

*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 |
|------------|---|--|-----------------------|---------------|---|---------------------|-----------------------------|---------------------------------|-------|
| 9-37 (COR) | Dwayne T. D San Nicolas<br>Joe S. San Agustin<br>Roy Anthony Benavente Quinata<br>Tina Rose Muña Barnes<br>William D. Parkinson<br>Therese M. Terlaje<br>Jesse A. Lujan<br>Thomas J. Fisher | AN ACT TO AMEND §58109 AND §58110 OF CHAPTER 58 AND ADDING A NEW CHAPTER 58B, TO TITLE 10, DIVISION 3, GUAM CODE ANNOTATED RELATIVE TO THE LEGALIZATION AND REGULATION OF THE USE OF CONSUMER-GRADE FIREWORKS. | 1/18/23<br>12:01 p.m. | 1/18/23       | Committee on Health, Land, Justice, and Culture |                     |                             | Request: 1/18/23<br><br>1/24/23 |       |




## COMMITTEE ON RULES

Senator Chris Barnett, Chairperson  
*I Mina'trentai Siette Na Liheslaturan Guåhan*  
37<sup>th</sup> Guam Legislature

January 24, 2023

**To:** RennaeVanessa C. Meno  
Clerk of the Legislature

**From:** Senator Chris Barnett   
Chairperson, Committee on Rules

**Subject:** Fiscal Note for Bill No. 9-37 (COR)

---

*Håfa Adai yan Biba Guåhan!*

Find the attached, Fiscal Note for the following bill:

**Bill No. 9-37 (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. 9-37 (COR)**

**AN ACT TO AMEND §58109 AND §58110 OF CHAPTER 58 AND ADDING A NEW CHAPTER 58B, TO TITLE 10, DIVISION 3, GUAM CODE ANNOTATED RELATIVE TO THE LEGALIZATION AND REGULATION OF THE USE OF CONSUMER-GRADE FIREWORKS.**

| Department/Agency Appropriation Information  |   |
|--|---|
| Dept./Agency Affected: Guam Fire Department  | Dept./Agency Head: Daniel Stone, Fire Chief |
| Department's General Fund (GF) appropriation(s) to date:   | \$34,999,181                                |
| Department's Other Fund appropriation(s) to date: Enhanced 911 Emergency Reporting System Fund (\$2,173,500); Fire, Life, and Medical Emergency Fund (\$1,129,368) | \$3,302,868                                 |
| <b>Total Department/Agency Appropriation(s) to date:</b>   | <b>\$38,302,049</b>                         |

| 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        |
| <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 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        |
| <b>Total</b>                    | <b>1/</b>            | <b>1/</b>                                | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

1. Does the bill contain "revenue generating" provisions? / X / Yes / / 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? / / Yes / X / No
5. 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: <br>Abigail R. Ofeciar, BMA IV | Date: <u>JAN 23 2023</u> | Director: <br>Lester L. Carlson, Jr., Director | Date: <u>JAN 24 2023</u> |
|--|--------------------------|--|--------------------------|

Notes:  
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH  
COMMENTS ON BILL NO. 9-37 (COR)

The proposed legislation intends to legalize and regulate the use of consumer-grade or “Safe and Sane” fireworks by amending §§ 58109 and 58110 of Chapter 58 and adding a new Chapter 58b to Division 3 of Title 10 Guam Code Annotated (Title 10 GCA). In its present form, § 58109 does not permit any fireworks on Guam unless consigned to the local or federal government. The proposed amendments will allow for consumer-grade fireworks to be permitted on Guam, but excludes commercial-grade and display fireworks, at the discretion of the Fire Chief. The proposed Chapter 58b, titled Use of Consumer-grade Fireworks, outlines the definitions of relevant terms; permissible uses of consumer fireworks; issuance, termination, revocation, and seizure of licenses and permits; applicable penalties resulting from violations; and storage and handling of consumer-grade fireworks.

Relative to the issuance of licenses and permits, the proposed legislation states that a “Consumer Fireworks License” shall be issued upon meeting all licensing and fire safety requirements outlined by the Guam Fire Department (GFD). The proposed legislation does not state any cost associated with obtaining the “Consumer Fireworks License” nor whether a separate business license will need to be obtained from the Department of Revenue and Taxation. In terms of permits, the proposed legislation states that a permit shall be required to sell any consumer-grade fireworks with a fee of \$35. It is unclear as to which fund(s) the collections from licenses and permits will be deposited into. Penalties ranging from \$100.00 to \$1,000.00 is also proposed for violating the provisions of the proposed Chapter 58b, with all fines to be deposited into the Fire, Life, and Medical Emergency (FLAME) Fund. GFD uses the FLAME Fund for the purchase, maintenance, and repair of emergency rescue and firefighting vehicles, emergency life support, and medical equipment, training for Emergency Medical Technician and Paramedics certifications, and allowable personnel expense.

The audited FY2021 revenues for the FLAME fund was \$1,153,395. On average, the FLAME Fund brings in annual revenues of \$1.1M for GFD and the department stands to collect additional revenues as a result of this proposed legislation. On the other hand, the mandates of this proposed legislation also appear to require additional resources for GFD to perform the new responsibilities, in addition to what GFD is already enforcing. The proposed legislation will also require GFD’s fee schedule to be updated in accordance with the Administrative Adjudication Law. Absent pertinent information from GFD to include: 1) additional resources needed to carry out the mandates of this proposed legislation; 2) additional revenues that GFD may collect from licenses, permits, fees, and penalties; 3) anticipated volume of consumer-grade fireworks that may be brought to Guam; 4) anticipated number of interested parties that will obtain licenses and permits; and 3) any other costs associated with implementing the proposed legislation if enacted, the Bureau is unable to determine a fiscal impact at this time.