

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 |
|-------------|--------------------|--|---------------------|---------------|---|---------------------|-----------------------------|---------------------------------|-----------|
| 93-37 (COR) | Therese M. Terlaje | AN ACT TO ADD A NEW ARTICLE 26, TO DIVISION 1, CHAPTER 4, OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING RULES AND REGULATIONS GOVERNING INSTITUTIONAL PLAYGROUNDS ATTACHED HERETO AS EXHIBIT "A." | 4/7/23 2:41 p.m. | 4/10/23 | Committee on Health, Land, Justice, and Culture | | | Request: 4/11/23 4/19/23 | Exhibit A |



COMMITTEE ON RULES

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

April 19, 2023

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

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

Subject: **Fiscal Note for Bill No. 93-37 (COR)**

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 93-37 (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. 93-37 (COR)**

AN ACT TO ADD A NEW ARTICLE 26, TO DIVISION 1, CHAPTER 4, OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING RULES AND REGULATIONS GOVERNING INSTITUTIONAL PLAYGROUNDS ATTACHED HERETO AS EXHIBIT "A."

Department/Agency Appropriation Information

| | |
|--|--|
| Dept./Agency Affected: Department of Public Health and Social Services | Dept./Agency Head: Arthur U San Agustin, Director |
| Department's General Fund (GF) appropriation(s) to date: | \$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 Inspection Revolving Fund (\$158,878), 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 |
| 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 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Special Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | 1/ | \$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? | / X / N/A | / / Yes |
| 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 |
| / / Requested agency comments not received by due date | / / Other: | |

| | | | |
|---|-------------------------|--|--------------------------|
| Analyst:  Tyler Bautista, BMA I | Date: 04/15/2023 | Director:  Lester L. Carlson, Jr., Director | Date: APR 19 2023 |
|---|-------------------------|--|--------------------------|

Notes:
1/ See attached comments.

**BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 93-37 (COR)**

The proposed legislation intends to adopt a *new* set of rules and regulations that governs institutional playgrounds. Per Section 1 of the proposed legislation, the rules and regulations were submitted by the Department of Public Health and Social Services (DPHSS) in accordance with the Administrative Adjudication Law. The proposed rules and regulations intend to provide standards for playground equipment to protect the health and safety of Guam's children that attend childcare facilities and/or schools. Section 20105 of Chapter 20, Title 10, Guam Code Annotated authorizes the Director of DPHSS to adopt and promulgate rules and regulations to carry out the provisions of the mandate, as necessary. These rules and regulations are subject to revisions based on public feedback and recommendations.

Note, the estimated economic impact is more than **\$500,000**; therefore, as provided in § 9301(i) of Title 5 GCA, Chapter 9, Article 3, an economic impact statement is required. Per correspondence with the Department of Public Health and Social Services (DPHSS), the new rules and regulations governing institutional playgrounds will have an estimated economic impact of **\$916,073** for the first two years of implementation, each being a one-time cost. (See below for details).

Estimated Financial Impact on Institutional Playgrounds

| PROPOSED CHANGE | FINANCIAL IMPACT |
|-------------------------|--------------------------------|
| Age Separation | \$110,928 |
| Signage and/or Labeling | \$86,899 |
| Surface Materials | \$337,066 |
| Coming into Compliance | \$381,180 |
| TOTAL: | \$916,073 ^{1/} |

1/ To be spread over a two-year period for affected facilities.

After the first-two years, the economic impact will be greatly reduced as the cost of equipment will no longer be accounted for; however, maintenance of the new equipment will be required. The Bureau is unable to determine the fiscal impact of the years following the implementation period, as the economic impact statement provided does not detail any information relative to the cost of maintenance per year.