

I Mina'trentai Siette Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
292-37 (LS)	Joe S. San Agustin Tina Rose Muña Barnes Frank Blas, Jr. Dwayne T.D. San Nicolas Christopher M. Dueñas Roy A. B. Quinata Amanda L. Shelton William A. Parkinson	AN ACT TO ADD A NEW CHAPTER 9.7 TO DIVISION 1 OF TITLE 7 GUAM CODE ANNOTATED, RELATIVE TO PROTECTING THE INDEPENDENT STATUS OF THE THIRD BRANCH OF GOVERNMENT THROUGH A CONTINUOUS APPROPRIATION TO THE UNIFIED JUDICIARY OF GUAM AS RECOMMENDED BY THE PUBLIC AUDITOR OF GUAM.	4/30/24 4:36 p.m.	5/3/24	Committee on General Government Operations and Appropriations	Request: 5/3/24 5/20/24			



COMMITTEE ON RULES

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

May 20, 2024

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

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

Subject: **Fiscal Note for Bill No. 292-37 (LS)**

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 292-37 (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. 292-37 (LS)**

AN ACT TO ADD A NEW CHAPTER 9.7 TO DIVISION 1 OF TITLE 7 GUAM CODE ANNOTATED, RELATIVE TO PROTECTING THE INDEPENDENT STATUS OF THE THIRD BRANCH OF GOVERNMENT THROUGH A CONTINUOUS APPROPRIATION TO THE UNIFIED JUDICIARY OF GUAM AS RECOMMENDED BY THE PUBLIC AUDITOR OF GUAM.

Department/Agency Appropriation Information

Dept./Agency Affected: Unified Judiciary of Guam	Dept./Agency Head: Danielle T. Rosette - Administrator of the Courts
Department's General Fund (GF) appropriation(s) to date:	\$40,392,729
Department's Other Fund appropriation(s) to date: Safe Streets Fund (\$37,594); Electronic Monitoring Program (\$690,000); Guam Criminal Law and Procedure Review Commission (\$378,845)	\$1,106,439
Total Department/Agency Appropriation(s) to date:	\$41,499,168

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2023 Unreserved Fund Balance		\$0	\$0
FY 2024 Adopted Revenues	\$0	\$0	\$0
FY 2024 Appro. (P.L. 37-42 thru _____)	\$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	\$0	\$0	1/	1/	1/	1/
Special Funds	\$0	\$0	1/	1/	1/	1/
Total	\$0	\$0	1/	1/	1/	1/

- 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? / / 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
- 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:

Analyst: <u>William Tajingford</u> Date: <u>5/17/24</u>	Director: <u>Lester L. Carlson, Jr.</u> Date: <u>MAY 20 2024</u>
William Tajingford, Staff Assistant	Lester L. Carlson, Jr., Director

Notes:
1/ See attached comments on Bill No. 292-37 (LS).

Bureau of Budget & Management Research
Comments on Bill No. 292-37 (LS)

The intent of the proposed legislation is to protect the independent status of the third branch of government through a continuous appropriation to the Unified Judiciary of Guam as recommended by the Public Auditor of Guam. As such, section 1 of the Bill adds a new Chapter 9.7 to Division 1 of Title 7 Guam Code Annotated which mandates that the total appropriation of the Unified Judiciary of Guam shall be not less than Five and One quarter percent (5.25%) of the Government of Guam total General Fund Available for Appropriation revenue projections set for the same fiscal year, as enacted into law in the government of Guam General Appropriations Act for that fiscal year. Such amount calculated herein is hereby continuously appropriated to the United Judiciary of Guam for each fiscal year.

According to comments received from the Judiciary, the financial impact of Bill 292-37 will depend on the total General Fund Available for Appropriation revenue determined by the Guam Legislature for that fiscal year.

Should Bill 292-37 be enacted for the upcoming FY2025, the Bureau estimates that the General Fund Appropriation to the Unified Judiciary to be about \$45,169,876. This amount is based on the proposed percentage of 5.25% applied to the Total General Fund Revenue Available for Appropriation of \$860,378,592 which is noted in Bill 236-37 (COR), as part of the estimated revenues for FY2025. However, it should be noted that Bill 236-37 (COR) also includes \$1,912,004 in additional miscellaneous appropriations from the General Fund to the Unified Judiciary. As such, this could increase the estimated General Fund Appropriation to the Unified Judiciary to a total of \$47,081,880. The proposed language under Bill 292-37 does not specify if this percentage appropriation is inclusive of the miscellaneous appropriations to the Unified Judiciary from the General Fund. Please see the attachment to this fiscal note for the Bureau's estimated cost impact on Bill 292-37.

Estimated Cost Impact - Bill 292-37 (LS)
Unified Judiciary of Guam - General Fund Appropriations
FY2022-FY2024 and FY2025 Governor's Request

A	B	C	D	E
Fiscal Year	Public Law / Bill No.	General Fund Appropriation	Total GF Revenue Available for Approp.	% of Column D
FY2022	P.L. 36-54	\$32,687,295 1/	\$623,577,126	5.24%
FY2023	P.L. 36-107	\$36,441,595 1/	\$713,256,152	5.11%
FY2024	P.L. 37--42	\$41,461,574 1/	\$812,294,755	5.10%
FY2025	Bill 236-37 (COR)	\$1,912,004 2/	\$860,378,592	---
FY2025	Bill 292-37 (LS)	\$45,169,876	\$860,378,592	5.25%
	Bill 236-37 (COR)	\$1,912,004 2/		
	Total Est. Approp.	\$47,081,880		

Notes:

1/ General Fund appropriation fo general operations and miscellaneous appropriations to the Unified Judiciary of Guam.

2/ Total General Fund request for miscellaneous appropriations to the Unified Judiciary of Guam under Bill 236-37. No specific GF Appropriation as the Unified Judiciary is included under the lump sum GF Reserve of \$87.6M for other branches and exempt government entities. See Summary/Statement of Requet, FY2025 Executive Budget Request.