

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

2022 (SECOND) Regular Session

VOTING RECORD


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|---|---|
| Bill No. 261-36 (LS) As substituted and amended in the Committee of the Whole. | Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building June 17, 2022 |
|---|---|

| NAME | Aye | Nay | Not Voting/ Abstained | Out During Roll Call | Absent | Excused |
|------------------------------------|-----|-------|--------------------------|-------------------------|--------|---------|
| Senator V. Anthony Ada | | | | | ✓ | ✓ |
| Senator Frank Blas Jr. | | III ✓ | | | | |
| Senator Joanne Brown | ✓ | | | | | |
| Senator Christopher M. Dueñas | ✓ | | | | | |
| Senator James C. Moylan | ✓ | | | | | |
| Vice Speaker Tina Rose Muña Barnes | | III ✓ | | | | |
| Senator Telen Cruz Nelson | | II ✓ | | | | |
| Senator Sabina Flores Perez | ✓ | | | | | |
| Senator Clynton E. Ridgell | | ✓ | | | | |
| Senator Joe S. San Agustin | | ✓ | | | | |
| Senator Amanda L. Shelton | | III ✓ | | | | |
| Senator Telo T. Taitague | ✓ | I | | | | |
| Senator Jose "Pedo" Terlaje | | | | | ✓ | ✓ |
| Speaker Therese M. Terlaje | ✓ | | | | | |
| Senator Mary Camacho Torres | | ✓ | | | | |

TOTAL

| | | | | | |
|-----|-----|--------------------------|-------------------------|--------|---------|
| 6 | 7 | | | 2 | 2 |
| Aye | Nay | Not Voting/ Abstained | Out During Roll Call | Absent | Excused |

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 261-36 (LS)
As Substituted on the Floor

Introduced by:

Therese M. Terlaje

**AN ACT TO AMEND § 26403 OF ARTICLE 4 AND
REPEAL ARTICLE 5, BOTH OF CHAPTER 26, TITLE 11,
GUAM CODE ANNOTATED, RELATIVE TO
ELIMINATING THE LIQUID FUEL TAX ON ALL FUEL
EXCEPT LIQUID FUEL USED FOR COMMERCIAL
AVIATION PURPOSES.**

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

2 **Section 1.** *I Liheslaturan Guåhan* finds that liquid fuel tax rates are
3 currently fourteen cents (\$0.14) per gallon for diesel fuel, fifteen cents (\$0.15) for
4 all other liquid fuel except liquid fuel used for commercial aviation purposes, and
5 eight cents (\$0.08) for liquid fuel used for commercial aviation purposes. Liquid
6 fuel taxes are deposited in the Guam Highway Fund. Additional levies of four
7 cents (\$0.04) are charged as an automotive surcharge and mass transit automotive
8 surcharge.

9 *I Liheslaturan Guåhan* finds that according to the FY 2020 Financial
10 Statement of the Guam Highway Fund, liquid fuel taxes brought in approximately
11 \$11.7 M in special revenues to the Guam Highway Fund. In FY 2020, the Guam
12 Highway Fund also received \$8.4 M in revenues from licenses, fees and permits

1 and use of money and property separate and apart from revenue from the liquid
2 fuel tax.

3 The Guam Highway Fund is primarily used for the maintenance and
4 construction of highways and roadways, as well as the implementation of highway
5 safety plans, programs, and projects.

6 *I Liheslaturan Guåhan* recognizes the significant increases in gasoline prices
7 each year which are primarily due to sporadic increases in global oil prices per
8 barrel. The price of gasoline on Guam was \$3.88 per gallon in January 2018, \$4.03
9 per gallon in January 2019, \$4.15 per gallon in January 2020, \$3.88 per gallon in
10 January 2021, and \$5.04 per gallon in January 2022. These gasoline price
11 increases are often beyond the control of the government of Guam. However, the
12 elimination of a liquid fuel tax rate is under the purview of the Legislature and can
13 result in lower gasoline prices.

14 *I Liheslaturan Guåhan* further finds that the February 2022 Consolidated
15 Revenue and Expenditure Report (CRER) showed an excess of \$61 million in
16 revenues collected over the adopted FY 2022 General Fund revenues. It is the
17 intent of *I Liheslatura* for excess General Fund revenues to be used to offset any
18 shortfalls in the FY 2022 Guam Highway Fund to ensure all appropriations from
19 the Guam Highway Fund in the FY 2022 Budget Act (Public Law 36-54) are paid
20 to the appropriate agencies.

