



Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guåhan*

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April 6, 2021

# MEMO

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

**From:** **Vice Speaker Tina Rose Muña Barnes**  
Chairperson, Committee on Rules

**Re:** **Fiscal Notes for Bill Nos. 96-36 (LS) and 99-36 (LS)**

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*Buenas yan Håfa adai.*

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

**Bill No. 96-36 (LS)**

**Bill No. 99-36 (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. 99-36 (LS)**

**AN ACT TO ADD §90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE INAFA'MAOLEK FOR INMATES FUND; AND TO CITE THIS ACT AS THE INAFA'MAOLEK FOR INMATES ACT OF 2021.**

**Department/Agency Appropriation Information**

<b>Dept./Agency Affected:</b> Department of Corrections	<b>Dept./Agency Head:</b> Joseph Carbullido, Director
<b>Department's General Fund (GF) appropriation(s) to date:</b>	\$25,980,623
<b>Department's Other Fund (Specify) appropriation(s) to date:</b> DOC Inmates Revolving Fund & Safe Streets Fund	\$971,341
<b>Total Department/Agency Appropriation(s) to date:</b>	\$26,951,964

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
<b>FY 2020 Unreserved Fund Balance</b>		\$0	\$0
<b>FY 2021 Adopted Revenues</b>	\$0	\$0	\$0
<b>FY 2021 Appro. (P.L. 35-99 thru )</b>	\$0	\$0	\$0
<b>Sub-total:</b>	\$0	\$0	\$0
<b>Less appropriation in Bill</b>	\$0	\$0	\$0
<b>Total:</b>	\$0	\$0	\$0

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2021 (if applicable)	FY 2022	FY 2023	FY 2024	FY 2025
<b>General Fund</b>	1/	\$0	\$0	\$0	\$0	\$0
<b>Inafa'Maolek for Inmates Fund</b>	1/	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	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? / X / Yes / / No  
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes / X / 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:

<b>Analyst:</b> <u>Jason Baza</u> <b>Date:</b> <u>4/6/21</u>	<b>Director:</b> <u>Lester L. Carlson, Jr.</u> <b>Date:</b> <u>APR 06 2021</u>
Jason Baza, BMA Supervisor	Lester L. Carlson, Jr., Director

**Notes:**  
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH  
COMMENTS ON BILL NO. 99-36 (LS)

The proposed legislation intends to establish a new Inafa' maolek for Inmates Fund (IIF) to provide no-cost telephonic services for inmates or detainees to contact their legal counsel. The IIF shall be funded by revenues collected by the Government of Guam for telephone services within the Department of Corrections (DOC). The preamble of the proposed legislation states the purpose of creating such fund is to provide inmates who are indigent access to contacting their legal representation through the use of DOC's Paytel system. However, the language in the IIF's establishment contained in the proposed legislation does not incorporate language relative to the inmate being indigent.

Per correspondence with DOC, the fund should be utilized for those inmates identified as indigent. Further, DOC recommends that funding be made available to the Public Defender Services Corporation (PDSC) to pay for phone services through DOC's Paytel system. Additionally, DOC conducted a recent phone service for the PDSC, in which the average cost for phone service per indigent inmate amounted to \$400 a month.

The Bureau is unable to identify a revenue account specific to telephone services within the General Fund on the AS400 financial system. Absent information from the Department of Administration, the Bureau is unable to determine an approximate estimate of revenues currently received, and proposed to be deposited into the IIF, from telephone services. However, the Bureau notes that the total cost of the program can be estimated by applying DOC's average of \$400 of services per inmate a month and multiplied by the total amount of inmates identified as indigent.