

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

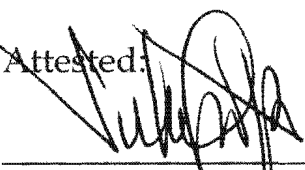
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 317-30 (COR), "AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR VARIOUS PROGRAMS AND PROJECTS, AND OTHER PURPOSES, FOR FISCAL YEAR 2010,"** was on the 26th day of February, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 1 day of March, 2010, at 5:40 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 317-30 (COR)

As substituted by the Committee on Appropriations,
Taxation, Banking, Insurance, Retirement, and Land,
amended by the Committee of the Whole and amended.

Introduced by:

v. c. pangelinan
T. C. Ada
F. B. Aguon, Jr.
B. J.F. Cruz
F. F. Blas, Jr.
E. J.B. Calvo
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO REPROGRAM AND APPROPRIATE
FUNDS FOR VARIOUS PROGRAMS AND PROJECTS,
AND OTHER PURPOSES, FOR FISCAL YEAR 2010.**

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

2 **Section 1. Legislative Statement and Intent.**

3 *I Liheslaturan Guåhan* wishes to ensure that there is continuity of service in
4 the operations of the government of Guam in Fiscal Year 2010 and as such, seeks
5 to reprioritize appropriations of funding for various programs and projects to be
6 started and completed in FY 2010.

1 *I Liheslaturan Guåhan* finds that various health programs require additional
2 funding to maintain the continuity of care for residents who are forced to travel to
3 the Philippines or the United States to receive health care services *not* available on
4 Guam. In order to maintain adequate services and continuity of care, additional
5 funding is required.

6 Retirees that purchased Medicare insurance as part of a government of
7 Guam program in Fiscal Year 2009 were *not* reimbursed due to a larger
8 participation in the program than anticipated. These retirees depend on these
9 reimbursements to fund future Medicare insurance premium payments. Should
10 retirees drop out of this program due to problems with reimbursement, then the
11 government of Guam health insurance premiums will rise much faster because by
12 default the government of Guam health insurance will be designated the primary
13 payer to claims currently paid by Medicare.

14 The Guam Memorial Hospital Authority (GMHA) continues to struggle
15 financially due to providing care to residents without insurance or the ability to pay
16 for services. Vendors continue to notify GMHA of delinquent payables, while
17 some have suspended doing business with GMHA until payment is received.
18 Therefore, *I Liheslaturan Guåhan* wishes to supplement Fiscal Year 2010
19 appropriations to assist GMHA operations.

20 *I Liheslaturan Guåhan* further finds that sections of Public Law 30-55
21 require reprioritization or adjustments due to information received after its
22 enactment. The changes required in Public Law 30-55 will allow prior year
23 obligation payments; improve the flexibility and ability of Mayors to provide grass
24 cutting services to the Department of Education; provide continued authority to
25 access unexpended resources to repair and maintain the Guam Veterans Cemetery;
26 provide financial expertise assistance to the Department of Education; clearly
27 delineate the funding provided for additional employees for the *I Famagu'on-ta*

1 program; and provide resources for a nurse and medication to deliver care to
2 additional clients of the Department of Youth Affairs, added after the start of the
3 fiscal year.

4 *I Liheslaturan Guåhan* finds that sports and recreational facilities in the
5 villages of *Dededo, Agana Heights, Agat, Mangilao, Inarajan, Talofofo, Merizo,*
6 *Tamuning* and *Piti* require funding to repair various sports fields, gymnasiums and
7 other facilities in order to provide safe venues for recreation for all residents of the
8 island.

9 In addition to facilities required within the villages, a planned regional sports
10 complex for southern residents is eligible for private matching grants to complete
11 its development. Thus, in order to provide the same opportunities to practice and
12 participate in sporting events as residents in the north, *I Liheslaturan Guåhan*
13 wishes to continue to support youth programs by extending the existing tax credit
14 matching program to complete development of facilities in the south.

15 *I Liheslaturan Guåhan* further finds that retirees are still due money from
16 *Rios v. Camacho*, Superior Court No. SP0206-93. The recipients of the COLA
17 class continue to be asked to wait for full payment of principal and interest due
18 them. Government of Guam tax receipts and operational expenses continue to
19 challenge its financial managers to identify a funding source to once and for all put
20 to rest the years of injustice caused by denying COLA payments to retirees.

21 *I Liheslaturan Guåhan* wishes to identify funds to reduce any principal and
22 interest still due to COLA awardees and to also identify funding to pay COLA
23 awards for OPT OUT retirees that did not participate in *Rios v. Camacho*, Superior
24 Court No. SP0206-93.

25 *I Liheslaturan Guåhan* further finds that the Guam Waterworks Authority
26 (GWA) seeks a loan guarantee from the General Fund to provide funds for GWA's
27 Moratorium Project, to fund certain reserve accounts so that GWA may issue an

1 additional One Hundred Eighteen Million Dollars (\$118,000,000) in bonds that
2 will greatly improve the island's water and wastewater system. In order to further
3 avoid penalties related to previous court orders, *I Liheslaturan Guåhan* finds that it
4 is necessary to guarantee a short term loan authorized in §14235 of Article 2 of
5 Chapter 14 of Title 12, Guam Code Annotated.

