


I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
194-38 (COR)	William A. Parkinson	AN ACT TO REPEAL § 22421 OF CHAPTER 22, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE AUTONOMOUS AGENCY COLLECTIONS FUND.	9/24/25 12:14 p.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 194-38 (COR)

Introduced by:

William A. Parkinson 

**AN ACT TO REPEAL § 22421 OF CHAPTER 22, TITLE 5, GUAM
CODE ANNOTATED, RELATIVE TO THE AUTONOMOUS
AGENCY COLLECTIONS FUND.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Autonomous Agency Collections Fund (AACF), established by 5 GCA
4 §22421 in 1985, has remained largely dormant and unutilized. The Office of Public
5 Accountability’s March 2022 audit of the AACF (Report No. 22-01) confirmed that
6 the AACF had “little to no activity” since its inception. That audit expressly
7 recommended that *I Liheslaturan Guåhan* “repeal 5 GCA §22421”, noting that legal
8 barriers (such as bond covenant restrictions and other constraints) have prevented
9 the mandated transfers and rendered the fund inoperative. *I Liheslaturan Guåhan*
10 further finds that OPA’s prior audits (Nos. 04-04, 06-03, and 19-02) likewise
11 identified the AACF’s inactivity and recommended its repeal.

12 In fact, OPA reported that GPA has made no payments into the AACF and
13 GIAA has transferred none; PAG was the only autonomous agency ever to make any
14 contribution to the fund. No statutory mechanism has successfully realized the \$3.5
15 million annual transfers originally envisioned by the enabling legislation. Consistent
16 with these findings, *I Liheslaturan Guåhan* determines that §22421 is obsolete. For
17 these reasons, it is the intent of *I Liheslaturan Guåhan* to repeal 5 GCA §22421,

1 thereby closing the inactive Autonomous Agency Collections Fund and aligning the
2 Guam Code with actual practice and OPA's recommendations.

3 **Section 2.** § 22421 of Chapter 22, Title 5, Guam Code Annotated is hereby
4 *repealed*:

5 ~~§ 22421. Transfer of Autonomous Agency Revenues to Autonomous~~
6 ~~Agency Collections Fund.~~

7 (a) ~~It is I Liheslatura's (the Legislature's) findings that for the risk~~
8 ~~assumed by Guam's taxpayers in operating the power, water, sewer, and air~~
9 ~~and sea port operations, a fund transfer policy should be instituted as a General~~
10 ~~Fund reimbursement. It is furthermore found that these non-tax paying~~
11 ~~utilities benefit from services provided by the General Fund, such as police~~
12 ~~and fire protection, road systems and other governmental facilities. In many~~
13 ~~cases, several of the services require additional General Fund expenditures.~~
14 ~~Further, rather than assess the actual levy of real estate taxes, as if they were~~
15 ~~of a private venture which is commonly called payment in lieu of taxes, a~~
16 ~~transfer policy would be more equitable and fair.~~

17 (b) ~~Notwithstanding any other provision of law, I Maga'lahi (the~~
18 ~~Governor) and the Boards of Directors of the Jose D. Leon Guerrero~~
19 ~~Commercial Port of Guam, the Guam Power Authority, and the A. B. Won~~
20 ~~Pat International Airport Authority Guam shall transfer in the aggregate the~~
21 ~~sum of Three Million Five Hundred Thousand Dollars (\$3,500,000.00) from~~
22 ~~operating surpluses generated by these agencies to the General Fund of the~~
23 ~~government of Guam by the end of each fiscal year. The proportionate~~
24 ~~contribution of each of the above agencies which will in the aggregate make~~
25 ~~up the Three Million Five Hundred Thousand Dollars (\$3,500,000.00)~~
26 ~~transferred shall be determined by a formula decided upon by I Maga'lahi (the~~
27 ~~Governor) in consultation with the Boards of Directors of the above agencies.~~

1 ~~In no event shall the formula decided upon or the transfer of sums from the~~
2 ~~agencies to the General Fund violate the terms and conditions of any bond~~
3 ~~covenant of any of the above agencies that is in effect on the effective date of~~
4 ~~this Section.~~

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

6 **Section 4. Severability.** If any provision of this Act or its application to any
7 person or circumstance is found to be invalid or inorganic, such invalidity shall not
8 affect other provisions or applications of this Act that can be given effect without
9 the invalid provision or application, and to this end the provisions of this Act are
10 severable.