

**MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN**  
**2015 (FIRST) Regular Session**

Bill No. 142 -33 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. *DR*

**AN ACT TO AUTHORIZE THE DEPARTMENT OF ADMINISTRATION TO ASSESS AN ACCOUNT MANAGEMENT FEE TO ALL SPECIAL FUNDS ESTABLISHED SEPARATE AND APART FROM THE GENERAL FUND BY ADDING A NEW ARTICLE 7 TO CHAPTER 20 OF DIVISION 2, TITLE 5, GUAM CODE ANNOTATED.**

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

2           **Section 1. Legislative findings and intent.** *I Liheslaturan Guahan* finds  
3 that there are nearly one hundred (100) special funds that have been created by the  
4 Guam Legislature over the years. These special funds are intended to be separate  
5 and apart from the transactions of the General Fund of the government of Guam.  
6 These funds were primarily created to ensure revenues received are specifically  
7 utilized for the purpose it was established. However, what has been ignored is the  
8 administrative, human resource, and capital outlay costs required to properly  
9 account and track these special funds.

10           These costs include unfunded expenses such as, but not limited to upgrades  
11 to the financial systems, computers, network/stand-alone printers, payroll check  
12 printer, accounts payable check printer, treasury check bursting, check signing  
13 machine, treasury postage machine, and other associated costs for printer ink  
14 cartridge toners, postage, envelopes and supplies required for, but not limited to the  
15 issuance of tax refund checks, W-2 and 1099 forms, and other vendor checks.

1 It is therefore the intent of *I Liheslaturan Guahan* to assess a 2% Account  
2 Management Fee on all existing special revenue funds cash collections and to  
3 statutorily require that all future special funds legislatively created include a  
4 provision that assess a 2% Account Management Fee that will be appropriated and  
5 allocated to the Department of Administration.

6 **Section 2.** A new Article 7 is added to Chapter 20 of Division 2, Title 5,  
7 Guam Code Annotated, to read:

8 **“Article 7**

9 **Special Funds Account Management Fee**

10 **§ 20701. Purpose.** To provide for the assessment of a two percent (2%)  
11 Account Management Fee for all special funds managed by the Department of  
12 Administration to offset the associated costs of fund management by the  
13 Department.

14 **§ 20702. Assessment of Account Management Fee on all Government of**  
15 **Guam Special Funds.** The Department of Administration shall be authorized to  
16 assess a two percent (2%) Account Management Fee for the administration of all  
17 Special Revenue Funds that have been created through legislative action. The  
18 assessed funds shall be used by the Department of Administration as follows: 70%  
19 for the Division of Accounts, 10% for Human Resources and Development, 10%  
20 for the General Services Agency and 10% for the Data Processing Division. The  
21 Divisions shall be authorized to utilize funds received through this fee assessment  
22 to ensure proper management and accounting of all special funds.

23 The Divisions are hereby authorized to expend these funds as it sees  
24 necessary, including but not limited to the recruitment of personnel directly  
25 associated with the administration of these special funds, system upgrades,  
26 computers, network printers, payroll check printer, accounts payable check printer,

1 treasury check bursting, signing and postage machines and associated costs for  
2 postage and supplies.

3       **§ 20703. Requirement to include Account Management Fee.** Any  
4 special accounts that are established and created separate and apart from the  
5 government of Guam General Fund shall be deemed to include a provision that  
6 assesses a two percent (2%) Account Management Fee that shall be used by the  
7 Department of Administration to properly manage and track the activity of each  
8 special fund and as further provided pursuant to this Article.

9       **§ 20704. Reporting requirement.** The Director of the Department of  
10 Administration in coordination with the Administrator of each Division shall  
11 submit, on an annual basis, to the Speaker of *I Liheslaturan Guahan* and *I*  
12 *Maga'lahen Guahan* a report of any Account Management Fee it has assessed on a  
13 special fund account as well as any funds it has expended as authorized pursuant to  
14 this Article.”

15       **Section 3. Severability.** If any provision of this Act or its application to  
16 any person or circumstance is found to be invalid or contrary to law, such  
17 invalidity shall not affect other provisions or applications of this Act which can be  
18 given effect without the invalid provisions or application, and to this end the  
19 provisions of this Act are severable.

20       **Section 4. Effective Date.** This Act shall become immediately effective  
21 upon enactment.

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