

I Mina'trentai Singko 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
197-35 (LS)	Amanda L. Shelton Joe S. San Agustin Telena Cruz Nelson	AN ACT TO AMEND § 16112, 16113, 16115 AND REPEAL AND REENACT § 16123 AND 16124 OF CHAPTER 16, TITLE 17, GUAM CODE ANNOTATED AND TO ADD A NEW SUBSECTION §§ 16136, 16137, 16138, 16139, 16140 TO CHAPTER 16, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO UPDATING THE CHARTER OF THE UNIVERSITY OF GUAM TO FACILITATE IT'S GROWTH INTO A 21ST CENTURY INSTITUTION MEETING THE EDUCATIONAL NEEDS OF THE REGION WHILE GIVING IT MORE FINANCIAL INDEPENDENCE.	8/21/19 2:40 p.m.					10/1/19	

Senator Régine Biscoe Lee,
Chair

Senator Amanda L. Shelton,
Vice Chair

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telen Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez,
Member



COMMITTEE ON RULES
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

October 1, 2019

Senator Clynton E. Ridgell,
Member

Senator Joe S. San Agustin,
Member

Senator Jose "Pedro" Terlaje,
Member

Senator Therese M. Terlaje,
Member

Senator James C. Moylan,
Member

Senator Mary Camacho Torres,
Member and Chair, Subcommittee on Protocol

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Régine Biscoe Lee
Chair, Committee on Rules

Re: Fiscal Notes

Buenas yan Håfa adai.

Attached, please find the fiscal notes for the following bills:

Bill No. 197-35 (LS)
Bill No. 206-35 (COR)

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

For 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. 197-35 (LS)

AN ACT TO AMEND § 16112, 16113, 16115 AND REPEAL AND REENACT § 16123 AND 16124 OF CHAPTER 16, TITLE 17, GUAM CODE ANNOTATED AND TO ADD A NEW SUBSECTION §§ 16136, 16137, 16138, 16139, 16140 TO CHAPTER 16, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO UPDATING THE CHARTER OF THE UNIVERSITY OF GUAM TO FACILITATE IT'S GROWTH INTO A 21ST CENTURY INSTITUTION MEETING THE EDUCATIONAL NEEDS OF THE REGION WHILE GIVING IT MORE FINANCIAL INDEPENDENCE.

Department/Agency Appropriation Information

Dept./Agency Affected: University of Guam (UOG)	Dept./Agency Head: Dr. Thomas W. Krise
Department's General Fund (GF) appropriation(s) to date:	\$31,418,202
Department's Tourist Attraction Fund (TAF) Fund appropriation(s) to date:	200,000
Department's Territorial Educational Facilities Fund (TEFF) appropriation(s) to date:	1,624,056
Total Department/Agency Appropriation(s) to date:	\$33,242,258

Fund Source Information of Proposed Appropriation

	General Fund	UOG Sea Grant Special Fund	Total
FY 2018 Unreserved Fund Balance		\$0	\$0
FY 2019 Adopted Revenues	\$0	\$0	\$0
FY 2019 Appro. (P.L. 34-116 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 2019 (if applicable)	FY 2020	FY 2021	FY 2022	FY 2023
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
UOG Sea Grant Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total 1/	\$0	\$0	\$0	\$0	\$0	\$0

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|---|-----|--------|-----|-----|
| 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 |
| If no, what is the additional amount required? \$ | /X/ | N/A | / / | Yes |
| 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? | /X/ | N/A | / / | Yes |
| 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:  Tammy Amador, BMA II	Date: 09/24/2019	Director:  Lester L. Carlson, Jr., Director	Date: SEP 25 2019
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Footnotes / Notes:

1/ Please see attached comments.

COMMENTS TO BILL No. 197-35 (LS)

Bill No. 197 seeks to grant the University of Guam (UOG) more autonomy within its Charter in order to facilitate growth as a modern-day institution as well as to provide more control to the UOG over its financial independence.

Section 1 of Bill No. 197 describes the legislative intent of the proposed measure which will allow the UOG to diversify its revenue sources and enter into partnerships that may provide revenue for the University and potentially create a more enticing prospect for college students in the ever-changing digital age.

Section 2 amends §16112 relative to the personnel rules governing academic personnel at UOG and intends to include the employment of professional, technical, federal and externally funded (PTFEF) personnel and defines such positions.

Section 3 amends §16113 relative to classified employees at UOG by adding “student employees” as an exception to the definition of classified employees.

Section 4 amends §16115 relative to the Retirement Fund and intends to exclude student employees of UOG from automatically be members of the Government of Guam Retirement Fund.

Section 5 amends §16118(c) relative to prior Legislative approval for UOG to enter into agreements to borrow money. The amendment will provide that, no agreements to borrow money for more than 10 years, shall be entered into by UOG without prior Legislative approval.

Section 6 repeals §16123 relative to the Designation of Natural Energy Institute and reenacts §16123 to establish the University of Guam Center for Island Sustainability.

Section 7 repeals §16124 relative to the Guam Natural Energy Institute duties and powers, and reenacts §16124 to establish the University of Guam Sea Grant Special Fund, under the University of Guam Sea Grant Program, and managed by the University of Guam Center of Island Sustainability. The primary purpose of the Fund is to comply with federal requirements designating the UOG as a Sea Grant “Coherent Area Program”. Donations and charitable contributions relating to sustainability and coastal research and extension services may be deposited and credited to the Fund, and all debts, liabilities and other obligations incurred for programs described under §16124(b) shall be paid.

Section 8 adds a new §16136 relative to Student Employees, and provides that UOG student employees shall not be eligible for retirement, sick or annual leave benefits. The section also authorizes the UOG Board of Regents to adopt rules and regulations governing student employment.

Section 9 adds a new §16137 relative to the Secretariat of the Pacific Regional Environmental Programme and designates the UOG as the official government of Guam representative to the Secretariat of Pacific Regional Environmental Programme.

Section 10 adds a new §16138 relative to Procurement regulations and Exceptions to Advance Payments. The section authorizes the UOG Board of Regents to adopt procurement regulations which shall be consistent, to the extent practicable, with Guam Procurement Law, except insofar as the UOG is exempt from the centralized procurement regime of the Government of Guam. The section also provides exceptions from the advance payment rule such as the procurement of

textbooks and classroom, research and outreach materials, rental arrangements, and for internet-based purchases.

Section 11 adds a new §16139 relative to Short Term Borrowing and will enable the UOG Board of Regents, by resolution adopted by a majority of the Board and approved by the Governor, to incur indebtedness for any lawful purpose for any period not exceeding 10 years. Any such indebtedness may be repaid from revenues; or if incurred for a purpose for which bonds may be issued, from revenues or from the proceeds of sale of bonds or other debt instrument.

Section 12 adds a new §16140 relative to Long Term Leasing and Contracting and will authorize the UOG to lease its administratively controlled real properties and enter into long term contracts for a period up to but not exceeding 30 years for public private partnerships in order to diversify the revenue streams of UOG. The UOG shall hold a public hearing and allow 60 calendar days for public comments before executing such a contract.

A resonating objective within provisions of proposed Bill 197 is to provide the UOG Board of Regents more sovereignty over fiscal aspects of potential revenue generating initiatives that may boost competitive marketability for the University.

Bill 197 contains various provisions that will fiscally impact the operations of UOG. However, according to UOG, Bill 197 will help to improve operations and will lead to improved revenues and decreased costs over the long term and is in full support of the proposed measure.