

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
223-35 (COR)	Telena Cruz Nelson Jose "Pedro" Terlaje	AN ACT TO ADD NEW §§ 90.36, 90.36.01, AND 90.36.02, ALL OF ARTICLE 1, CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO THE RENAMING AND RECLASSIFICATION OF THE CORRECTIONAL FACILITY SUPERINTENDENT POSITION TO THE TITLE OF WARDEN; AN ACT TO ADD A NEW § 90.17.02 OF ARTICLE 1, CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO THE PROCEDURE AND REQUIREMENTS FOR THE APPOINTMENT OF A WARDEN.	10/22/19 3:47 p.m.	1/6/20	Committee on General Government Operations, Appropriations, and Housing			Request: 1/8/20 2/28/20	

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

February 28, 2020

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Member


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Senator James C. Moylar,
Member

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

MEMO

To: Joaquin P. Taitague
Acting Clerk of the Legislature

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

Re: Fiscal Notes

Buenas yan Håfa adai.

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

Bill No. 223-35 (COR)
Bill No. 274-35 (COR)
Bill No. 289-35 (COR)
Bill No. 290-35 (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. 223-35 (COR)

AN ACT TO ADD NEW §§ 90.36, 90.36.01, AND 90.36.02, ALL OF ARTICLE 1, CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO THE RENAMING AND RECLASSIFICATION OF THE CORRECTIONAL FACILITY SUPERINTENDENT POSITION TO THE TITLE OF WARDEN; AND ACT TO ADD A NEW § 90.17.02 OF ARTICLE 1, CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO THE PROCEDURE AND REQUIREMENTS FOR THE APPOINTMENT OF A WARDEN.

Department/Agency Appropriation Information

Dept./Agency Affected: DEPARTMENT OF CORRECTIONS	Dept./Agency Head: Joseph S. Carbullido, Acting Director
Department's General Fund (GF) appropriation(s) to date: Operations (\$22,814,843); Care & Custody of Prisoners (\$495,252); Cost-sharing of CJIS Integration Report (\$89,730)	23,399,825
Department's Other Fund (Specify) appropriation(s) to date: Corrections Inmate Revolving Fund (\$1,451,161); Safe Streets Fund (\$48,400)	1,499,561
Total Department/Agency Appropriation(s) to date:	\$24,899,386

Fund Source Information of Proposed Appropriation

	General Fund:	Special Fund 1/:	Total:
FY 2019 Unreserved Fund Balance		\$0	\$0
FY 2020 Adopted Revenues	\$0	\$0	\$0
FY 2020 Appro. (P.L. 35-36 thru)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less proposed 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	\$0	1/	1/	1/	1/	1/
Special Fund	\$0	1/	1/	1/	1/	1/
Total	\$0	1/	1/	1/	1/	1/

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 / / 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? / X / N/A / / Yes / / 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: Joaquin Guerrero, BMA III Date: 2/24/20 Director: Lester L. Carlson, Jr., Director Date: FEB 27 2020

Footnotes:

1/ See attached comments.

Bureau of Budget and Management Research
Comments on Bill No. 223-35 (COR)

The preamble of Bill 223 cites the Act to add new §§ 90.36, 90.36.01, 90.36.02, and § 90.17.02, all to Article 1, Chapter 90, Title 9, Guam Code Annotated, relative to the renaming and the reclassification of the Correctional Facility Superintendent position to the title of Warden, and to the procedure and requirements for the appointment of a Warden. However, the full text of Bill 223 does not contain the language relative to the adding of a new §90.17.02 to Article 1, Chapter 90, Title 9, Guam Code Annotated.

A new §90.36 provides for the renaming and reclassification of the current position title of Corrections Facility Superintendent to the position of Warden. In addition, upon the immediate vacancy of the current holder of the position of Warden through any action that determines the position as vacant, the position is then to be reclassified from a Permanent Classified position to an Unclassified Appointed position.

A new subsection (a) of §90.36.01 provides for the appointment of the Warden of the correctional facility to be appointed by the Director of Corrections, subject to the confirmation of *I Liheslaturan Guåhan*. It also provides for the qualifications the appointee must meet to occupy the position of Warden. The compensation of the Warden is also outlined under the new subsection (b) of §90.36.01. It indicates that should the appointee at the time of appointment be an active member of the classified service shall receive a salary established by the government of Guam compensation schedule for heads of agencies equal to the Deputy Director of Corrections, or a salary equivalent to the 3 year average of the annual income earned immediately prior to appointment of Warden, whichever is greater.

A new §90.36.02 provides for reinstatement of the Warden to the classified services should the person appointed is an active, classified employee of the government of Guam prior to appointment by the Director of Corrections and confirmation by *I Liheslaturan Guåhan* to be Warden.

Based on information from DOC, it is recommended that there be NO change to the current position title, however, should the Corrections Facility Superintendent position be renamed to Warden, that the position remain in the Classified Services. DOC notes that the Corrections Facility Superintendent is the most senior employee and provides the leadership, and operational continuity of the department as Directors and Deputy Directors come and go. It would be difficult for a new leader to quickly and effectively assume the role.

Bill 223 proposes the salary for the Warden, as an unclassified appointee, may be equivalent to that of the Deputy Director of Corrections. As the position of Deputy Director of Corrections is currently vacant, the salary of the previous Deputy Director was set by *I Maga'hagan Guåhan* at pay grade EU-5, \$94,597 per annum pursuant to the Executive Pay Plan of the government of Guam's Competitive Wage Act of 2014 for the heads of departments and agencies. The current salary level of the Corrections Facility Superintendent in the classified service is at pay grade PL04-05, and under the Public Safety & Law Enforcement Pay Scale ranges from PL04-01, \$51,590 per annum to PL04-20, \$109,156.60 per annum with such compensation under the merit system dependent on the employee's performance evaluation.

The enactment of Bill 223 will pose an additional fiscal impact in terms of increased personnel services costs estimated at \$25,281 annually for salaries and benefits should the position of Warden be reclassified to an Unclassified Appointed position. This estimate is based on the salary of the current Corrections Facility Superintendent as compared against the previous salary of the Deputy Director of Corrections. It is perceived that the 3 years average of the annual income earned by an appointee from the classified services will not be greater than the current salary noted for the Deputy Director of Corrections. Such increased personnel services costs would have to be absorbed by the annual fiscal year budget of the Department of Corrections.