

TWENTY-EIGHTH GUAM LEGISLATURE
2006 (SECOND) Regular Session

Introduced

MAY 25 2006

Bill No. 318 (LS)

Introduced by:

Mark Forbes

AN ACT TO AMEND SECTION 52101. OF CHAPTER
52, Title 11GCA.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. §52101 of Chapter 52, Title 11 of the Guam Code Annotated is
3 amended to read:

4 “Chapter 52

5 §52101. Creation of the Guam Public School System
6 Operations Fund. There is hereby created, separate and apart from
7 other funds of the government of Guam, a fund known as the ‘Guam
8 Public School System Operations Fund’. This fund shall *not* be
9 commingled with the General Fund and shall be kept in a separate bank
10 account to be in the name of the Guam Public School System (GPSS).
11 Eighty-three point two percent (83.2%) of all withholding taxes,
12 interest and penalties collected in Guam, regardless of when such
13 withholding taxes, interest or penalties should originally have been
14 collected, shall be deposited in the Guam Public School System
15 Operations Fund and shall be appropriated by *I Liheslaturan Guåhan* to
16 cover the operational expenses of the Guam Public School System and
17 any use associated with the Guam Public School System, as determined

1 in the Guam Public School System budget in accordance with 10 GCA
2 Chapter 3, by the Guam Education Policy Board or the laws of Guam.
3 The Superintendent of Education shall conduct public hearings at the
4 public schools prior to the submission of the budget to the Guam
5 Education Policy Board in order to address each school's individual
6 budgetary requirements. The Director of Administration shall deposit,
7 on the last day of each month, a sum equal to eighty-three point two
8 percent (83.2%) of all withholding taxes, interest and penalties
9 collected for that month in the Guam Public School System Operations
10 Fund, as described herein, *except* that the Department of Administration
11 for the first (1st) month of Fiscal Year 2006, on October 7, 2005, shall
12 make a deposit reflective of eighty three point two percent (83.2%) of
13 the prior month's collections for withholding taxes, interest and
14 penalties. This amount shall be computed against all collections made
15 for the prior month for withholding taxes, interest and penalties,
16 regardless of when such collections should originally been acquired by
17 the Treasurer of Guam. The Director of Administration shall, on the
18 first (1st) day of each month, transfer to the Guam Public School
19 System all funds held in the Guam Public School System Operations
20 Fund, *except* that for the first (1st) month of Fiscal Year 2006, on
21 October 15, 2005, the Director of Administration shall transfer all funds
22 contained in the Guam Public School System Operations Fund to the
23 Guam Public School System. Nothing herein shall be construed as
24 preventing *I Liheslaturan Guåhan* from making additional
25 appropriations to the Guam Public School System. *I Maga'lahen*
26 *Guåhan's* transfer authority shall *not* apply to this or any other
27 appropriation to the Guam Public School System, *except* that *I*

1 *Maga'lahaen Guåhan* may transfer funds into the Guam Public School
2 System to the extent permitted by law. The eighty-three point two
3 percent (83.2%)rate as described and used in this section shall be
4 increased to one hundred percent (100%) for the months of May, June,
5 July, August and September, all of 2006."