21 Due to *I Liheslaturan Guåhan's* conservative budgeting since FY 2019, the
22 government of Guam has reported surpluses in its General Fund revenues. In FY
23 2019, based on an audit by the Public Auditor, there was a surplus in General Fund
24 revenues by \$35.6 million. In FY 2020, based on an audit by the Public Auditor,
25 there was a surplus in General Fund revenues by \$46.3 million. In FY 2021, based
26 on the CRER, there was a surplus in General Fund revenues by \$62 million and in

1 the first five months of FY 2022, there was a surplus in General Fund revenues by
2 \$60.9 million.

3 It is the intent of *I Liheslaturan Guåhan* to provide some relief to taxpayers
4 on Guam who have been experiencing price increases in various commodities,
5 services, and transportation costs, particularly many vulnerable individuals and
6 families struggling and most impacted by the effects of the global pandemic, while
7 still maintaining existing critical services like road repairs, mass transit, highway
8 patrol, and village services and funding such services with General Fund revenues.

9 **Section 2.** § 26403 of Article 4 of Chapter 26, Title 11, Guam Code
10 Annotated is hereby *amended* to read:

11 **“§ 26403. Rates.**

12 Notwithstanding the requirements of § 16311 of Article 3, Chapter 16,
13 Title 3, Guam Code Annotated, and any other provision of law, the
14 following rates shall apply in computing, assessing, and collecting the liquid
15 fuel tax, effective January 1, 2018:

16 (a) ~~— a tax at the rate of Fourteen Cents (\$0.14) per gallon on~~
17 ~~diesel fuel; and~~

18 (b) ~~— a tax at the rate of Fifteen Cents (\$0.15) per gallon on all~~
19 ~~other liquid fuel as defined herein except liquid fuel used for~~
20 ~~commercial aviation purposes which is taxed at a rate of Eight Cents~~
21 ~~(\$0.08) per gallon.”~~

22 **Section 3.** Article 5 of Chapter 26, Title 11, Guam Code Annotated is
23 hereby *repealed*:

24 **“ARTICLE 5 AUTOMOTIVE SURCHARGES**

25

26 ~~§ 26501. — Legislative Intent and Use of Revenues.~~

27 ~~§ 26502. — Automotive Surcharge.~~

1 ~~§ 26503. — Mass Transit Automotive Surcharge.~~

2 ~~§ 26504. — Automotive Surcharges.~~

3
4 ~~§ 26501. Legislative Intent and Use of Revenues.~~

5 The Legislature recognizes that the need for more revenues for
6 educational programs and facilities continue to be demanded by educational
7 policy makers and administrators in order that the instructional requirements
8 of Guam's students can be effectively addressed, and also that there is
9 currently an apparent trend towards a continual decline of gasoline prices at
10 the retail outlets, thereby creating a more conducive climate for the children
11 of Guam to be benefactors of this economic benefit.

12 The Legislature, in performing its responsibility to seek ways by
13 which needed financial resources are obtained, justifiably pursues the
14 revenue producing scheme in this Section which provides less burden to the
15 tax paying citizenry than other often discussed revenue producing means
16 since the current strong demand for additional revenues for educational
17 purposes requires an immediate response and infusion of new funds will
18 enhance significantly the Government's ability to finance urgent educational
19 needs.

20 The intent of the Legislature in enacting Sections 10 and 11 of this
21 Act is to establish an Automotive Surcharge and a Mass Transit Automotive
22 Surcharge, both of which shall be separate and apart from other surcharges
23 or taxes on liquid fuel. All revenues derived from the Automotive Surcharge
24 and the Mass Transit Automotive Surcharge shall be used for the purposes
25 specified in Section 10 and 11 of this Act, respectively, and for no other
26 purpose.

27 ~~§ 26502. Automotive Surcharge. Levy.~~

1 Except for liquid fuel used for aviation purposes, there is hereby
2 levied an automotive surcharge of Four Cents (\$0.04) per gallon on all liquid
3 fuel taxed pursuant to Subsection (b) of § 26403 of this Title. This
4 automotive surcharge shall be in addition to the liquid fuel tax levied
5 pursuant to Subsection (b) of § 26403 of this Title.

6 **~~§ 26503. Mass Transit Automotive Surcharge.~~**

7 (a) — Levy. There is hereby levied a Mass Transit Automotive
8 Surcharge of Four Cents (\$0.04) per gallon on all liquid fuel taxed pursuant
9 to Subsection (a) of § 26403 of this Title. This Mass Transit Automotive
10 Surcharge shall be in addition to the liquid fuel tax levied pursuant to
11 Subsection (a) of § 26403 of this Title.