6 **Section 2. Short Title.** This Act shall be referred to as the “*Supplemental*
7 *Budget Act of 2010*”.

8 **Section 3.** A new Subsection (d) is *added* to Section 2 of Public Law 30-
9 38:

10 “(d) All unexpended and unencumbered funds shall fund village
11 projects and other priorities:

12 (1) *One Hundred Thousand Dollars (\$100,000)* to the
13 *Dededo* Mayor’s Office for:

- 14 (A) repair of the Hal’s Angels Football Field;
- 15 (B) repair of other village sports and recreational facilities;
- 16 and
- 17 (C) maintenance of sports and recreational facilities.

18 (2) *Eighty-Five Thousand Dollars (\$85,000)* to the Mayor’s
19 Office of *Agana Heights* for the purpose of making necessary repairs
20 to the *Agana Heights* Gymnasium and Baseball Field.

21 (3) *Eighty Thousand Dollars (\$80,000)* to the *Agat* Mayor’s
22 Office for the purpose of making necessary repairs to the *Agat*
23 Gymnasium.

24 (4) *Thirty Thousand Dollars (\$30,000)* to the *Mangilao*
25 Mayor’s Office for the development, repair and maintenance of
26 village sports and recreational facilities.

1 (5) *Fifty Thousand Dollars (\$50,000)* to the *Inarajan*
2 Mayor's Office for the repair of the *Inarajan* sport facilities' electrical
3 system and light fixtures at the *Malojloj* multi-purpose court, the
4 *Inarajan* volleyball court and the *Inarajan* basketball court.

5 (6) *Seventy-Three Thousand Six Hundred Dollars (\$73,600)*
6 to the Mayor's Office of *Talofof* to repair the lighting and electrical
7 system of the *Talofof* Baseball Field.

8 (7) *Twenty-Five Thousand Dollars (\$25,000)* to the *Merizo*
9 Mayor's Office for the *sole* purpose of repairing restroom facilities
10 and to conduct minor renovations to its Mayoral office and
11 community center.

12 (8) *Fifty Thousand Dollars (\$50,000)* to the *Tamuning*
13 Mayor's Office for the development, repair and maintenance of
14 village sports and recreational facilities.

15 (9) *Twenty-Six Thousand Dollars (\$26,000)* to the Office of
16 the Mayor of *Piti* to repair the lighting at the *Piti* Baseball Field.

17 (10) Any of the funds appropriated in Subsection (d) may be
18 used to fund the installation of streetlights for the various village
19 sports and recreational facilities as determined by the respective
20 Mayors."

21 **Section 4.** The sum of *Six Hundred Thousand Dollars (\$600,000)* is
22 appropriated from the unreserved fund balance of the Healthy Futures Fund (HFF)
23 to the Medical Referral Office for Contractual Services (Object Class 230).

24 **Section 5.** The sum of *Five Hundred Thousand Dollars (\$500,000)* is
25 appropriated from the unreserved fund balance of the Healthy Futures Fund (HFF)
26 to the Government of Guam Retirement Fund for Medicare premium
27 reimbursements for retirees living on-island and off-island for Fiscal Year 2009.

1 Any remaining balance from this appropriation shall be carried forward and
2 applied to future Fiscal Year Medicare premium reimbursements.

3 **Section 6.** The sum of *Five Hundred Thousand Dollars (\$500,000)* is
4 appropriated from the unreserved fund balance of the Healthy Futures Fund (HFF)
5 to the Guam Memorial Hospital Authority for any vendor payables due in excess
6 of one hundred eighty days (180).

7 **Section 7.** The paragraphs preceding the table in Section 7 of Chapter VIII
8 of Public Law 30-55 are hereby *amended* to read as follows:

9 **“Section 7. Grass Cutting Services for GDOE Schools.** Subject to
10 approval and scheduling of the public school principals, the Mayors are
11 responsible for the grass cutting up to eighteen (18) cuts every fiscal year of
12 regular grounds of DOE schools in their respective districts where grass
13 cutting is *not* already subject to an existing contract. Subject to approval of
14 scheduling with the public school principals, the Mayor may contract with a
15 private entity to provide the services authorized by this Section.

16 The sum of Four Hundred Seventy-four Thousand Seven Hundred
17 Twenty Dollars (**\$474,720**) is appropriated from the General Fund to the
18 Mayors Council of Guam Revolving Fund for the grass cutting of specified
19 schools of the Department of Education below to be allocated as follows:”

20 **Section 8.** Section 10 of Chapter VIII of Public Law 30-55 is hereby
21 *amended* to read as follows:

22 **“Section 10. Continuing Appropriation to the Mayors Council.**
23 The unexpended balance of the funds appropriated to the Mayors Council
24 for Fiscal Year 2009 *shall not* lapse and is available to the Mayors Council
25 for obligations incurred in Fiscal Year 2009 and expenditures in Fiscal Year
26 2010.”

