

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
249-37 (COR)	Sabina Flores Perez Therese M. Terlaje Chris Barnett	AN ACT TO ADD A NEW § 1203.1 TO CHAPTER 1, TITLE 5 AND A NEW § 45112 TO ARTICLE 1 CHAPTER 45, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO ALLOWING THE BUREAU OF STATISTICS AND PLANS GUAM COASTAL MANAGEMENT PROGRAM AND THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO HIRE ENVIRONMENTAL LAW ATTORNEYS FOR THEIR EXCLUSIVE USE.	2/19/24 8:00 a.m.	2/20/24	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 2/20/24 3/1/24			



COMMITTEE ON RULES

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

March 1, 2024

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

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

Subject: **Fiscal Note for Bill No. 249-37 (COR)**

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 249-37 (COR).

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. 249-37 (COR)

AN ACT TO ADD A NEW § 1203.1 TO CHAPTER 1, TITLE 5 AND A NEW § 45112 TO ARTICLE 1 CHAPTER 45, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO ALLOWING THE GUAM COASTAL MANAGEMENT PROGRAM AND THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO HIRE ENVIRONMENTAL LAW ATTORNEYS FOR THEIR EXCLUSIVE USE

Department/Agency Appropriation Information	
Dept./Agency Affected: Bureau of Statistics and Plans	Dept./Agency Head: Lola Leon Guerrero, Director
Department's General Fund (GF) appropriation(s) to date:	\$1,679,940
Department's Other Fund (Specify) appropriation(s) to date:	\$0
Total Department/Agency Appropriation(s) to date:	\$1,679,940

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Environmental Protection Agency	Dept./Agency Head: Michelle Lastimoza, Administrator
Department's General Fund (GF) appropriation(s) to date:	\$500,000
Department's Other Fund appropriation(s) to date: Guam Environmental Trust Fund (\$466,532); Water Research and Development Fund (72,893); Solid Waste Fund (\$202,992); Beach Monitoring (\$46,903)	\$789,320
Total Department/Agency Appropriation(s) to date:	\$1,289,320

Fund Source Information of Proposed Appropriation			
	General Fund:	Special Fund:	Total:
FY 2022 Unreserved Fund Balance	\$0	\$0	\$0
FY 2023 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 2024 (if applicable)	FY 2025	FY 2026	FY 2027	FY 2028
General Fund	1/	\$0	\$0	\$0	\$0	\$0
Special Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

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|---|---------|--------|--------|
| 1. Does the bill contain "revenue generating" provisions?
If Yes, see attachment | // N/A | // Yes | /X/ No |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?
If no, what is the additional amount required? \$ _____ | /X/ N/A | // Yes | // No |
| 3. Does the Bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies?
Is there a federal mandate to establish the program/agency? | // N/A | // Yes | /X/ No |
| 4. Will the enactment of this Bill require new physical facilities? | /X/ N/A | // Yes | // No |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:
// Requested agency comments not received by due date | // N/A | // Yes | /X/ No |

Analyst: <u>Jasmine C. Tereas</u> Jasmine C. Tereas, BMA I	Date: <u>02/26/24</u>	Director: <u>Lester L. Carlson, Jr.</u> Lester L. Carlson, Jr., Director	Date: <u>MAR 01 2024</u>
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Notes:
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 249-37 (COR)

The proposed legislation seeks to add a new § 1203.1 to Chapter 1, Title 5 and add a new § 45112 to Article 1 Chapter 45, Title 10 Guam Code Annotated, relative to allowing the Guam Coastal Management Program and the Guam Environmental Protection Agency (GEPA) to hire environmental law attorneys for their exclusive use. The bill further authorizes these agencies to use its federal funds in the hiring of environmental law attorneys which shall be hired as classified employees pursuant to the provisions of § 4103 (g) & § 4103 (h) of Chapter 4, Title 4 Guam Code Annotated.

According to comments received from the Bureau of Statistics and Plans (BSP), Guam Coastal Management Program, there will be no fiscal impact to the General Fund, as it is the intent of the BSP to hire the prospective environmental law attorney utilizing federal funds awarded annually. The cost impact for a full-time environmental law attorney is estimated at \$115,678. The BSP anticipates to hire an Attorney Level 3 at Step 1, with an annual salary of \$82,584 plus \$33,033.60 in benefits (40% of salary costs). Additionally, the BSP recommends changes to the language to address hiring and funding challenges such as authorizing the use of a temporary appointment, limited-term appointment, or competitive limited-term appointment.

It should also be noted that the Bureau had sought input on the proposed Bill No. 249-37 (COR) from the GEPA on 02/20/2024 and on 02/23/2024 but has not received any official comments as of the date of this fiscal note. However, the Bureau expects that the estimated cost impact to the GEPA reflects that of the BSP.

The Bureau further notes that although the Bill authorizes the hiring of an environmental law attorney using these agencies' federal funds, it does not restrict the use of local funds to continue such employment in the event federal funds are insufficient or not available in subsequent fiscal years.