).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly forward the same to Management Information Services (MIS) for posting on our website.



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 29-37 (COR)**

AN ACT TO *RENUMBER* § 4721 ENTITLED "VARIANCE" AND TO *AMEND* §§ 4719 AND 4721 ENTITLED "VARIANCE" ALL OF DIVISION 1, ARTICLE 7, CHAPTER 4, TITLE 26 OF GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO UPDATING SANITATION REGULATIONS TO PROMOTE HEALTH AND SAFETY OF OUR SCHOOLS.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Public Health and Social Services	Dept./Agency Head: Arthur U. San Agustin, MHR
Department's General Fund (GF) appropriation(s) to date: Operations (\$50,001,474); Health Insurance Premiums for Foster Children (\$665,396); Health Professional Licensing Office (\$283,541); Child Protective Services Program (\$981,935)	\$51,932,346
Department's Other Fund appropriation(s) to date: Environmental Health Fund (\$1,302,065); Healthy Futures Fund (\$9,222,019); Health Professional Licensing Office Revolving Fund (\$300,975); Office of Vital Statistics Revolving Fund (\$230,705); DPHSS Sanitary Inspections Revolving Fund (\$158,878); Healthy Futures Fund for the Guam Cancer Registry (\$389,144)	\$11,603,786
Total Department/Agency Appropriation(s) to date:	\$63,536,132

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2022 Unreserved Fund Balance	\$0	\$0	\$0
FY 2023 Adopted Revenues	\$0	\$0	\$0
FY 2023 Appro. (P.L. 36-107)	\$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 2023 (if applicable)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund	1/	1/	\$0	\$0	\$0	\$0
GMHA Pharmaceuticals Fund	1/	1/	\$0	\$0	\$0	\$0
Total	1/	1/	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes / X / 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? / 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:  Abigail R. Ofeciar, BMA IV	Date: <u>2/13/2023</u>	Director:  Lester L. Carlson, Jr., Director	Date: <u>FEB 16 2023</u>
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Notes:
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 29-37 (COR)

The proposed legislation is an act to *renumber* § 4721 entitled “Variance” and to *amend* §§ 4719 and 4721 entitled “Variance” all of Division 1, Article 7, Chapter 4, Title 26 of Guam Administrative Rules and Regulations (GARR), relative to updating sanitation regulations to promote the health and safety of our schools. The proposed legislation seeks to update the adopted rules and regulations relative to school sanitation requirements to mandate full compliance of public schools by the start of School Year 2023-2024, unless a variance (as provided in the now proposed § 4722) is granted by the Director of the Department of Public Health and Social Services (DPHSS). A Variance (as proposed to be renumbered from § 4721 to § 4722) also proposes to impose more stringent conditions prior to the granting of a variance from the requirements of a particular rule through a written determination. Such variances are proposed to be reported monthly to the Guam Education Board and the Guam Legislature. In addition, the proposed legislation shall require immediate site inspections of all schools to ensure compliance with the requirements for a sanitary permit pursuant to § 4705 of the same Division 1, Article 7, Chapter 4, Title 26 of the GARR. Finally, Section 6 of the proposed legislation states that the Governor of Guam *may* transfer personnel and other related resources from other entities, to include the Department of Public Works, to assist in obtaining full compliance with the sanitary permit requirements. This section also states that the Governor of Guam may use “federal funds or unaudited surplus revenues from FY 2023” for procurement and compliance efforts as mandated by the act.

It should be noted that while the proposed legislation proposes the use of federal funds to assist with procurement and compliance efforts, most federal funds are granted to be used for very specific purposes, which may or may not include the purposes proposed by this legislation. Absent pertinent information from DPHSS and other relevant entities to include: (a) administrative costs associated with the potential increase in the volume of inspections done on public school facilities, and (b) capabilities of DPHSS to absorb such costs should this proposed legislation be enacted, the Bureau is unable to determine an approximate fiscal impact at this time.