



# COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature

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June 22, 2015

## Memorandum

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

**From:** Senator Thomas C. Ada   
*Acting Chairperson of the Committee on Rules*

**Subject:** Fiscal Notes and Fiscal Note Waivers

*Hafa Adai!*

Attached please find the fiscal notes and fiscal note waivers for the bill numbers listed below. Please note that the fiscal notes and fiscal note waivers are issued on the bills as introduced.

### FISCAL NOTES:

- Bill No. 17-33(COR)
- Bill No. 104-33(LS)
- Bill No. 111-33(LS)
- Bill No. 121-33(COR)
- Bill No. 122-33(COR)
- Bill No. 124-33(COR)
- Bill No. 125-33(COR)
- Bill No. 126-33(COR)

### FISCAL NOTE WAIVERS:

- Bill No. 89-33(LS)
- Bill No. 120-33(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

2015 JUN 22 PM 4:45

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 125-33 (COR)**

**AN ACT TO AMEND SUBSECTION (p) OF §104 OF ARTICLE 1, CHAPTER 8, TITLE 4, AND §51102(a) OF CHAPTER 51, TITLE 17, BOTH OF GUAM CODE ANNOTATED, RELATIVE TO ADVANCING COMPLIANCE WITH THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION BY DESIGNATING PROBATION OFFICERS OF THE SUPERIOR COURT OF GUAM AS UNIFORMED OFFICERS AND BY ADDING THE CHIEF OF PROBATION TO THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION.**

**Department/Agency Appropriation Information**

Dept./Agency Affected: Unified Judiciary of Guam	Dept./Agency Head: Robert J. Torres, Chief Justice
Department's General Fund (GF) appropriation(s) to date:	32,661,437
Department's Other Fund (Specify) appropriation(s) to date:	145,323
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$32,806,760</b>

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2014 Unreserved Fund Balance		\$0	\$0
FY 2015 Adopted Revenues	\$0	\$0	\$0
FY 2015 Appro. (P.L. 32-181 thru 33-07)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2015 (if applicable)	FY 2016	FY 2017	FY 2018	FY 2019
General Fund	\$18,200	\$0	\$18,200	\$18,200	\$18,200	\$18,200
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$18,200</b>	<b>\$0</b>	<b>\$18,200</b>	<b>\$18,200</b>	<b>\$18,200</b>	<b>\$18,200</b>

- 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 / / 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  
/x / Requested agency comments not received by due date / / Other:

Analyst: Dina P. Rivera Date: 6/19/15 Director: Jose S. Calvo, Director Date: JUN 22 2015

Comments: See attached.

**COMMENTS TO BILL No. 125-33(COR)**

**AN ACT TO ADD *AMEND* SUBSECTION (p) §8107 OF ARTICLE 1, CHAPTER 8, TITLE 4, AND §51102(a) OF CHAPTER 51, TITLE 17, BOTH OF GUAM CODE ANNOTATED, RELATIVE TO ADVANCING COMPLIANCE WITH THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION BY DESIGNATING PROBATION OFFICERS OF THE SUPERIOR COURT OF GUAM AS UNIFORMED OFFICERS AND BY ADDING THE CHIEF OF PROBATION TO THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION.**

Legislative intent seeks to include Probation Officers in the definition of Uniformed Personnel (Chapter 8, Title 4, Guam Code Annotated) making them now eligible for the retirement policy relative to law enforcement officers and uniformed allowances.

Section 2 of the bill includes the Probation Officers of the Judiciary of Guam under the designation as Uniformed Personnel. Based on the Judiciary of Guam's FY15 Second Quarter Staffing Pattern, there are 52 Probation Officer positions to include the Chief Probation Officer (1), Probation Officer Supervisors (6), Sr. Probation Officers (14) and Probation Officers I and IIs (31). As such, the Bureau estimates \$350ea x 52 Officers or \$18,200 for uniform allowances. In addition, there would be a potential additional impact to the Judiciary of Guam and Government of Guam Retirement Fund relative to those uniformed personnel who will qualify under the early retirement at fifteen (15) years of service credit pursuant to Title 4, Chapter 8, §8113, Guam Code Annotated. Absent information from the Judiciary of Guam on the number of its uniformed probation officers eligible under the fifteen (15) year plan, the Bureau is unable to determine this cost impact.

Section 3 of the bill proposes to include the Chief of Probation of the Unified Judiciary, or his designated representative as part of the Peace Officer Standards and Training Commission (POST). Pursuant to Title 17, §51102(b), members are not entitled to compensation but *shall* be reimbursed under §§23103 and 23104 of Title 5 Guam Code Annotated for travel and per diem expenses incurred in the performance of their duties. It also mentions for purposes of compensation, attendance at meetings of the Commission *shall* be deemed performance by a member of the duties of his local governmental employment.