12 (b) — The proceeds of the Mass Transit Automotive Surcharge levied
13 pursuant to Subsection (a) of this Section, as and to the extent released from
14 the pledge of such proceeds pursuant to Subsection (d) of § 1504 of Title 5
15 of the Guam Code Annotated, are to be placed in a separate fund hereby
16 created and known as the Public Transit Fund to be administered by the
17 Department of Administration. For purposes of such pledge and release, the
18 proceeds of the Mass Transit Automotive Surcharge shall be deemed to be
19 the last revenues used pursuant to such pledge and the first revenues released
20 from such pledge.

21 (c) — A portion of the revenues in the Public Transit Fund shall be
22 used for the operation of the mass transit system by the Department of
23 Administration.

24 (d) — The Department of Administration shall report on a monthly
25 basis to the Legislative Committee which has oversight over the Guam Mass
26 Transit Authority on the balance and status of the Public Transit Fund.

27 **~~§ 26504. Automotive Surcharges.~~**

1 ~~The Automotive Surcharges levied pursuant to §§ 26502 and 26503 of~~
2 ~~this Title shall not apply to liquid fuel which is exempt from the liquid fuel~~
3 ~~tax under this Article 4. If any Automotive Surcharges is levied pursuant to~~
4 ~~§§ 26501 and 26503 of this Title regarding liquid fuel taxed pursuant to this~~
5 ~~Article 4, and a drawback of the liquid tax is allowed, there shall be allowed~~
6 ~~a drawback of such Automotive Surcharges along with the drawback of the~~
7 ~~liquid fuel tax.”~~

8 **Section 4. FY 2022 Guam Highway Fund Appropriations.**

9 Nothing here in shall affect Fiscal Year 2022 appropriations from the
10 Guam Highway Fund in Public Law 36-54.

11 **Section 5. Effective Date.** This Act *shall* be effective upon enactment.

SB261 FA1 P1

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session
COMMITTEE OF THE WHOLE
FLOOR AMENDMENT

Bill No. 261-36 (LS)

As Substituted on the Floor

Telo T. Taitague
Senator Proposing Amendment

LINE 15 PAGE 3.

To amend the Bill to read:

“fuel tax ~~effective January 1, 2018:~~”

(Below only for Clerk of Legislature's use and processing)

Date: 6/17/2022 4:08 pm Floor Amendment No. 1

AMENDMENT PASSED: ✓ **N/O** Votes For: _____ Votes Against: _____ Failed: _____ Withdrawn: _____

APPROVED AS TO FORM PASSED _____ Concur (*initial*) _____

Engrossment Staff

AUTHOR OF AMENDMENT

CHAIRMAN

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session
COMMITTEE OF THE WHOLE
FLOOR AMENDMENT

SBill No. 261-36 (LS)

TMT

Senator Proposing Amendment

LINE 8 PAGE 6

To amend Section 4 of the Bill to read:

“Section 4. FY 2022 Guam Highway Fund Appropriations. Nothing here in shall affect Fiscal Year 2022 appropriations from the Guam Highway Fund in Public Law 36-54. Two Million Eight Hundred Thousand is hereby appropriated from the General Fund excess revenues collected above the adopted levels of Fiscal Year 2022 to the Guam Highway Fund.”

(Below only for Clerk of Legislature's use and processing)

Date: 6/17/22 Floor Amendment No. 3

AMENDMENT PASSED: ✓ N/O Votes For: _____ Votes Against: _____ Failed: _____ Withdrawn: _____

APPROVED AS TO FORM PASSED _____ Concur (*initial*) _____

AUTHOR OF AMENDMENT

Chairperson

____ Committee Staff _____ Clerk Staff

DATE of Session

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session
COMMITTEE OF THE WHOLE
FLOOR AMENDMENT

Bill No. 261-36 (LS)

TMT
Senator Proposing Amendment

LINE _____ PAGE 1

To add the following as Co-Sponsors:

- Sabina Flores Perez
- Amanda L. Shelton
- James C. Moylan
- Christopher M. Dueñas
- Joanne Brown
- Telo T. Taitague

(Below only for Clerk of Legislature's use and processing)

Date: 6/17/22 Floor Amendment No. 4

AMENDMENT PASSED: √ N/O Votes For: _____ Votes Against: _____ Failed: _____ Withdrawn: _____

APPROVED AS TO FORM PASSED _____ **Concur (initial)** _____

AUTHOR OF AMENDMENT

Chairperson

____ Committee Staff _____ Clerk Staff

DATE of Session