

I Mina'trentai Sais 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
205-36 (LS)	Joe S. San Agustin	AN ACT TO <i>ADD</i> A NEW SUBSECTION (8) TO § 15401(a) OF ARTICLE 4, CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GUAM ETHICS COMMISSION TO RETAIN LEGAL SERVICES.	9/29/21 1:08 p.m.	10/1/21	Committee on General Government Operations, Appropriations, and Housing			Request: 10/5/21 10/12/21	



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

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October 12, 2021

MEMO

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Amanda L. Shelton**
Acting Chairperson, Committee on Rules

Re: **Fiscal Note on Bill No. 205-36 (LS)**

Håfa adai,

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

Bill No. 205-36 (LS)

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

If you have 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. 205-36 (LS)

AN ACT TO ADD A NEW SUBSECTION (8) TO § 15401(a) OF ARTICLE 4, CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GUAM ETHICS COMMISSION TO RETAIN LEGAL SERVICES.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Ethics Commission	Dept./Agency Head: Jesse J. Quenga, Executive Director
Department's General Fund (GF) appropriation(s) to date:	\$267,019
Department's Other Fund (Specify) appropriation(s) to date:	\$0
Total Department/Agency Appropriation(s) to date:	\$267,019

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2021 Unreserved Fund Balance		\$0	\$0
FY 2022 Adopted Revenues	\$0	\$0	\$0
FY 2022 Appro. (P.L. 36-54)	\$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 2022 (if applicable)	FY 2023	FY 2024	FY 2025	FY 2026
General Fund	1/	\$0	\$0	\$0	\$0	\$0
Special Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
- 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
- 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
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- 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: Joaquin A.J. Guerrero II Date: 10/7/21 Director: Lester L. Carlson, Jr. Date: OCT 12 2021

Notes:
1/ See attached comments.

Bureau of Budget and Management Research
Comments on Bill No. 205-36 (LS)

The proposed legislation intends to add a new Subsection (8) to § 15401(a) of Article 4, Chapter 15, Title 4 of the Guam Code Annotated, relative to authorizing the Guam Ethics Commission to retain legal services. Per information provided by the Commission, it is recognized that legal services are necessary for it to hear complaints of potential violations regarding Guam statutes on ethics. The Commission's enabling statute provided two options for legal services; first would be to request the services of the Office of the Attorney General (OAG), the second would be to recruit a staff attorney for the Commission full-time. The first option would place the Commission and its counsel at a conflict of interest for cases related to the OAG. The second would require the Commission dedicate a large sum of its total annual appropriation towards the recruitment of a full-time attorney. The anticipated cost for a full-time attorney would range between \$70,000 to \$120,000 annually with fringe benefits.

The Bill provides that the Commission may retain legal services under terms and conditions determined by the Commission. The average market cost for private counsel is \$200 per hour. Should the Commission secure counsel at this rate for a minimum of ten (10) hours a month for twelve (12) months, the anticipated cost would be \$24,000 per fiscal year. This is a feasible amount per the Commission.