

**I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN**

**2022 (SECOND) Regular Session**

**VOTING RECORD**

<b>Bill No. 247-36 (COR)</b> As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building April 1, 2022					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator Telena Cruz Nelson					✓	✓
Senator Sabina Flores Perez	✓					
Senator Clynton E. Ridgell					✓	✓
Senator Joe S. San Agustin	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje	✓					
Speaker Therese M. Terlaje	✓					
Senator Mary Camacho Torres					✓	✓

**TOTAL**

**12**

**0**

**Not  
Voting/  
Abstained**

**Out  
During  
Roll Call**

**3**

**Absent**

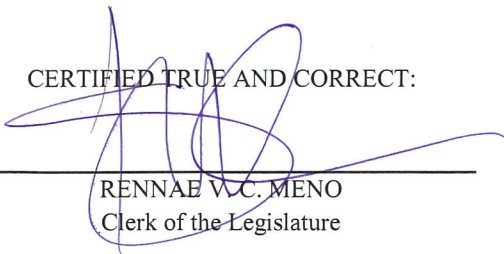
**3**

**Excused**

**Aye**

**Nay**

CERTIFIED TRUE AND CORRECT:



RENNAE V.C. MENO  
Clerk of the Legislature

I = Pass

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**Bill No. 247-36 (COR)**

As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended on the Floor.

\*

Introduced by:

James C. Moylan  
Joe S. San Agustin  
Amanda L. Shelton  
Christopher M. Dueñas

**AN ACT TO *AMEND* §§ 53101(d) AND 53102, AND TO *ADD* A NEW § 53109, ALL OF CHAPTER 53, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING THE AUTHORITY TO IMPLEMENT THE GUAM ABLE SAVINGS PROGRAM FROM THE DEPARTMENT OF REVENUE AND TAXATION TO THE DEPARTMENT OF ADMINISTRATION, AND AUTHORIZING THE GOVERNOR TO IDENTIFY AND TRANSFER UP TO TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FROM THE GENERAL FUND TO IMPLEMENT THE PROGRAM.**

1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that Public Law 34-144, which was enacted on December 12, 2018, established the  
4 Guam ABLE Savings Program. The statute, which was authored by former Senator  
5 Dennis Rodriguez, Jr. and Senator Joe S. San Agustin, was intended to assist  
6 individuals with a disability and their families through a tax-exempt savings

1 program. Unfortunately, due to several hurdles, the Guam “Achieving a Better Life  
2 Experience” (ABLE) Act, has yet to be implemented.

3 One of the concerns raised was the appropriate entity to manage this program.  
4 Public Law 34-144 identified the Department of Revenue and Taxation (DRT) as  
5 the lead agency. However, because one of DRT’s objectives is to regulate banking,  
6 it would be conflicting for the agency to seek proposals for banking services, as  
7 required pursuant to Public Law 34-144. Other U.S. states utilize their treasury  
8 entities for their ABLE Savings Program; hence, it would only be appropriate to  
9 transfer the authority of the Guam program to the Department of Administration.

10 Further, to implement the program, the entity would need some funding for  
11 various purposes, inclusive of hiring a Program Manager, and seeking consultants.  
12 This Act authorizes *I Maga'hågan Guåhan* (the Governor of Guam) to identify and  
13 transfer up to Two Hundred Fifty Thousand Dollars (\$250,000) from the General  
14 Fund to the Department of Administration, which would be a transfer authority  
15 above what was afforded in Public Law 36-54 (FY 2022 Budget Act), and this would  
16 provide *I Maga'hågan Guåhan* with some flexibility in identifying the needed  
17 monies to get the program initiated.

18 **Section 2.** § 53101(d) of Chapter 53, Title 11, Guam Code Annotated, is  
19 hereby *amended* to read as follows:

20 “(d) *Director* means the Director of the Guam Department of  
21 Administration.”

22 **Section 3.** § 53102 of Chapter 53, Title 11, Guam Code Annotated, is  
23 hereby *amended* to read as follows:

24 “§ 53102. **Guam ABLE Savings Program; Establishment.**

25 The Director shall establish the Guam ABLE Savings Program to  
26 provide for or facilitate individual savings accounts that empower individuals  
27 with a disability and their families to save private funds to support an

1 individual with a disability. The Program shall be able to accept contributions  
2 to ABLE savings accounts opened pursuant to this Chapter, no later than  
3 October 1, 2022.”

4 **Section 4.** A new § 53109 is hereby *added* to Chapter 53, Title 11, Guam  
5 Code Annotated, to read as follows:

6 **“§ 53109. Authorization to Identify and Transfer Funds for the**  
7 **Implementation of the Guam ABLE Savings Program.**

8 Notwithstanding any other provision of law, rule, or regulation to the  
9 contrary, *I Maga'hågan Guåhan* is hereby authorized to identify and transfer  
10 up to Two Hundred Fifty Thousand Dollars (\$250,000) from the General Fund  
11 to the Department of Administration to assist in the implementation of the  
12 Guam ABLE Savings Program pursuant to this Chapter. The funds shall be  
13 used for, but are not limited to, the following purposes:

14 (a) engaging the services of consultants to assist in launching  
15 the program;

16 (b) engaging and hiring a Program Manager for the purposes  
17 of managing the Guam ABLE Savings Program; and

18 (c) to assist with associated start-up fees and overhead.

19 Notwithstanding any other provision of law, rule, or regulation to the  
20 contrary, the transfer authority authorized by this Section is in addition to the  
21 transfer authority provided under Public Law 36-54.”

22 **Section 5. Severability.** If any provision of this Act or its application to any  
23 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
24 not affect other provisions or applications of this Act that can be given effect without  
25 the invalid provision or application, and to this end the provisions of this Act are  
26 severable.

27 **Section 6. Effective Date.** This Act shall be effective upon enactment.