

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
108-37 (LS)	Jesse A. Lujan Thomas J. Fisher Dwayne T. D. San Nicolas Chris Barnett	AN ACT TO ADD A NEW CHAPTER 77A TO DIVISION 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO SUPPORTING HIRING ACTIVITIES BY GUAM LAW ENFORCEMENT AGENCIES EXPERIENCING INCREASED COMPETITION FOR HIRING AND DIFFICULTY WITH RETENTION, TO BE KNOWN AS THE "COMPREHENSIVE CRYSTAL METH PREVENTION AND IMPROVED LAW ENFORCEMENT AND SAFETY ACT OF 2023.	5/1/23 4:45 p.m.	5/3/23	Committee on Education, Public Safety and the Arts	Request: 5/3/23 5/15/23			



COMMITTEE ON RULES

Senator Chris Barnett, Chairperson
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature

May 15, 2023

To: **Joaquin P. Taitague**
Substitute Clerk of the Legislature

From: **Senator Chris Barnett** 
Chairperson, Committee on Rules

Subject: **Fiscal Note for Bill No. 108-37 (LS)**

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 108-37 (LS).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly forward the same to Management Information Services (MIS) for posting on our website.



Bureau of Budget & Management Research
Fiscal Note of Bill No. 108-37 (LS)

AN ACT TO ADD A NEW CHAPTER 77A TO DIVISION 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO SUPPORTING HIRING ACTIVITIES BY GUAM LAW ENFORCEMENT AGENCIES EXPERIENCING INCREASED COMPETITION FOR HIRING AND DIFFICULTY WITH RETENTION, TO BE KNOWN AS THE "COMPREHENSIVE CRYSTAL METH PREVENTION AND IMPROVED LAW ENFORCEMENT AND SAFETY ACT OF 2023."

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Police Department	Dept./Agency Head: Stephen C. Ignacio, Chief of Police
Department's General Fund (GF) appropriation(s) to date:	\$39,253,220
Department's Other Fund (Specify) appropriation(s) to date: Guam Highway Fund, Police Patrol Vehicle and Equipment Revolving Fund, and Police Services Fund	\$6,169,279
Total Department/Agency Appropriation(s) to date:	\$45,422,499
Dept./Agency Affected: Guam Customs and Quarantine Agency	Dept./Agency Head: Ignacio Q. Peredo, Director
Department's General Fund (GF) appropriation(s) to date:	\$15,561,602
Department's Other Fund (Specify) appropriation(s) to date: Customs, Agriculture, and Quarantine Inspection Services Fund	\$2,067,005
Total Department/Agency Appropriation(s) to date:	\$17,628,607

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2022 Unreserved Fund Balance		\$0	\$0
FY 2022 Adopted Revenues	\$0	\$0	\$0
FY 2023 Appro. (P.L. 36-107)	\$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 2023 (if applicable)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund 1/	\$0	\$0	\$2,645,000	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total 1/	\$0	\$0	\$2,645,000	\$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? / / N/A / / Yes /X/ 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? /X/ Yes / / 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: <u>Louis Schmelzinger</u>	Date: <u>05/11/2023</u>	Director: <u>Lester L. Carlson, Jr.</u>	Date: <u>MAY 15 2023</u>
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Notes:
 1/ See attached comments.

Bureau of Budget and Management Research
Comments on Bill No. 108-37 (LS)

In its current form, the subject legislation appropriates the sum of Seven Hundred Twenty Thousand (\$720,000) from the General Fund (GF) in Fiscal Year (FY) 2024 to the Guam Customs and Quarantine Agency (CQA) for the purpose of hiring twelve (12) additional “Customs and Quarantine Agency Inspectors” in an effort to prevent the importation of crystal methamphetamine and other drugs. The “Customs and Quarantine Agency Inspector” is a proposed permanent classified position with a starting salary of \$60,000 per annum per inspector and is not subject to reassignment until the CQA Director certifies the crystal meth “plague” on Guam has been eliminated or the Legislature amends the subject legislation.

Per the CQA, the proposed legislation should be changed to the recruitment of Customs & Quarantine Officers. Also, per the CQA, the starting salary of \$60,000 may create a disparity of the starting salary for current Customs & Quarantine Officers with over ten (10) years of experience. Moreover, per the CQA, further discussions with the Department of Administration’s Human Resources Division (DOA HR) will need to take place as DOA is the department that will recruit and certify the hiring of these positions. Lastly, per the CQA, the salary and budget proposed will be insufficient as fringe benefits was not factored into the proposed legislation.

In addition to the aforementioned appropriation, the subject legislation appropriates the following sums from the GF in FY2024 to the Guam Police Department (GPD): Four Hundred and Twenty-Five Thousand Dollars (\$425,000) to hire five (5) “experienced” law enforcement officers (Drug Investigators and/or Detectives) at the GPD dedicated to the prevention and investigation of crystal methamphetamine and other such drugs and is not subject to reassignment until the Chief of Police certifies the crystal meth “plague” on Guam has been eliminated or the Legislature amends the subject legislation; Five Hundred Thousand Dollars (\$500,000) for equipment and the support needed to allow the aforementioned officers and the current drug prevention staff at the GPD to perform their work; and One Million Dollars (\$1,000,000) for the acquiring of canine detection dogs, relative support staff, and facilities.

Per the GPD, the appropriation of \$425K to hire Drug Investigators and/or Detectives *may* hold the position titles of Police Officer (PO) I, II, or III, which was per DOA HR guidance to GPD. Furthermore, GPD notes a starting salary of \$85K may create a large disparity between the Police Officer series of positions. GPD stated that the starting salaries for a PO I, II, and III are between \$35,335- \$40,732 per annum and that the salary of \$85,000 corresponds to a Police Colonel salary around Step 2. Additionally, GPD notes the \$425K appropriation is not inclusive of fringe benefits which is estimated at \$34,566 per officer, excluding costs such as overtime, hazardous pay, and night differential pay.

Relative to the \$1 Million Dollar appropriation from the GF for acquiring canine detection dogs and their support staff and facilities, GPD stated that the department *does not* have an existing facility to house canine detection dogs, nor office space for personnel, which may be subject to go through the procurement/bidding process. GPD further notes the acquisition of canine detection dogs with two (2) or more years’ experience takes time and GPD is subjected to vendor/bid responses.

Lastly, the Bureau notes funds appropriated in the subject legislation are only for FY2024 with no source of funds identified for continued operations in subsequent fiscal years. Until the designated agency heads certify that the crystal meth “plague” on Guam has been eliminated or the Legislature amends the subject legislation, supplemental appropriations would be required in FY2025 and prospectively.