



Office of the Governor of Guam

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2009 JAN 12 PM 4:46 epm

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

12 JAN 2009

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 385(LS), "AN ACT TO APPROPRIATE FUNDS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PURPOSES OF INITIATING ALL APPROPRIATE LEGAL ACTIONS NECESSARY FOR THE RECOVERY OF COMPACT IMPACT REIMBURSEMENTS FROM THE FEDERAL GOVERNMENT; AND TO ADD A NEW SUBSECTION (f) to §1512.2 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE AUTHORIZATION TO ENTER INTO A LOAN FOR THE LANDFILL COSTS" which was signed into law on December 31, 2008 as Public Law 29-129.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

cc: The Honorable Tina Rose Muña Barnes,
Senator and Legislative Secretary

30-09-0033

1/12/09
3-307

0035

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

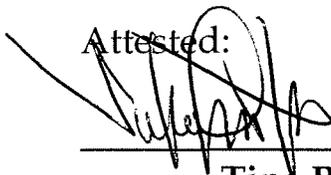
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 385 (LS)**, "AN ACT TO APPROPRIATE FUNDS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PURPOSES OF INITIATING ALL APPROPRIATE LEGAL ACTIONS NECESSARY FOR THE RECOVERY OF COMPACT IMPACT REIMBURSEMENTS FROM THE FEDERAL GOVERNMENT; AND TO *ADD* A NEW SUBSECTION (f) TO §1512.2 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE AUTHORIZATION TO ENTER INTO A LOAN FOR THE LANDFILL COSTS," was on the 30th day of December, 2008, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Secretary of the Legislature

.....

This Act was received by *I Maga'lahaen Guåhan* this 30th day of DEC, 2008, at
7:20 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 31 DECEMBER 2008

Public Law No. 29-129

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 385 (LS)

As amended on the Floor.

Introduced by:

Frank F. Blas, Jr.
Edward J.B. Calvo
James V. Espaldon
Mark Forbes
Frank T. Ishizaki
J. A. Lujan
Ray Tenorio
Judith T. Won Pat, Ed.D
Dr. David L.G. Shimizu
v. c. pangelinan
Tina Rose Muña Barnes
Judith P. Guthertz, DPA
R. J. Respicio
B. J.F. Cruz
A. B. Palacios, Sr.

AN ACT TO APPROPRIATE FUNDS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PURPOSES OF INITIATING ALL APPROPRIATE LEGAL ACTIONS NECESSARY FOR THE RECOVERY OF COMPACT IMPACT REIMBURSEMENTS FROM THE FEDERAL GOVERNMENT; AND TO *ADD* A NEW SUBSECTION (f) TO §1512.2 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE AUTHORIZATION TO ENTER INTO A LOAN FOR THE LANDFILL COSTS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*

3 finds that under the Compacts of Free Association between the Freely Associated

1 States (FAS) of Micronesia and the U.S. Government, costs incurred by local
2 governments for health care, education and other costs incurred by FAS citizens
3 are calculated by local governments and reimbursed by the U.S. Government. *I*
4 *Liheslaturan Guåhan* further finds that despite numerous administrative attempts
5 to recoup such amounts Guam continues to be owed in *excess* of Four Hundred
6 Million Dollars (\$400,000,000) in reimbursement costs attributed to the presence
7 of FAS citizens utilizing public services. Therefore, it is the intent of *I*
8 *Liheslaturan Guahan* to pursue any and all legal actions necessary to compel
9 reimbursements owed to the government of Guam for costs incurred relative to the
10 Compacts of Free Association.

11 **Section 2. Appropriation to the Office of the Attorney General of**
12 **Guam.** The sum of Two Hundred Thousand Dollars (\$200,000) is appropriated
13 from the FY 2009 Guam Highway Fund revenues to the Office of the Attorney
14 General of Guam for the specific use of initiating any and all necessary legal
15 actions necessary for the recovery of Compact Impact reimbursements due to the
16 government of Guam from the U.S. Government. This appropriation *may* include
17 the hiring of personnel, procurement of professional services and any other
18 reasonable costs necessary to successfully pursue this mandate. For this particular
19 purpose, the Office of the Attorney General of Guam is *exempted* from the
20 restriction on the hiring of limited term appointments and unclassified employees.
21 The funds appropriated herein shall be available for expenditure by the Office of
22 the Attorney General of Guam until fully expended.

23 **Section 3. Reporting Requirement.** The Office of the Attorney General
24 of Guam *shall* submit *monthly* status reports to *I Liheslaturan Guåhan* reporting all
25 expenditures associated with this Act, as well as, detailing the progress made in
26 achieving this Mandate.

1 **Section 4.** A new Subsection (f) is hereby *added* to §1512.2 of Title 5 of
2 the Guam Code Annotated, to read as follows:

3 “(f) Notwithstanding any substantive *or* procedural provision of
4 Chapter 6 of Title 5 of the Guam Code Annotated, the government of Guam hereby
5 waives immunity from any suit *or* action in contract on the Loan, but *does not*
6 waive sovereign immunity as to the personal liability of elected *or* appointed
7 officials and employees of the government of Guam.”