1 **Section 9.** A new Section 11 of Chapter VIII of Public Law 30-55 is
 2 hereby *added* to read as follows:

3 **“Section 11. Authorization to Reallocate Funds.** Notwithstanding
 4 any other provision of Law, the Mayors Council of Guam (MCOG) is
 5 authorized to reallocate funds appropriated in Fiscal Year 2010
 6 Miscellaneous (Object Category 290) into other non-personnel cost object
 7 categories within its Base Operational Appropriations and to the MCOG
 8 Central Cost Accounts administered by the Department of Administration
 9 and projects listed in Public Law 30-38:2(d), for the purpose of ensuring any
 10 shortfalls within other specified Object Categories are both funded and
 11 authorized for payment. The Executive Director of MCOG shall provide
 12 written notification to *I Maga’lahen Guåhan* and *I Liheslaturan Guåhan*
 13 within five (5) days of the reallocation of funds authorized herein, and shall
 14 specify the Object Categories, Cost Accounts, or projects to which funds
 15 were reallocated.”

16 **Section 10.** Summary of Base Operational Appropriation, Object
 17 Categories REG SAL and BENEFITS in Subsection (k) of Chapter V of Public
 18 Law 30-55 is hereby *amended* to read as follows:

19 **“(k) DEPARTMENT OF PUBLIC WORKS**

20 **SUMMARY OF BASE OPERATIONAL APPROPRIATION**

APP CLASS	OBI. CLASS	GENERAL FUND	SPECIAL FUND(S)	TOTAL AMOUNT
REG SAL	111 Total	\$6,028,670	\$6,559,305	\$12,587,975
BENEFITS	113 Total	\$1,705,722	\$1,915,085	\$3,620,807
Guam Highway Fund				
\$7,349,625 (111-\$4,964,022; 113-\$1,440,457; 230-\$421,000; 240-\$476,146; 363-\$48,000)”				

1 **Section 11.** A new Subsection (x)(3) of Section 1, Chapter V of Public Law
2 30-55 is hereby *added* to read as follows:

3 **“(3) Guam Veterans Cemetery Appropriation.**

4 Notwithstanding any other provision of the law, the sum of One
5 Hundred Fifty Thousand Dollars **(\$150,000)** is appropriated to the
6 Guam Veterans Affairs Office for the following uses:

7 (A) To purchase materials, supplies and equipment to
8 sustain cemetery maintenance efforts for Fiscal Year 2010; and

9 (B) To procure services to address the deficiencies
10 which were identified in the August 2009 Department of
11 Veterans Affairs National Cemetery Administration's Triennial
12 Report on the Guam Veterans Cemetery.”

13 **Section 12.** Summary of Base Operational Appropriation, Object Category
14 CAP. OTLY., Subsection (x) of Section 1, Chapter V of Public Law 30-55 is
15 hereby *amended* to read as follows:

16 **“(x) VETERAN’S AFFAIRS OFFICE**

17 **SUMMARY OF BASE OPERATIONAL APPROPRIATION**

APP CLASS	OBJ. CLASS	GENERAL FUND	SPECIAL FUND(S)	TOTAL AMOUNT
CAP. OTLY.	450 Total	\$0	\$0	\$0”

18 **Section 13.** A new Subsection (x)(4) of Section 1, Chapter V of Public Law
19 30-55 is hereby *added* to read as follows:

20 **“(4)** The sum of *Forty-Thousand Dollars (\$40,000)* is appropriated for
21 the normal operations and maintenance of the Guam Veterans Cemetery
22 pursuant to and in accordance with the August 2009 Department of Veterans
23 Affairs National Cemetery Administration’s Triennial Report.”

1 **Section 14.** Section 8 of Chapter XIII of Public Law 30-55 is hereby
2 *amended* to read as follows:

3 **“Section 8. Special Fund Transfer.** Unless specified in this Act, *I*
4 *Maga’lahen Guåhan* is authorized to transfer to the General Fund any cash
5 available from any appropriated Special Fund *or* Revolving Fund to fund the
6 appropriations authorized by this Act.

7 All cash from Special Funds *or* Revolving Funds transferred to cover
8 the appropriations authorized by this Act *shall* be promptly reimbursed to
9 the Special *or* Revolving Fund from which it was withdrawn as cash
10 becomes available.

11 *I Maga’lahen Guåhan shall* submit a report to the Speaker of *I*
12 *Lihselaturan Guåhan* on the fifth (5th) day of every month on all transfers
13 made pursuant to this Section. Said report *shall* enumerate the amount of
14 each transfer, identify the funds to and from which the transfer was made
15 and state the purpose of each transfer.

16 Unless otherwise restricted *or* specifically allowed by this Act, for FY
17 2010 *I Maga’lahen Guåhan* is authorized to transfer *up to* fifteen percent
18 (15%) between object categories within an agency Fiscal Year 2010 Special
19 Fund base operational (*except* the utility funds) appropriations contained in
20 Chapter V and in Parts II, III and IV of Chapter III of this Act; provided that
21 notice of each transfer and justification therefore are delivered within fifteen
22 (15) working days *after* the transfer is made to the Speaker of *I Lihselaturan*
23 *Guåhan* and the Office of Finance and Budget.”

