

11 GCA FINANCE & TAXATION
CH. 50 INCOME TAX REFUND RESERVE FUND

CHAPTER 50
INCOME TAX REFUND RESERVE FUND

SOURCE: Chapter 50 was added by P.L. 22-140:IV:2(b), effective October 1, 1994.

- § 50101. Short Title.
- § 50102. Creation of Income Tax Refund Reserve Fund; No Commingling.
- § 50103. Formula for Reserve Funds for Income Tax Refunds, Earned Income Tax Credits, and Child Tax Credits.
- § 50104. Revenues Reserved for Income Tax Refunds, Earned Income Tax Credits, and Child Tax Credits.
- § 50105. Expenditures from the Fund.
- § 50106. No Transfer Authority.
- § 50107. Monthly Reports.
- § 50108. Income Tax Refund Status Reporting.

§ 50101. Short Title.

This Chapter shall be known and may be cited as the *Income Tax Refund Reserve Fund Law*.

SOURCE: Added by P.L. 22-140:IV:2(b) (Sept. 29, 1994), eff. Oct. 1, 1994.

§ 50102. Creation of Income Tax Refund Reserve Fund; No Commingling.

There is hereby created, separate and apart from other funds of the government of Guam, a reserve fund known as the Income Tax Refund Reserve Fund (the *Fund*). The Fund shall not be commingled with the General Fund or any other funds of the government of Guam, and it shall be maintained in a separate bank account as required under this Chapter.

SOURCE: Added by P.L. 22-140:IV:2(b) (Sept. 29, 1994), eff. Oct. 1, 1994.

§ 50103. Formula for Reserve Funds for Income Tax Refunds, Earned Income Tax Credits, and Child Tax Credits.

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Each year, the Director of Revenue and Taxation, in consultation with the Director of Administration and the Director of the Bureau of Budget and Management Research, shall establish a formula for reserving income tax receipts to pay income tax refunds, earned income tax credits, and child tax credits. Such formula shall be derived from the statistical average of income tax refunds, earned income tax credits, and child tax credits issued in the previous three (3) years, and shall further provide for reserving income tax receipts, on a percentage basis, in order to accumulate sufficient cash reserves to pay projected income tax refunds, earned income tax credits, and child tax credits in a timely manner. Notwithstanding any other provision of law, such cash receipts may be used to pay for *prior years'* income tax refunds, earned income tax credits, and child tax credits.

SOURCE: Added by P.L. 22-140:IV:2(b) (Sept. 29, 1994), eff. Oct. 1, 1994. Amended by P.L. 25:043:1 (June 8, 1999) and P.L. 31-214:2 (June 5, 2012).

§ 50104. Revenues Reserved for Income Tax Refunds, Earned Income Tax Credits and Child Tax Credits.

In accordance with the formula provided for in § 50103 of this Chapter, the Director of Administration *shall*, as a ministerial duty, set aside all money reserved for income tax refunds, and *shall* set aside earned income tax credits and child tax credits from income tax receipts.

SOURCE: Added by P.L. 22-140:IV:2(b) (Sept. 29, 1994), eff. Oct. 1, 1994. Amended by P.L. 25:043:2 (June 8, 1999), P.L. 26-074:3 (Mar. 7, 2002), and P.L. 34-116:21 (Aug. 24, 2018).

NOTE: P.L. 26-074 adopted this section as “(a)”. Since there is no subsection (b), the Compiler has omitted reference to this being “(a)”.

§ 50105. Expenditures from the Fund.

Any and all expenditures from the Fund shall be for the payment of income tax refunds, earned income tax credits, child tax credits, tax rebate relief and for no other purpose. The fund is not subject to the provisions of 5 GCA § 22414, which provisions would otherwise permit I Maga'lahren Guåhan [Governor of Guam] to pledge the Fund.

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SOURCE: Added by P.L. 22-140:IV:2(b) (Sept. 29, 1994), eff. Oct. 1, 1994. Amended by P.L. 25-043:3 (June 8, 1999) and P.L. 26-036.:3 (Oct. 1, 2001).

NOTE: Obsolete reference to the *Government Code*, no longer in existence, changed to the appropriate section reference in the Guam Code Annotated (this Code).

§ 50106. No Transfer Authority.

The money placed in the Income Tax Refund Reserve Fund is not subject to any transfer authority of the Governor.

SOURCE: Added by P.L. 22-140:IV:2(b) (Sept. 29, 1994), eff. Oct. 1, 1994.

§ 50107. Monthly Reports.

The Director of Administration shall make monthly reports to the Legislature on all expenditures from and deposits into the Fund.

SOURCE: Added by P.L. 22-140:IV:2(b) (Sept. 29, 1994), eff. Oct. 1, 1994.

§ 50108. Income Tax Refund Status Reporting.

The Director of Revenue and Taxation *shall* submit a written report and an electronic Microsoft Excel file to the Speaker of *I Liheslaturan Guåhan* and the Office of Finance and Budget of the status of income tax refunds, and *shall* utilize the template design in Appendix II of PL 32-068 segregated by individual and corporate income tax refunds. Such report *shall* include all the required data included in the aforementioned template design, and the DRT [Department of Revenue and Taxation] *shall* report such required data *no later than* the fifteenth (15th) day of each month.

SOURCE: Added by P.L. 33-066:XII:26 (Aug. 24, 2016).
