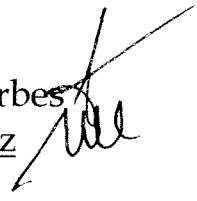


**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session**

Bill No. 118 (EC)

Introduced by:

Mark Forbes
Mike Cruz



**AN ACT TO AUTHORIZE INTEREST ONLY
PAYMENTS AND TO ADD A NEW SUBSECTION
8137(h). TO 4 GCA, ALL FOR THE PURPOSE OF
PERMITTING EMPLOYEES ELIGIBLE TO RETIRE
FROM THE DEPARTMENT OF EDUCATION AND
THE GUAM MEMORIAL HOSPITAL AUTHORITY
TO RETIRE IN FACT.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section One. Special Retirement Provisions for DOE and GMHA. On the First Day of the First Month following the enactment hereof and every First Day of every month thereafter, with a grace period of no more than 10 days, the Treasurer of Guam shall pay “interest only” payments in the sum of One Hundred Ninety-two Thousand Nine Hundred and Fifty-five Dollars and Seven Cents (\$192,955.07) for the Department of Education (DOE) deficiency to the Government of Guam Retirement Fund (GGRF) and The Treasurer of Guam is further authorized to pay interest only payments in the sum of One Hundred Ninety Thousand Five Hundred and One Dollars and Nineteen Cents (\$190,501.19) for the Guam Memorial Hospital Authority (GMHA) deficiency to the GGRF on the First Day of the First Month following the enactment hereof and every First Day of every month thereafter. These interest only payments shall be paid automatically each month in the form of a cash draw down.

The interest only payments shall continue until satisfaction of both DOE’s

1 deficiency, in the amount of \$17,154,608.75, and GMHA's deficiency, in the amount
2 of \$16,860,142.22, from a General Obligation Bond or alternate means. In the event
3 the DOE and GMHA deficiencies are not satisfied within five (5) years following
4 enactment hereof, payments for DOE and GMHA principal shall resume and proceed
5 as provided in 4 G.C.A. § 8137.

6 After the Treasurer of Guam has made the first monthly payment pursuant to
7 this section, the Government of Guam Retirement Fund shall accept and approve for
8 retirement any eligible employee of the Department of Education or the Guam
9 Memorial Hospital Authority upon the condition that the respective agency's
10 employer and employee contributions to the Fund for the applicable Fiscal Year are
11 current and paid in full as provided in P.L. 27-106, Chapter VI, Section 13, including
12 interest and penalties pursuant to 4 GCA § 8137 (c) and interest at the actuarial rate
13 determined in the latest completed actuarial valuation prepared for the Board of
14 Trustees by the actuary appointed by the Board, which is currently 9.3% plus 1% plus
15 7.5%. If the Treasurer of Guam fails to make current payments as required by this
16 section or if DOE or GMH fails to make current payments for the applicable fiscal
17 year, the Fund shall cease processing applications from employees of that agency until
18 payment is made in full."

19 **Section Two.** A new section 8137(h) is added to Title 4 G.C.A. to read as
20 follows:

21 **"§8137(h) 1. Board's Power to Enforce.** The Board of the Government of
22 Guam Employees' Retirement Fund may file in Superior Court a Petition for Writ of
23 Mandate to compel any government official who is so obligated to pay or transfer
24 money to the Retirement Fund for employee or employer contributions to the Fund.

25 **2. Remedies.** At the court's discretion, failure to comply with a Writ of Mandate
26 issued pursuant to this Section after notice and a hearing shall be subject to contempt

1 of court proceedings. **3. Costs and Attorney Fees.** If the Board's petition is granted,
2 the court shall award costs and a reasonable attorney's fee, which shall be paid from
3 funds of the official's agency. **4. Dismissal After Payment.** If payment of the
4 delinquent amount is made within fifteen (15) days after filing the petition for Writ,
5 the petition shall be dismissed.