24 **Section 15.** §77305, Title 12, Guam Code Annotated, Chapter 77, Article 3,
25 is hereby *amended* to read as follows:

26 **“§77305. Cap on BPT Credits for Design and Construction of the**
27 **Soccer Stadium and Facilities.** The total amount of credits against

1 Business Privilege Taxes for the design and construction of the soccer
2 stadium and facilities authorized herein *shall not exceed* One Million Two
3 Hundred Thousand Dollars (\$1,200,000). The development of soccer
4 facilities in the southern part of the island *shall* be funded using additional
5 tax credits and matching funds secured.”

6 **Section 16.** A new Subsection (d)(3)(C) of Section 1, Chapter V of Public
7 Law 30-55 is hereby *added* to read as follows:

8 “(C) The sum of One Hundred Thousand Dollars (**\$100,000**) is
9 appropriated from the Indirect Cost Fund to the Bureau of Budget and
10 Management Research for the payment of overtime for the training of
11 Department of Education personnel at the Financial Services Division, and
12 Personnel Services Division, specifically to address deficiencies in personnel
13 management and the financial administration of all funds under the purview
14 of the Department of Education, activity related to the American Recovery
15 and Reinvestment Act of 2009, and any other operational costs.”

16 **Section 17. Mandating the Reimbursement of COLA Payments Made**
17 **in Fiscal Years 2007, 2008 and 2009.**

18 In June 2009, the Government of Guam successfully sold \$246 Million
19 Dollars of bonds, also known as Deficit Bonds, to pay for COLA obligations and *I*
20 *Liheslaturan Guåhan* wishes to ensure the timely resolution of the payment of
21 remaining unfunded court ordered COLA obligations.

22 *I Liheslaturan Guåhan* further finds there are seventy-two (72) retirees who
23 were eligible to be part of the class action suit, Rios v. Camacho, Superior Court
24 No. SP0206-93. These retirees who rendered the same services and worked the
25 same number of years in loyal service to the people of Guam are excluded from
26 any payments resulting from the settlement. These retirees believed that the
27 government will treat them fairly and pay them what is due to them without having

1 to take the government to court. Some of these retirees have come forward
2 expressing that the documents were legally technical and long and therefore
3 confusing to them. It asked for a signature and return, and some OPT OUT retirees
4 simply executed the document without full realization of its effects. In recognition
5 of these factors and given the small number of retirees who opted out of the court
6 case, and the reasons cited by these retirees, *I Liheslaturan Guåhan* wishes to
7 exercise fairness and include these retirees as beneficiaries of COLA proceeds.

8 Furthermore, *I Liheslaturan Guåhan* finds that some autonomous agencies
9 and public corporations were *not* included in the list of agencies which were
10 required to reimburse the General Fund for the payment of the annual lump sum
11 COLA by the General Fund to their respective retirees. Autonomous agencies and
12 public corporations are independent component units of the government of Guam
13 that are self-funded through operations. Each autonomous agency and public
14 corporation, *except* the Guam Memorial Hospital Authority, has the capacity to
15 fund the annual cost of living adjustments of its retired employees by identifying
16 and implementing operational efficiencies.

17 *I Liheslaturan Guåhan* further finds that after the successful sale of deficit
18 bonds and disbursement of the proceeds in June 2009, a balance of Seventeen
19 Million One Hundred Sixty-one Thousand One Hundred Eighteen Dollars
20 (\$17,161,118) of principal or interest is still owed to qualified retirees based on the
21 judgment rendered in Rios v. Camacho, Superior Court No. SP0206-93, and
22 principal continues to accrue interest at a rate of seven percent (7%).

23 Therefore, it is the intent of *I Liheslaturan Guåhan* to mandate that the
24 Government of Guam Retirement Fund (GGRF), the Guam Visitors Bureau
25 (GVB), the Guam Economic Development Authority (GEDA), the University of
26 Guam (UOG), the Guam Community College (GCC), the Guam Power Authority
27 (GPA), the Guam Waterworks Authority (GWA) and the Port Authority of Guam

1 (PAG) reimburse the General Fund for COLA payments made in Fiscal Years
2 2007, 2008 and 2009 to fund the principal and interest still owed to eligible retirees
3 based on the following table:

4	Agency	2007	2008	2009	Total
5	GGRF	\$28,600	\$0	\$0	\$28,600
6	GVB	\$8,800	\$8,800	\$9,900	\$27,500
7	GEDA	\$9,900	\$0	\$0	\$9,900
8	UOG	\$369,600	\$382,800	\$399,300	\$1,151,700
9	GCC	\$183,700	\$194,700	\$195,800	\$574,200
10	GPA	\$382,800	\$392,700	\$402,600	\$1,178,100
11	GWA	\$292,600	\$310,200	\$295,900	\$898,700
12	PAG	<u>\$341,000</u>	<u>\$345,400</u>	<u>\$339,900</u>	<u>\$1,026,300</u>
13	Total	\$1,714,900	\$1,634,600	\$1,643,400	\$4,895,000

14 **Section 18. Mandate of Reimbursements.** The GGRF has determined that
15 the total amount of Fiscal Years 2007, 2008 and 2009 COLA payments issued to
16 retirees by the General Fund on behalf of autonomous agencies *not* required to
17 reimburse the General Fund is Four Million Eight Hundred Ninety-five Thousand
18 Dollars (**\$4,895,000**).

