

I Mina'trentai Sais 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
247-36 (COR) As amended by the Committee on General Government Operations, Appropriations, and Housing, and further amended on the Floor.	James C. Moylan Joe S. San Agustin Amanda L. Shelton Christopher M. Dueñas	AN ACT TO AMEND §§ 53101(d) AND 53102, AND ADD A NEW § 53109 OF CHAPTER 53, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING THE AUTHORITY OF 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.	2/2/22 12:53 p.m.	2/8/22	Committee on General Government Operations, Appropriations, and Housing	2/17/22 1:30 p.m.	3/16/22 9:42 a.m.	Request: 2/8/22 2/16/22	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	3/25/22	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.	4/1/22	4/1/22	4/13/22	36-90	4/11/22	Received: 4/12/2022 Mess and Comm. Doc. No. 36GL-22--1904	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

Doc Type: 36GL-22-1904
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

April 11, 2022

HONORABLE THERESE M. TERLAJE, *Speaker*
I Mina'trentai Sais Na Liheslaturan Guāhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

04-12-2022

Time: 11:31 a.m.
Received: [Signature]


Re: **BILL NO. 247-36 (COR) – 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**

Hafa Adai Madame Speaker,

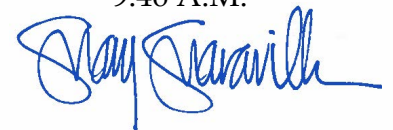
Today, I sign Bill No. 247-36 into law as *Public Law 36-90*. In 2014, Congress signed into law the *Stephen Beck, Jr., Achieving a Better Life Experience Act of 2014* (ABLE Act), which establishes tax-advantaged savings accounts that eligible individuals can use to pay for qualified disability expenses. Pursuant to the ABLE Act, states establish ABLE programs through which eligible individuals can open ABLE accounts. Accordingly, in 2018, the Guam Legislature established the “Guam ABLE Savings Program” to provide savings accounts that empower families and people with eligible disabilities to support and save for their everyday needs. However, the prior Guam legislation presented challenges in implementing the Guam ABLE Savings Program because it identified Guam’s Department of Revenue and Taxation (DRT) as the administering agency. This presents conflicts relating to DRT actions in seeking proposals for banking services, due to DRT being the agency regulating the banking industry.

To address those conflicts, this legislation authorizes Guam’s Department of Administration (DOA) to implement the program, no later than October 1, 2022. Furthermore, I am authorized, per this legislation, to transfer \$250,000 from the General Fund to the DOA for the program’s implementation. As such, my Administration will execute the necessary work to ensure our families get the additional support they need to empower their loved ones with disabilities to save and invest in their future.

Senseremente,


LOURDES A. LEON GUERRERO
Maga'hāgan Guāhan
Governor of Guam

COMMITTEE ON RULES
RECEIVED:
April 13, 2022
9:46 A.M.



Enclosure: Bill No. 247-36 (COR) *nka P.L. No. 36-90*

cc via email: *Honorable Joshua F. Tenorio, Sigundo Maga'lāhen Guāhan*
Compiler of Laws

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

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN

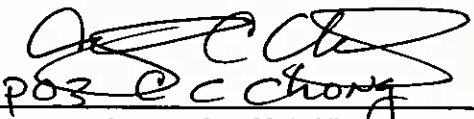
This is to certify that **Bill No. 247-36 (COR), "AN ACT TO AMEND §§ 53101(d) AND 53102, AND TO ADD A NEW § 53109, ALL OF CHAPTER 53, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING THE AUTHORITY TO IMPLEMENT THE GUAM ABLE SAVINGS PROGRAM FROM THE DEPARTMENT OF REVENUE AND TAXATION TO THE DEPARTMENT 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,"** was on the 1st day of April 2022, duly and regularly passed.


Therese M. Terlaje
Speaker


Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1 day of April,
2022, at 9:39 o'clock P.M.


POC C. Chong
Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 4/11/2022

Public Law No. 36-90

2022-1691
RCVD AT CENTRAL FILES
APR 4 '22 AMB:57


Evelyn Fejeran

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

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
V. Anthony Ada
Frank Blas Jr.
Joanne Brown
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Telo T. Taitague
Jose "Pedo" Terlaje
Therese M. Terlaje
Mary Camacho Torres

**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

1 Guam ABLÉ Savings Program. The statute, which was authored by former Senator
2 Dennis Rodríguez, Jr. and Senator Joe S. San Agustín, was intended to assist
3 individuals with a disability and their families through a tax-exempt savings
4 program. Unfortunately, due to several hurdles, the Guam “Achieving a Better Life
5 Experience” (ABLE) Act, has yet to be implemented.

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

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

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

23 “(d) *Director* means the Director of the Guam Department of
24 Administration.”

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

27 “§ 53102. **Guam ABLE Savings Program; Establishment.**

1 The Director shall establish the Guam ABLÉ Savings Program to
2 provide for or facilitate individual savings accounts that empower individuals
3 with a disability and their families to save private funds to support an
4 individual with a disability. The Program shall be able to accept contributions
5 to ABLÉ savings accounts opened pursuant to this Chapter, no later than
6 October 1, 2022.”

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

9 “§ 53109. **Authorization to Identify and Transfer Funds for the**
10 **Implementation of the Guam ABLÉ Savings Program.**

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

- 17 (a) engaging the services of consultants to assist in launching
18 the program;
- 19 (b) engaging and hiring a Program Manager for the purposes
20 of managing the Guam ABLÉ Savings Program; and
- 21 (c) to assist with associated start-up fees and overhead.

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

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

1 the invalid provision or application, and to this end the provisions of this Act are
2 severable.

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