

*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
247-35 (LS)	James C. Moylan	AN ACT TO AMEND § 22402 OF CHAPTER 22, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE EXPENSES THAT THE GOVERNOR OF GUAM IS AUTHORIZED TO EXPEND IN THE EVENT OF A DECLARATION OF EMERGENCY FOR CIVIL DEFENSE, PUBLIC SAFETY, OR HEALTHCARE.	11/15/19 10:43 a.m.	11/29/19	Committee on General Government Operations, Appropriations, and Housing			Request: 12/2/19  12/6/19	

Senator Régine Biscoe Lee,  
Chair

Senator Amanda L. Shelton,  
Vice Chair

Speaker Tina Rose Muña Barnes,  
Member

Vice Speaker Telena Cruz Nelson,  
Member

Senator Kelly Marsh (Taitano), PhD,  
Member

Senator Sabina Flores Perez,  
Member



**COMMITTEE ON RULES**  
*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
**35<sup>TH</sup> GUAM LEGISLATURE**

December 6, 2019

Senator Clynton E. Ridgell,  
Member

Senator Joe S. San Agustin,  
Member

Senator Jose "Pedo" 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 Note

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*Buenas yan Håfa adai.*

Attached, please find the fiscal note for the following bill:

**Bill No. 247-35 (LS)**

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. 247-35 (LS)**

**AN ACT TO AMEND § 22402 OF CHAPTER 22, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO EXPENSES THAT THE GOVERNOR OF GUAM IS AUTHORIZED TO EXPEND IN THE EVENT OF A DECLARATION OF EMERGENCY FOR CIVIL DEFENSE, PUBLIC SAFETY, OR HEALTHCARE.**

**Department/Agency Appropriation Information**

Dept./Agency Affected: Office of the Governor of Guam		Dept./Agency Head: Honorable Lourdes A. Leon Guerrero, Governor of Guam	
Department's General Fund (GF) appropriation(s) to date:		\$5,906,424	
Department's Other Fund (Indirect Cost Fund) appropriation(s) to date:		\$243,660	
Total Department/Agency Appropriation(s) to date:		\$6,150,084	

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2019 Unreserved Fund Balance		\$0	\$0
FY 2020 Adopted Revenues	\$0	\$0	\$0
FY 2020 Appro. (P.L. 35-36)	\$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 2020 (if applicable)	FY 2021	FY 2022	FY 2023	FY 2024
General Fund	1/	\$0	\$0	\$0	\$0	\$0
Special Fund		\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- |   |         |                            |                           |
|---|---------|----------------------------|---------------------------|
| 1. Does the bill contain "revenue generating" provisions?<br>If Yes, see attachment   |         | // Yes                     | /X/ No                    |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?<br>If no, what is the additional amount required? \$ _____  | /X/ N/A | // Yes                     | // No                     |
| 3. Does the Bill establish a new program/agency?<br>If yes, will the program duplicate existing programs/agencies?<br>Is there a federal mandate to establish the program/agency? | /X/ N/A | // Yes<br>// Yes<br>// Yes | /X/ No<br>// No<br>/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:<br>// Requested agency comments not received by due date                                    |         | /X/ Yes                    | // No                     |
|   |         | // Other:                  |                           |

Analyst: <u>Joaquin Guerrero, BMA III</u>	Date: <u>12/6/19</u>	Director: <u>Lester L. Carlson, Jr., Director</u>	Date: <u>DEC 06 2019</u>
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Footnotes:  
1/ See attached comments.

Bureau of Budget and Management Research  
Comments on Bill No. 247-35 (LS)

The proposed legislation seeks to amend § 22402 of Chapter 22, Title 5 of the Guam Code Annotated (GCA), which will adjust the amount the Governor of Guam is authorized to utilize from General Fund (GF) appropriations for the Executive Branch from no more than Two Hundred Fifty Thousand Dollars (\$250,000) to no more than Five Hundred Thousand Dollars (\$500,000) for expenses resulting from civil defense, public safety, or healthcare emergencies. Furthermore, the amendment adds that the Governor of Guam shall provide a written report of the expenditures of such funds to *I Liheslaturan Guåhan*, the Public Auditor, and the public through an official press release and on the official website of the Governor within five (5) days of such transactions.

Per the Guam Homeland Security/Office of Civil Defense, should the proposed legislation *not* be enacted, it may potentially have negative consequences for future emergency events as defined in § 22402 of Chapter 22, Title 5 GCA. The first public law allowing the Governor to expend \$250,000 during emergencies was enacted in 1979. Adjusting for inflation, \$250,000 in 1979 equates to approximately \$886,000 in 2019. The cost of responding to and recovering from disasters has increased between 1979 and the present. As a result of insufficient funding during emergencies, additional appropriations were required to continue funding emergency protective measures and conduct recovery operations. The process of obtaining additional funding takes time away from preparing for or recovering from a disaster or emergency. Overtime payments have been delayed or were outstanding because of costs accrued over the \$250,000 authorized amount. The need to increase emergency funding has been evident for years and is crucial to the preparedness posture of the island and the mission areas of protection, prevention, mitigation, response, and recovery.

The Bureau does not recommend any additional authorization of current and future GF appropriations beyond the \$250,000 threshold as funds are derived from appropriations already budgeted and earmarked for specific operational costs and will also hinder the Government of Guam's ability to reduce the cumulative GF deficit (approximately \$83.4M per the FY 2018 Government of Guam Audit).