19 (a) The GGRF *shall* reimburse the General Fund for COLA
20 payments made to retirees of the GGRF as follows:

21 (1) from Fiscal Year 2007, the amount of Twenty-eight
22 Thousand Six Hundred Dollars (**\$28,600**);

23 (b) The GVB *shall* reimburse the General Fund for COLA
24 payments made to retirees of the GVB as follows:

25 (1) from Fiscal Year 2007, the amount of Eight Thousand
26 Eight Hundred Dollars (**\$8,800**);

1 (2) from Fiscal Year 2008, the amount of Eight Thousand
2 Eight Hundred Dollars (**\$8,800**);

3 (3) from Fiscal Year 2009, the amount of Nine Thousand
4 Nine Hundred Dollars (**\$9,900**);

5 (c) The GEDA *shall* reimburse the General Fund for COLA
6 payments made to retirees of the GEDA as follows:

7 (1) from Fiscal Year 2007, the amount of Nine Thousand
8 Nine Hundred Dollars (**\$9,900**);

9 (d) The UOG *shall* reimburse the General Fund for COLA
10 payments made to retirees of the UOG through the offset of prior year
11 General Fund or Special Fund receivables as follows:

12 (1) from Fiscal Year 2007, the amount of Three Hundred
13 Sixty-nine Thousand Six Hundred Dollars (**\$369,600**);

14 (2) from Fiscal Year 2008, the amount of Three Hundred
15 Eighty-two Thousand Eight Hundred Dollars (**\$382,800**);

16 (3) from Fiscal Year 2009, the amount of Three Hundred
17 Ninety-nine Thousand Three Hundred Dollars (**\$399,300**);

18 (e) The GCC *shall* reimburse the General Fund for COLA
19 payments made to retirees of the GCC through the offset of prior year
20 General Fund or Special Fund receivables as follows:

21 (1) from Fiscal Year 2007, the amount of One Hundred
22 Eighty-three Thousand Seven Hundred Dollars (**\$183,700**);

23 (2) from Fiscal Year 2008, the amount of One Hundred
24 Ninety-four Thousand Seven Hundred Dollars (**\$194,700**);

25 (3) from Fiscal Year 2009, the amount of One Hundred
26 Ninety-five Thousand Eight Hundred Dollars (**\$195,800**);

1 (f) The GPA *shall* reimburse the General Fund for COLA
2 payments made to retirees of the GPA as follows:

3 (1) from Fiscal Year 2007, the amount of Three Hundred
4 Eighty-two Thousand Eight Hundred Dollars **(\$382,800)**;

5 (2) from Fiscal Year 2008, the amount of Three Hundred
6 Ninety-two Thousand Seven Hundred Dollars **(\$392,700)**;

7 (3) from Fiscal Year 2009, the amount of Four Hundred Two
8 Thousand Six Hundred Dollars **(\$402,600)**;

9 (g) The GWA *shall* reimburse the General Fund for COLA
10 payments made to retirees of the GWA as follows:

11 (1) from Fiscal Year 2007, the amount of Two Hundred
12 Ninety-two Thousand Six Hundred Dollars **(\$292,600)**;

13 (2) from Fiscal Year 2008, the amount of Three Hundred
14 Ten Thousand Two Hundred Dollars **(\$310,200)**;

15 (3) from Fiscal Year 2009, the amount of Two Hundred
16 Ninety-Five Thousand Nine Hundred Dollars **(\$295,900)**;

17 (h) The PAG *shall* reimburse the General Fund for COLA
18 payments made to retirees of the PAG as follows:

19 (1) from Fiscal Year 2007, the amount of Three Hundred
20 Forty-one Thousand Dollars **(\$341,000)**;

21 (2) from Fiscal Year 2008, the amount of Three Hundred
22 Forty-five Thousand Four Hundred Dollars **(\$345,400)**;

23 (3) from Fiscal Year 2009, the amount of Three Hundred
24 Thirty-Nine Thousand Nine Hundred Dollars **(\$339,900)**.

25 Autonomous agencies in this Section *shall* reimburse the General Fund for
26 the cost of funding the annual COLA paid to their respective retirees by September
27 30, 2010.

1 Any autonomous agencies or public corporations mandated in this Section
2 that have already reimbursed or already paid COLA for any amounts in the
3 specified fiscal years are *not* required to repay said amount.

4 Any remaining COLA reimbursement mandated in this Section due from the
5 UOG and GCC after the offset of monies due them from the General Fund for
6 Fiscal Year 2009 and prior *shall not* be required.

