

*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
246-35 (L5)	Joe S. San Agustin Tina Rose Muña Barnes Jose "Pedro" Terlaje	AN ACT TO AMEND SUBSECTION (a) (4) OF § 61542 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED; TO AMEND SUBSECTION (b) OF § 3102.3 OF CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED; TO ADD A NEW SUBSECTION (h) TO § 3101.3 TO CHAPTER 13 OF TITLE 16, GUAM CODE ANNOTATED; TO AMEND § 40108 OF CHAPTER 40 OF TITLE 5, GUAM CODE ANNOTATED; TO AMEND SUBSECTION (a) OF § 1000 OF CHAPTER 10, TITLE 1, GUAM CODE ANNOTATED; TO AMEND § 1117 AND ADD A NEW § 1124 TO CHAPTER 1; TO REPEAL AND REENACT § 2110, ADD A NEW § 2111 AND § 2112 TO CHAPTER 2, ADD A NEW SUBSECTION (g) TO § 3102.1, AMEND § 3104 AND § 3105 OF CHAPTER 3, AMEND § 6105, § 6108 AND § 6110 OF CHAPTER 6, AMEND §9112 AND AMEND SUBSECTION (b) (1) OF § 9123 OF CHAPTER 9, AMEND § 11115 OF CHAPTER 11, ADD A NEW § 13110 TO CHAPTER 13; AMEND § 14105 OF CHAPTER 14, REPEAL § 15206 OF CHAPTER 15, AMEND SUBSECTION (a) OF § 16209, AMEND SUBSECTION (a) OF § 16306, AND ADD A NEW § 16313 TO CHAPTER 16 ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO REINFORCING GUAM'S ELECTION AND CAMPAIGN LAWS.	11/15/19 10:28 a.m.	12/18/19	Committee on General Government Operations, Appropriations, and Housing			Request: 12/19/19  1/13/20	

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*  
**35<sup>TH</sup> GUAM LEGISLATURE**

January 13, 2020

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 Notes

*Buenas yan Håfa adai.*

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

Bill No. 246-35 (LS)  
Bill No. 256-35 (COR)  
Bill No. 259-35 (COR)  
Bill No. 263-35 (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. 246-35 (LS)

AN ACT TO AMEND SUBSECTION (a) (4) OF § 61542 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED; TO AMEND SUBSECTION (b) OF § 3102.3 OF CHAPTER 3, TITLE 17 GUAM CODE ANNOTATED; TO ADD A NEW SUBSECTION (h) TO § 3101.3 TO CHAPTER 13 OF TITLE 16, GUAM CODE ANNOTATED; TO AMEND § 40108 OF CHAPTER 40 OF TITLE 5, GUAM CODE ANNOTATED; TO AMEND SUBSECTION (a) OF § 1000 OF CHAPTER 10, TITLE 1, GUAM CODE ANNOTATED; TO AMEND § 1117 AND ADD A NEW § 1124 TO CHAPTER 1; TO REPEAL AND REENACT § 2110, ADD A NEW § 2111 AND § 2112 TO CHAPTER 2, ADD A NEW SUBSECTION (g) TO § 3102.1, AMEND § 3104 AND § 3105 OF CHAPTER 3, AMEND § 6105, § 6108 AND § 6110 OF CHAPTER 6, AMEND § 9112 AND AMEND SUBSECTION (b) (1) OF § 9123 OF CHAPTER 9, AMEND § 11115 OF CHAPTER 11, ADD A NEW § 13110 TO CHAPTER 13; AMEND § 14105 OF CHAPTER 14, REPEAL § 15206 OF CHAPTER 15, AMEND SUBSECTION (a) OF § 16209, AMEND SUBSECTION (a) OF § 16306, AND ADD A NEW §16313 TO CHAPTER 16 ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO REINFORCING GUAM'S ELECTION AND CAMPAIGN LAWS.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Election Commission	Dept./Agency Head: Maria Pangelinan, Executive Director
Department's General Fund (GF) appropriation(s) to date:	\$1,399,414
Department's Other Fund appropriation(s) to date:	\$0
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$1,399,414</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2019 Unreserved Fund Balance	\$0	\$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 appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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	1/	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>1/</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions? / X / Yes / / 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? / X / Yes / / 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  
/ X / Requested agency comments not received by due date / / Other:

Analyst: <u>Abigail Reyes</u> Abigail Reyes, BMA III	Date: <u>12/31/2019</u>	Director: <u>Lester L. Carlson, Jr.</u> Lester L. Carlson, Jr., Director	Date: <u>JAN 07 2020</u>
---	-------------------------	---	--------------------------

Notes:  
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH  
COMMENTS ON BILL NO. 246-35 (LS)

The proposed legislation intends to amend, repeal and reenact, add, and delete various sections of Chapter 16, Title 3, Guam Code Annotated (GCA), all relative to the Guam Election Commission (GEC) and the reinforcement of Guam's election and campaign laws. A majority of the recommendations incorporated in the legislation are administrative in nature. However, the proposed legislation does contain measures that would result in a financial impact.

