

I Mina'trentai Siette Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
91-37 (COR)	Joe S. San Agustin Chris Barnett	AN ACT TO ADD A NEW §3134 OF ARTICLE 1, CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO TEMPORARY EMPLOYMENT OF GUAM DEPARTMENT OF EDUCATION RETIRED FACILITIES AND MAINTENANCE PERSONNEL.	4/6/23 4:26 p.m.	4/10/23	Committee on Education, Public Safety and the Arts	Request: 4/11/23 5/1/23			



COMMITTEE ON RULES

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

May 1, 2023

To: **Joaquin P. Taitague**
Substitute Clerk of the Legislature

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

Subject: **Fiscal Note for Bill No. 91-37 (COR)**

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 91-37 (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. 91-37 (COR)**

AN ACT TO ADD A NEW §3134 OF ARTICLE 1, CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO TEMPORARY EMPLOYMENT OF GUAM DEPARTMENT OF EDUCATION RETIRED FACILITIES AND MAINTENANCE PERSONNEL.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Department of Education (GDOE)	Dept./Agency Head: Judith Won Pat, Ed.D., Acting Superintendent
Department's General Fund (GF) appropriation(s) to date:	205,318,855
Department's Other Fund (Specify) appropriation(s) to date: Guam Educational Facilities Fund (\$12,838,487); Public School Library Resources Fund (\$686,994); Healthy Futures Fund (\$891,754); School Lunch/Child Nutritional Meal Reimbursement Fund (\$12,504,000); Limited Gaming Fund (\$380,225)	27,301,460
	232,620,315

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2022 Unreserved Fund Balance		\$0	\$0
FY 2023 Adopted Revenues	\$0	\$0	\$0
FY 2023 Appro. (P.L. 36-107 thru _____)	\$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	\$0	1/	\$0	\$0	\$0	\$0
Special Fund	\$0	1/	\$0	\$0	\$0	\$0
Total	\$0	1/	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes / X/ No
 If Yes, see attachment 1/
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? / / N/A / / Yes / X/ 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: <u>William P. Estinglong</u>	Date: <u>4/24/23</u>	Director: <u>Lester L. Carlson, Jr.</u>	Date: <u>APR 25 2023</u>
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Footnotes:
 1/ See attached comments on Bill 91-37 (COR).

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 91-37 (COR)

The proposed Bill 91-37 (COR) is an act to add a new § 3134 of Article 1, Chapter 3, Title 17 Guam Code Annotated, relative to temporary employment of Guam Department of Education (GDOE) retired facilities and maintenance personnel.

According to the legislative intent of Bill 91-37 (COR), the GDOE lacks facilities and maintenance personnel, which resulted in delapidated and unsafe school environment for Guam's public-school students. As such, the intent is to provide GDOE the authority to temporarily hire retired facilities and maintenance personnel to provide safe, healthy, and clean school buildings and facilities and to comply with the Every Child is Entitled to an Adequate Public Education Act.

It should be noted that Section 2 of the Bill will add the new § 3134 of Article 1, Chapter 3. However, it incorrectly references Title 1 instead of Title 17, Guam Code Annotated.

The new § 3134 will allow GDOE to hire retired GDOE facilities and maintenance personnel and lists the various positions authorized to be hired under the provision and who are not eligible for Medicare Parts A & B, and who shall remain covered under the Government of Guam Health Insurance Program as a retired person. The retirees shall be hired at a minimum of step 1 for the position in question and shall not receive sick or annual leave. Notwithstanding §8121(a0 of Article 1, Chapter 8, Title 4 GCA, retirees hired temporarily pursuant to this Section may continue to receive retirement benefits. The Superintendent of GDOE shall submit a report to *I Liheslaturan Guåhan* every July 1 of the year, and again 30 days after the end of the fiscal year, of the number of retired employees hired pursuant to the Section, the positions filled, the length of employment, the cost said hiring, and the nature of critical need that was filled.

The Bureau notes that Bill 91-37 (COR) will provide similar authority to GDOE relative to the temporary employment of retired facilities and maintenance personnel. Various other temporary employments are currently authorized under Chapter XII of Public Law 36-107 such as the temporary employment of retired correctional officers, police officers, firefighters, custom and quarantine officers, revenue and taxation employees, government of Guam social workers, GDOE teachers, attorneys, and public work employees.

The Bureau had sought input on the financial impact of the proposed Bill 91-37 (COR) from the GDOE on April 11, 2023 and a follow-up request on April 19, 2023. The Bureau has not received any official comments as of the date of this fiscal note.

However, the Bureau does anticipate that Bill 91-37 (COR) poses a financial impact to the GDOE and its personnel services requirements in terms of the temporary hiring of retired facilities and maintenance personnel. However, the Bureau is unable to provide an estimated cost impact at this time as such costs are dependent on the number of retired facilities and maintenance personnel that are hired, the position titles, and the salaries at step 1 of the pay grade for these positions.

As Bill 91-37 (COR) does not provide for an appropriation to fund such purpose, the GDOE would then have to absorb these costs from its annual fiscal year appropriation.