7 The Government of Guam Retirement Fund and the Department of
8 Administration *shall* prepare an official report *no later than* thirty (30) days of
9 enactment of this Act that details the funding source of payments to autonomous
10 agency and public corporation retirees during Fiscal Years 2007, 2008 and 2009.

11 **Section 19. Inclusion of Retirees in COLA Payments.**

12 Notwithstanding any other provision of law, *I Liheslaturan Guåhan* hereby
13 deems those retirees who initially opted out and are *not* covered by the settlement
14 agreement in Rios v. Camacho, Superior Court No. SP0206-93, are eligible for
15 payment under the same terms and conditions as the certified class. Interest *shall*
16 *not* be accrued or paid for any payments due to OPT OUT retirees.

17 The GGRF *shall* determine the amount of award due to these OPT OUT
18 retirees and reduce the amount by ten percent (10%) to promote parity by
19 accounting for attorney fees awarded in Rios v. Camacho, Superior Court No.
20 SP0206-93.

21 OPT OUT retirees who accept payment authorized in this Section *shall*
22 irrevocably and unconditionally release and forever discharge the government of
23 Guam from all charges, complaints, claims, demands, liabilities, obligations,
24 actions and causes of action of any kind or nature, including for attorneys' fees,
25 interest, expenses and costs actually occurred, that exist or have accrued, whether
26 known or unknown, suspected or unsuspected, arising out of or relating to Rios v.
27 Camacho, Superior Court No. SP0206-93.

1 **Section 20. Authorization to Use COLA balance.** Upon the conclusion of
 2 COLA case Rios v. Camacho, Superior Court No. SP0206-93, the GGRF
 3 performed audits of the individual accounts, which resulted in payments due of
 4 One Hundred Twenty-one Million Five Hundred Forty-three Thousand Eight
 5 Hundred and Two Dollars (\$121,543,802) to the COLA class. The GGRF is
 6 hereby authorized to use the balance of One Million Four Hundred Fifty-six
 7 Thousand One Hundred Ninety-eight Dollars **(\$1,456,198)** from appropriations
 8 made in Public Laws 29-04, 29-19, 28-151 and 30-7, less COLA payments for
 9 obligations listed in Section 22(a) of this Act.

	Appropriations	Total
11	P.L. 29-04	\$8,000,000
12	P.L. 29-19	\$14,000,000
13	P.L. 28-151	\$9,000,000
14	<u>P.L. 30-07</u>	<u>\$92,000,000</u>
15	TOTAL	\$123,000,000
16	<u>Payments</u>	<u>(\$121,543,802)</u>
17	Balance	\$1,456,198

18 **Section 21.** A total of Three Million One Hundred Sixty-nine Thousand
 19 One Hundred Dollars **(\$3,169,100)** from the reimbursements referred to in Section
 20 18 of this Act is hereby appropriated as follows:

21 (a) Two Million Twenty-one Thousand Three Hundred
 22 Forty-seven Dollars **(\$2,021,347)** to claimants set forth in Title 5,
 23 Guam Code Annotated, Chapter 6, Article 4, §6404(d)(1) and (2);

24 (b) One Million One Hundred Forty-seven Thousand Seven
 25 Hundred Fifty-three Dollars **(\$1,147,753)** for retirees authorized by
 26 Section 19 of this Act.

1 (c) The Government of Guam Retirement Fund *shall not*
2 disburse appropriations in this Section to COLA class awardee estates
3 or OPT OUT Retiree estates, *except* pursuant to a court order for
4 distribution or *unless* heirs are otherwise legally determined.

5 **Section 22. COLA Disbursement Provisions.**

6 (a) The disbursement provisions for the authorization in Section 20 and
7 appropriations in Section 21 are as follows: Principal or Interest from principal
8 owed to claimants set forth in Title 5 Guam Code Annotated, Chapter 6, Article 4,
9 §6404(d)(1) starting with the claimant with the lowest initial award from the class
10 settlement, followed by the next lowest initial award and repeating this
11 disbursement methodology until all the funds appropriated and authorized are
12 exhausted.

13 (b) Payments to retirees pursuant to in Section 19 *shall not exceed*
14 Twenty Thousand Dollars (\$20,000) each from the appropriation in Section 21 of
15 this Act. Notwithstanding 5 GCA 6404(d) or 5 GCA 22415 or prior laws
16 authorizing COLA payments to retirees, current and future payments to OPT OUT
17 retirees pursuant to Section 19 of this Act *shall not exceed* the total amounts listed
18 for each retiree in the attached Exhibit "A" and amounts due *shall not* accrue
19 interest.