Section 6 of the proposed legislation would recognize the General Election Day as a holiday, thus increasing the total amount of Government of Guam holidays from 12 to 13 days. The Bureau notes that, based on the most recent cost estimate for the Christmas Eve holiday on December 24, 2019, an extra holiday would result in an additional cost of \$504,000 to the Government of Guam. Such costs would need to be absorbed by all departments' appropriated budgets. It should be noted that §9125 of Chapter 9, Title 3 GCA already allows voters (both in private and public sectors) two (2) consecutive hours to vote without any penalty or deduction on remuneration on account of such absence provided that evidence from the GEC is presented to the employer.

Section 9 of the proposed legislation repeals and reenacts §2110 of Chapter 2, Title 3 GCA to include language that provides the GEC full authority of its operations as if a fully autonomous entity as it relates to fiscal and personnel requirements. It should be noted that the GEC receives its annual budget appropriation from the Legislature. Per P.L. 35-36, the GEC is appropriated \$1,399,414 from the General Fund for its operations in FY 2020. Further, P.L. 35-36 does not exempt the GEC from the Bureau's allotment control authority. The Bureau is not opposed to the GEC determining their needs as it relates to executing their mandates. However, the Bureau firmly believes that the current system of checks and balances in ensuring departments do not exceed their authorized spending level should remain as it exists to date.

Section 10 of the proposed legislation adds a new §2111 to Chapter 2, Title 3 GCA, establishing the Guam Election Commission Revolving Fund (GECRF). The GECRF is proposed to be funded via filing fees, fines, or other authorized deposits and shall be appropriated on a continuing basis. The GECRF is proposed to be maintained by the Executive Director of the GEC and kept in a bank account separate and apart from the General Fund not subject to the transfer authority of the Governor. Currently, §15206 of Chapter 15, Title 3 GCA imposes a filing fee for political candidacy at \$100. Absent additional information from the GEC, the Bureau is unable to make comment on what 'other authorized deposits' may be.

Section 11 of the proposed legislation adds a new §2112 to Chapter 2, Title 3 GCA, establishing a new division under GEC to be called the Campaign Finance Report Review Division. This provision allows for a hiring of three (3) full-time employees to ensure proper and timely review of reports submitted to GEC. Due to the provision being vague as to what positions may be filled, the Bureau will assume that the positions may be similar to that of a Program Coordinator I. The entry level compensation for a Program Coordinator I amounts to \$33,911 for salaries and \$17,749 for fringe benefits, totaling to a Government of Guam payroll obligation of \$51,660 per employee. As such, the Campaign Finance Report Review Division would require, at a minimum, approximately \$155,000 for staffing requirements. It should be noted that the GEC stated publicly that they are projecting to experience a shortfall in FY 2020 via local media sources. The Bureau notes that creation of the subject Campaign Finance Report Review Division would contribute to increasing such shortfall.

Section 17 of the proposed legislation amends §6108 of Chapter 6, Title 3 GCA by establishing a fee schedule for Candidacy Filing. Concurrently, Section 24 of the proposed legislation repeals §15206 of Chapter 15, Title 3 GCA relative to the \$100 filing fee. The proposed fee schedule would set the filing fees as follows: \$1,000.00 for Governor/Lt. Governor/Non-Voting Delegate to U.S. House of Representatives; \$500.00 for Senator/Mayor/Attorney General/Public Auditor/CCU; \$300.00 for Vice-Mayor; and \$100 for Guam Board of Education. The 2018 Primary Election experienced a total of 53 candidates for various political offices, which translates to a total filing fee collection of \$530 based on the current \$100 filing fee. The proposed fee schedule would result in additional revenue

in the form of filing fees (see the table below for the Bureau's estimated collection) that could be used for the GEC operations and offset the cost impact of the other sections in the proposed legislation.

	<b>Estimated No. of Candidates</b>	<b>Proposed Candidacy Filing Fee per Candidate</b>	<b>Total</b>
Gubernatorial	8	\$ 1,000.00	\$ 8,000.00
Congress	4	\$ 1,000.00	\$ 4,000.00
Senators	40	\$ 500.00	\$ 20,000.00
Public Auditor	4	\$ 500.00	\$ 2,000.00
Attorney General	4	\$ 500.00	\$ 2,000.00
Mayor	38	\$ 500.00	\$ 19,000.00
Vice-Mayor	14	\$ 300.00	\$ 4,200.00
CCU	4	\$ 500.00	\$ 2,000.00
GEB	12	\$ 100.00	\$ 1,200.00
<b>TOTAL</b>			<b>\$ 62,400.00</b>

It should be noted that the Bureau sent formal requests for comment/testimony to the GEC regarding the subject legislation. The Bureau is not in receipt of any comment at the time of preparation of this fiscal note.