

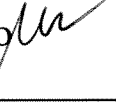


I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 100-32(15)

Introduced by:

Judith T. Won Pat, Ed.D. 
Tina R. Muna-Barnes 
R.J. Respicio 

AN ACT TO ADD A NEW ITEM (e) TO §21116 OF
CHAPTER 21, DIVISION 2, TITLE 5, GUAM CODE
ANNOTATED, RELATIVE TO REQUIRING THE
DEPOSIT OF UNCLAIMED OR UNPAID TAX
REFUND CHECKS INTO THE INCOME TAX
REFUND RESERVE FUND.

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1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds that *I Maga'låhen Guåhan* recently ordered the publication of a list of
4 individuals that have not claimed their tax refund checks in an effort to
5 distribute over 6,000 checks that remain unclaimed. A number of these
6 checks date back to 2009. Although policies of the Internal Revenue
7 Service do not require the publication of unclaimed tax refund checks, *I*
8 *Liheslatura* finds that it is *I Maga'låhen Guåhan's* desire that such checks be
9 returned to their rightful owners. *I Liheslaturan Guåhan* finds, however,
10 that despite efforts to return unclaimed tax refund checks, there might be

1 instances where some of these checks continue to remain unclaimed.
2 Under such circumstances, Guam law requires that unclaimed or unpaid
3 tax refund checks, which remain unclaimed or outstanding for more than
4 three years from the date of audit, shall be paid into the Treasury as
5 revenue of the General Fund.

6 It is the intent of *I Liheslaturan Guåhan*, however, that unclaimed or
7 unpaid tax refund checks do not become a part of the General Fund. *I*
8 *Liheslatura* further intends that such checks remain available as a funding
9 source for future tax refund payments.

10 **Section 2. Unclaimed or Unpaid Tax Refund Checks.** A new item
11 (e) is hereby added to §21116 of Chapter 21, Division 2, Title 5, Guam Code
12 Annotated, to read:

13 **“§ 21116. Unclaimed or Unpaid Checks.**

14 (a) Upon audit caused by the Director of Administration, the
15 amounts of all government of Guam checks or drafts which shall have been
16 unclaimed or outstanding for more than one year from the respective dates
17 thereof, shall be accounted for separately and a record made of each such
18 check or draft.

19 (b) All such unclaimed checks or drafts shall be cancelled as of the
20 date of the audit. Upon demand by the lawful claimant thereof within three
21 years after such cancellation, the Director of Administration shall issue a
22 new check or draft in lieu thereof.

1 (c) Upon presentation of any such outstanding check or draft within
2 three years of the date of audit thereof to the Director of Administration by
3 the lawful holder thereof, the Director shall cancel the check or draft so
4 presented and issue a new check or draft in lieu thereof.

5 (d) The amounts of all checks or drafts which shall have been
6 unclaimed or outstanding for more than three years from the date of audit
7 shall be paid into the Treasury as revenue of the General Fund.

8 (e) Any and all tax refund checks, which shall have been unclaimed
9 or outstanding for more than three years from the date of audit shall be
10 deposited into the *Income Tax Refund Reserve Fund* established pursuant to
11 Chapter 50 of 11GCA, and shall be expended in accordance with §50105 of
12 11GCA."

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