

I Mina'trentai Siette 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
33-37 (COR)	Roy Anthony Benavente Quinata William A. Parkinson	AN ACT TO ADD A NEW SECTION 54 TO CHAPTER XII OF PUBLIC LAW 36-107, THE FISCAL YEAR 2023 GENERAL APPROPRIATIONS ACT, RELATIVE TO ACHIEVING SALARY PARITY FOR ATTORNEYS SERVING AS CRIMINAL DEFENSE ATTORNEYS AT THE PUBLIC DEFENDER SERVICE CORPORATION AND THE ALTERNATE PUBLIC DEFENDER.	2/7/23 1:56 p.m.	2/8/23	Committee on General Government Operations and Appropriations			Request: 2/8/23 2/16/23	



COMMITTEE ON RULES

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

February 16, 2023

To: RennaeVanessa C. Meno
Clerk of the Legislature

From: Senator Chris Barnett 
Chairperson, Committee on Rules

Subject: Fiscal Note for Bill No. 33-37 (COR)

Håfa Adai yan Biba Guahan!

Find the attached, Fiscal Note for the following bill:

Bill No. 33-37 (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. 33-37 (COR)**

AN ACT TO ADD A NEW SECTION 54 TO CHAPTER XII OF PUBLIC LAW 36-107, THE FISCAL YEAR 2023 GENERAL APPROPRIATIONS ACT, RELATIVE TO ACHIEVING SALARY PARITY FOR ATTORNEYS SERVING AS CRIMINAL DEFENSE ATTORNEYS AT THE PUBLIC DEFENDER SERVICE CORPORATION AND THE ALTERNATE PUBLIC DEFENDER.

Department/Agency Appropriation Information	
Dept./Agency Affected: Public Defender Service Corporation & The Alternate Public Defender	Dept./Agency Head: Stephen P. Hattori, Executive Director
Department's General Fund (GF) appropriation(s) to date:	\$6,481,092
Department's Other Fund appropriation(s) to date:	\$0
Total Department/Agency Appropriation(s) to date:	\$6,481,092

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2022 Unreserved Fund Balance		\$0	\$0
FY 2023 Adopted Revenues	\$0	\$0	\$0
FY 2023 Appro. (P.L. 36-107 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 2023 (if applicable)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund	\$0	1/	\$0	\$0	\$0	\$0
Special Funds	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	1/	\$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? / / Yes / X / 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:

Analyst: <u>Bernice Torres</u> Date: <u>2/14/23</u> Director: <u>Lester L. Carlson, Jr.</u> Date: <u>FEB 16 2023</u>
Bernice Torres, Staff Assistant Lester L. Carlson, Jr., Director

Notes:
1/ See attached comments.

Bureau of Budget and Management Research
Comments on Bill No. 33-37 (COR)

Bill No. 33-37 (COR) is an act to *add* a new section 54 to Chapter XII of Public Law 36-107, the Fiscal Year 2023 General Appropriations Act, relative to achieving salary parity for attorneys serving as criminal defense attorneys at the Public Defender Service Corporation (PDSC) and the Alternate Public Defender (APD).

Enacted on September 12, 2022, Public Law 36-107 (“FY 2023 General Appropriations Act”) in part appropriates funding for the implementation of pay raises to help the PDSC and the Office of the Attorney General (OAG) improve recruitment and retentions of qualified criminals attorneys. However, whereas the FY 2023 General Appropriations Act provided the public defenders 6% salary increase, the budgeted bill was further amended on the floor to give prosecutors a 15% differential pay upon enactment. The subsequent result of this legislation is the pay disparity between the prosecutors and the public defenders for comparable work and impacts the PDSC’s and APD’s ability to hire and retain attorneys willing to represent those charged with criminal offenses.

According to the PDSC, the estimated additional amount required for the fifteen percent (15%) increase for FY 2023 special pay is as follows:

Public Defender Service Corporation:	\$308,775
Alternate Public Defender:	<u>\$114,657</u>
TOTAL	<u>\$423,412</u>

The proposed legislation does not include an appropriation to cover the additional personnel services costs but provides authorization to be paid from FY 2023 appropriations and other funds available from prior years. Additional funding will be required in subsequent fiscal years to continue the additional pay requirement beyond FY 2023.