20 **Section 23.** §8137 (g) of Article 1, Chapter 8 of Title 4, Guam Code
21 Annotated, is *amended* to read:

22 "(g) For Fiscal Year 2002, separately, the Guam Power Authority, the
23 Guam Telephone Authority, the Guam Waterworks Authority, the A. B.
24 Won Pat International Airport Authority, the Guam Economic Development
25 Authority, the Guam Housing Corporation, the Government of Guam
26 Retirement Fund, the Port Authority of Guam, and the Guam Visitors
27 Bureau *shall* remit to the Government of Guam Retirement Fund an amount

1 equal to the number of employees which are retired from each entity
2 multiplied by the amounts of: (1) Four Thousand Two Hundred Thirty-eight
3 Dollars (\$4,238.00), known as the sum of the One Thousand Two Hundred
4 Dollars (\$1,200.00), One Thousand Five Hundred Dollars (\$1,500.00),
5 Seven Hundred Dollars (\$700.00) and Eight Hundred Thirty-eight Dollars
6 (\$838.00) supplemental annuity benefits formerly contained in various
7 General Appropriation Acts; and (2) One Thousand One Hundred Dollars
8 (\$1,100.00), known as the latest cost of living adjustment. Each of the
9 above listed entities *shall* also remit to the Government of Guam Retirement
10 Fund the amounts necessary to defray the cost of Medicare premiums for
11 Retirees of those agencies and their survivors who are eligible to receive
12 social security income benefits and are required under the government of
13 Guam group health insurance program to pay such premiums to continue to
14 participate in such health insurance program, failing which they are excluded
15 therefrom (to continue existing programs contained in the monthly
16 payments).

17 The remittances required herein *shall* be made in two (2) equal
18 installments and shall be due on or before December 31st and March 31st,
19 respectively. The Government of Guam Retirement Fund shall promulgate,
20 continue and amend, if necessary, previous administrative procedures to
21 ensure the proper submission, receipt and accounting of all sums remitted in
22 conformance with this section.”

23 **Section 24.** §23104(a)(1) of Chapter 23, Title 5, Guam Code Annotated, is
24 *amended* to read as follows:

25 “§23104 (a)(1) If the employee is the Governor, Lieutenant
26 Governor, a member of the Legislature, a Judge, or a Mayor or Vice-Mayor,

1 the rates are One Hundred Thirty Percent (130%) of the basic per diem
2 rates;”

3 **Section 25.** Summary of Base Operational Appropriation, Object
4 Categories REG SAL, BENEFITS, SUP. & MAT, Chapter III, Part III, Section 1
5 of P.L. 30-55 is hereby *amended* to read as follows:

6 **“SUMMARY OF BASE OPERATIONAL APPROPRIATION**

APP CLASS	OBJ. CLASS	GENERAL FUND	SPECIAL FUND(S)	TOTAL AMOUNT
REG SAL	111 Total	<u>\$3,494,880</u>	\$807,761	<u>\$4,302,641</u>
BENEFITS	113 Total	<u>\$1,154,599</u>	\$265,591	<u>\$1,420,190</u>
SUP. & MAT.	240 Total	<u>\$1,477,754</u>	\$327,855	<u>\$1,805,609</u> ”

7 **Section 26.** A new Section 6 of Chapter III, Part III of Public Law 30-55 is
8 hereby *added* to read as follows:

9 **“Section 6. Appropriations for New *I Famagu’on-ta* Wraparound**
10 **Care Teams.** Notwithstanding any other provisions of law, the sum of One
11 Hundred Seventy-one Thousand Eight Hundred Sixty-two Dollars
12 **(\$171,862)** is appropriated from the General Fund to the Department of
13 Mental Health and Substance Abuse, Child and Adolescent Service Division
14 to fund two (2) new *I Famagu’on-ta* Wraparound Care Teams, consisting of
15 two (2) Care Coordinators; two (2) Psychiatric Social Workers II; two (2)
16 Social Workers III; one (1) Community Program Aide II; one (1) Psychiatric
17 Social Worker II; and one (1) Social Worker II.

18 **Section 27.** A new Subsection (r)(4) of Section 1, Chapter V of Public Law
19 30-55 is hereby *added* to read as follows:

20 **“(4) Appropriations to the Department of Youth Affairs for**
21 **Nurse and Medication.** Notwithstanding any other provision of the law,

1 the sum of One Hundred Fifty Thousand Dollars (\$150,000) is appropriated
2 from the General Fund to the Department of Youth Affairs to fund
3 medication for clients, and to fund one (1) Nurse qualified to dispense
4 prescribed medication, or contracted nurse services to accomplish the same.”

5 **Section 28.** A new Section 23 of Chapter XIII of Public Law 30-55 is
6 hereby *added* to read as follows:

7 **“Section 23. Authorization to Make Payments of Prior Year**
8 **Obligations.**

9 Notwithstanding any other provision of law, all government of Guam
10 agencies in Chapter V are authorized to utilize Fiscal Year 2010
11 appropriations to pay for prior year obligations. Payments of prior year
12 obligations with Fiscal Year 2010 appropriations *shall only* be authorized
13 from the same object class category as the prior year obligation. *I*
14 *Maga’lahen Guåhan* shall submit a report to the Speaker of *I Liheslaturan*
15 *Guåhan* on the fifth (5th) day of every month detailing any payments of prior
16 year obligations made pursuant to this Section. Said report *shall* enumerate
17 the amount of each payment and funding source used to pay said
18 obligations.”

