

*I Mina'trentai Singko Na Liheslaturan Guåhan*  
**BILL STATUS**

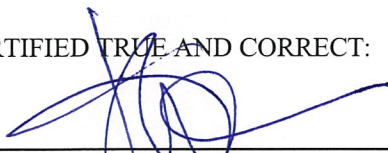
BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
19-35 (COR) As amended on the Floor	James C. Moylan	AN ACT TO ADD §54102(1) OF ARTICLE 1, CHAPTER 54 OF TITLE 5 GUAM CODE ANNOTATED RELATIVE TO PROHIBITING THE AUTHORIZATION OF ANY WITHDRAWAL OR TRANSFER OF CASH OR FUNDS FROM THE TERRITORIAL HIGHWAY FUND TO THE GENERAL FUND FOR ANY NON-PRESCRIBED PURPOSE, AND TO MAKE SUCH AN ACT A MISDEMEANOR.	1/14/19 3:42 p.m.	1/18/19	Committee on General Government Operations, Appropriations, and Housing	1/29/19 9:00 a.m.	2/20/19 9:34 a.m.	Request: 1/22/19 Fiscal Note: 1/28/19	
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>FAILED PASSAGE</b>	<b>NOTES</b>					
	2/25/19	AN ACT TO ADD A NEW § 54102(b)(1) TO ARTICLE 1 OF CHAPTER 54, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE AUTHORIZATION OF ANY WITHDRAWAL OR TRANSFER OF CASH OR FUNDS FROM THE TERRITORIAL HIGHWAY FUND TO THE GENERAL FUND FOR ANY NON-PRESCRIBED PURPOSE, AND TO MAKE SUCH AN ACT A MISDEMEANOR.	2/27/19						

**I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN**  
**2019 (FIRST) Regular Session**  
**LEGISLATIVE SESSION VOTING RECORD**

Bill No. 19-35 (COR) As amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building February 27, 2019					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓					
Senator Kelly G. MARSH (TAITANO), PhD		✓				
Senator James C. MOYLAN	✓					
Speaker Tina Rose MUÑA BARNES	✓	II				
Senator Louise B. MUÑA	✓					
Vice Speaker Telen Cruz NELSON	✓	II				
Senator Sabina Flores PEREZ		✓				
Senator Clynton E. RIDGELL		✓				
Senator Joe S. SAN AGUSTIN		II ✓				
Senator Amanda L. SHELTON	✓	I				
Senator Telo T. Taitague		✓				
Senator Jose "Pedo" Terlaje		✓				
Senator Therese M. TERLAJE					✓	✓
Senator Mary Camacho TORRES		III ✓				

<b>TOTAL:</b>	<b>7</b>	<b>7</b>			<b>1</b>	<b>1</b>
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:

  
 \_\_\_\_\_  
 RENNÆ V. C. MENO  
 Clerk of the Legislature

I = Pass

***I MINA 'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**2019 (FIRST) Regular Session**

**Bill No. 19-35 (COR)**

As amended on the Floor.

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Introduced by:

James C. Moylan

**AN ACT TO ADD A NEW § 54102(b)(1) TO ARTICLE 1 OF CHAPTER 54, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE AUTHORIZATION OF ANY WITHDRAWAL OR TRANSFER OF CASH OR FUNDS FROM THE TERRITORIAL HIGHWAY FUND TO THE GENERAL FUND FOR ANY NON-PRESCRIBED PURPOSE, AND TO MAKE SUCH AN ACT A MISDEMEANOR.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the Territorial Highway Fund (“Fund”) receives monies from liquid fuel taxes, licenses, fees, and permits paid by the residents of Guam, with the intent of providing monies for maintenance, repairs, and construction of roads. While the Fund has existed for decades with clear mandates of its objectives, in recent times, the Fund has unfortunately been utilized to fund other expenditures for the government of Guam, including bond pledges, public education, transportation, and the mass transit system.

In Fiscal Years 2016 and 2017, an average of \$2.15M was transferred annually from the Fund to the General Fund for other government expenditures. The Fund has generated nearly \$20M annually over recent years, with a very small percentage

1 truly being utilized for its intent, which is for road repairs. In 2017, the taxpayers  
2 were asked to pay more at the fuel pumps, as the liquid fuel tax was increased at the  
3 start of 2018.

4 The expenditures of the Territorial Highway Fund need additional scrutiny of  
5 those expenses not related to the Fund’s objectives, and those not in accordance must  
6 eventually be removed. In the last two (2) years, we have seen public laws enacted  
7 to provide more scrutiny on the mismanagement of other funds, like the Guam  
8 Cancer Trust Fund and the E911 Fund; and, it is only vital to take similar steps to  
9 protect the Territorial Highway Fund and to provide our residents with improved  
10 roads and highways.

11 **Section 2:** A new § 54102(b)(1) is hereby *added* to Article 1 of Chapter  
12 54, Title 5, Guam Code Annotated, to read as follows:

13 “(1) No authorization for the withdrawal or transfer of cash or  
14 funds shall be made from the Territorial Highway Fund account to the  
15 General Fund, other than for the purposes enumerated in § 54102(a),  
16 (b), (c), (d), (e), and (f) of this Section as well as any bond pledges  
17 towards capital improvement funds. Notwithstanding any other  
18 provision of law, rule or regulation, any person deemed to be in  
19 violation of this Subsection or any rule or regulation governing the  
20 Territorial Highway Fund *shall* be guilty of a misdemeanor.”

21 **Section 3. Effective Date.** This Act *shall* be effective on October 1, 2019.

22 **Section 4. 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.