19 **Section 29. General Fund Guarantee for the Guam Waterworks**
20 **Authority Loan.**

21 The government of Guam hereby guarantees all payments due for a
22 maximum ten (10) year term that would be due under the Thirty Million Dollar
23 (\$30,000,000) credit facility issued by the Guam Economic Development
24 Authority on behalf of the Guam Waterworks Authority (GWA) authorized under
25 §14235 of Article 2 of Chapter 14 of Title 12, Guam Code Annotated, for the
26 purpose of securing a Thirty Million Dollar (\$30,000,000) loan to provide funds
27 for the Moratorium Project, fund certain reserve accounts and other purposes

1 approved by the Consolidated Commission on Utilities. This Guarantee is a
2 general obligation of the government of Guam, subject to the full faith and credit
3 of the government of Guam. The Guarantor consents to any and all extension of
4 time and waiver or modification of obligations guaranteed hereunder.

5 **Section 30. GWA Default.** In the event that the Guam Waterworks
6 Authority defaults on any payments for loans authorized under §14235 of Article 2
7 of Chapter 14 of Title 12, Guam Code Annotated, and the Government of Guam by
8 virtue of its Loan Guarantee in Section 29 of this Act pays any principal or interest
9 toward said loan, the following provisions *shall* apply:

10 (a) The Guam Waterworks Authority *shall* repay the General Fund
11 the full value of any payments made plus annual interest at a rate which is
12 three percent (3%) above the existing Bank Note rate and a default fee equal
13 to an additional five percent (5%) of each defaulted amount.

14 (b) The obligation will continue to be subordinate to GWA's 2005
15 Series Bond Indenture.

16 **Section 31. Refunding of Loan.** Any outstanding balance of the loan
17 authorized in §14235 of Article 2 of Chapter 14 of Title 12, Guam Code
18 Annotated, and obligations incurred under provisions in Section 30 of this Act
19 *shall* be refunded or repaid as part of the next Water and Wastewater System
20 Revenue Bond issue for the next series of GWA capital improvement projects after
21 September 30, 2015. The General Fund guarantee authorized in Section 29 of this
22 Act *shall* end upon retirement of the loan authorized in §14235 of Article 2 of
23 Chapter 14 of Title 12, Guam Code Annotated.

24 **Section 32.** A new Subsection (o)(4) of Section 1, Chapter V of Public Law
25 30-55 is hereby *added* to read as follows:

26 **“(4) Department of Corrections Collections.** The Department of
27 Corrections is authorized for its Fiscal Year 2010 operations to expend *up to*

1 the level of revenues collected for the Corrections Revolving Fund in Fiscal
2 Year 2010 for overtime and special pay.”

3 **Section 33. Severability.** If any provisions of this Act or the application
4 thereof to any person or circumstance is held invalid, such invalidity shall not
5 affect any other provision or application of this Act which can be given effect
6 without the invalid provision or application, and to this end the provisions of this
7 Act are severable.

List of 72

Exhibit A
SBill No. 317-30 (COR)

Government of Guam Retirement Fund
COLA Award - Opt Out List

ID	COLA Due	COLA Awardee / Pensioner Name	Retirement Type	Check Name
5008	17,400.39			
5017	5,422.50			
5007	8,032.37			
4999	13,670.07			
4995	10,961.05			
4998	6,678.89			
4984	14,333.69			
4964	9,616.32			
4992	13,564.44			
5016	5,854.09			
4989	9,724.92			
5005	11,053.19			
5006	20,583.11			
5014	53,636.42			
5011	29,535.05			
4994	13,705.58			
5018	58,281.51			
4983	30,881.42			
5019	25,214.63			
4997	15,500.65			
5003	10,820.52			
4980	21,269.92			
4966	15,247.21			
5023	34,822.58			
4956	9,800.89			
4990	26,118.81			
4957	22,710.42			
4965	63,408.97			
5004	27,335.55			
5026	22,771.71			
5021	30,027.19			
5002	24,991.92			
4978	59,295.61			
4993	36,814.54			
4987	48,299.49			
4963	13,495.32			
4967	11,178.95			
4960	28,297.55			
5015	40,438.18			
5013	32,208.54			
4988	12,297.30			
5022	77,911.81			
5024	21,709.53			
4962	62,454.12			
4961	84,236.38			
4972	14,992.94			
4969	21,828.26			
4973	54,466.21			
4996	15,542.44			
4979	13,415.65			
4958	10,074.18			
4955	92,601.58			

Exhibit A
SBill No. 317-30 (COR)

Government of Guam Retl
COLA Award - Opt Out List

ID	COLA Due
4981	40,954.29
4986	48,183.28
4970	10,466.09
4971	10,896.72
5010	19,801.18
5009	57,880.32
4959	7,634.34
5025	22,245.04
4991	17,371.91
4974	20,431.18
4975	23,583.36
5020	32,179.40
4985	32,791.26
4968	23,240.13
4982	27,907.56
5012	62,694.53
4976	22,803.62
4977	10,757.20
5001	10,147.89
5000	90,866.65
72	2,027,370.51