







I Mina'trentai Siette Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
89-37 (COR)	Amanda L. Shelton Joe S. San Agustin Tina Rose Muña Barnes Roy A.B. Quinata William A. Parkinson Dwayne T.D. San Nicolas	AN ACT TO ADD A NEW CHAPTER 8A TO TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO ENSURING THE PROVISION OF COST OF LIVING ALLOWANCE (COLA) PAYMENTS FOR GOVERNMENT OF GUAM RETIREES INCLUDING A ONE HUNDRED DOLLAR (\$100) ANNUAL INCREASE OVER THE NEXT THREE (3) FISCAL YEARS	3/31/23 4:21 p.m.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 89-37 (COR)

Introduced by:

Amanda L. Shelton 
Joe S. San Agustin 
Tina Rose Muña Barnes 
Roy A.B. Quinata 
William A. Parkinson 
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AN ACT TO *ADD* A NEW CHAPTER 8A TO TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO ENSURING THE PROVISION OF COST OF LIVING ALLOWANCE (COLA) PAYMENTS FOR GOVERNMENT OF GUAM RETIREES INCLUDING A ONE HUNDRED DOLLAR (\$100) ANNUAL INCREASE OVER THE NEXT THREE (3) FISCAL YEARS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Cost of Living Allowance (COLA) paid to each retiree of the Government
4 of Guam is paid annually through an appropriation by *I Liheslaturan Guåhan*.

5 *I Liheslaturan Guåhan* further finds that the last time the COLA was adjusted
6 was in Fiscal Year 2023 when it was increased from Two Thousand Dollars (\$2,000)
7 to Two Thousand Two Hundred Dollars (\$2,200) per retiree.

8 *I Liheslaturan Guåhan* further finds that the cost of living on Guam,
9 particularly costs associated with housing, utilities, health insurance, and groceries,
10 place a strain on the fixed income of our *manåmko*'.

11 In light of the increase to the minimum wage in September 2021 and the
12 planned increase in wages for additional employees of the Government of Guam

1 under the General Pay Plan, it is the intent of *I Liheslaturan Guåhan* to safeguard
2 the minimum \$2,200 COLA amount and to increase COLA payments by \$100 each
3 year from Fiscal Year 2024 to Fiscal Year 2026.

4
5 **Section 2.** A new Chapter 8A is *added* to Title 4 of the Guam Code Annotated,
6 to read:

7 **“Chapter 8A**

8 **Cost of Living Allowance (COLA)**

9
10 **§ 8A101. Scope of Authority.**

11 **§ 8A102. Definitions.**

12 **§ 8A103. Interpretation.**

13 **§ 8A104. Purpose of Chapter.**

14 **§ 8A105. Annual Cost of Living Allowance for Retirees and**
15 **Survivors.**

16 **§ 8A106. Autonomous Agencies Responsible for Retiree COLA.**

17 **§ 8A107. Autonomous Agency Required to Reimburse General**
18 **Fund.**

19 **§ 8A108. Retiree May Waive COLA Payment.**

20 **§ 8A109. COLA Increase Authorized Through Fiscal Year 2026.**

21
22 **§ 8A101. Scope of Authority.** This Chapter shall apply to all Government
23 **of Guam retirees or their survivors.**

24 **§ 8A102. Definitions.** As used in this Chapter, each of the following terms
25 **shall be defined as follows:**

26 **(a) Autonomous agency shall include any of the following entities of the**
27 **Government of Guam: Guam Power Authority, the A.B. Won Pat International**

1 Airport Authority, the Guam Economic Development Authority, the Guam Housing
2 Corporation, the Government of Guam Retirement Fund, the Jose D. Leon Guerrero
3 Commercial Port, the Guam Waterworks Authority, Guam Housing and Urban
4 Renewal Authority, Guam Educational Telecommunications Corporation, and the
5 Guam Visitors Bureau.

6 (b) COLA refers to Cost of Living Allowance, a standard payment made to
7 retirees or their survivors that are receiving annuities from the Government of Guam
8 Retirement Fund to offset increases in the cost of living and to counteract the effects
9 of rising prices in the economy.

10 (c) Director is the Director of the Government of Guam Retirement Fund.

11 (d) GGRF shall mean the Government of Guam Retirement Fund.

12 (e) Retiree is an individual who has separated from active employment
13 with earned service time and is enrolled with the Government of Guam Retirement
14 Fund by September 30 of the prior fiscal year and is eligible to receive COLA in the
15 current fiscal year.

16 (f) Retirement Fund shall refer to the Government of Guam Retirement
17 Fund.

18 (g) Survivor is the beneficiary of a deceased retiree enrolled with the
19 Government of Guam Retirement Fund by November 1 of the current fiscal year and
20 eligible to receive COLA.

21 **§ 8A103. Interpretation.** The interpretation and application of the
22 provisions of this Chapter shall be liberally construed and applied in furtherance of
23 its objectives.

24 **§ 8A104. Purpose of Chapter.** This Chapter codifies the Cost of Living
25 Allowance (COLA) payments appropriated annually in each Fiscal Year
26 Appropriations Act.

27 **§ 8A105. Annual Cost of Living Allowance to Retirees and Survivors.**

1 (a) *I Maga'hågan Guåhan* shall provide by a single lump sum payment, a
2 Cost of Living Allowance (COLA) amounting to no less than Two Thousand Two
3 Hundred Dollars (\$2,200) annually to each retiree of the Government of Guam
4 Retirement Fund (GGRF) who is retired as of September 30 of the current Fiscal
5 Year or his/her survivor, no later than November 1 of the current Fiscal Year.

6 (b) If a retiree is a Defined Benefit and a Defined Contribution retiree, the
7 retiree or his/her survivor shall only be entitled to a single COLA payment.

8 **§ 8A106. Autonomous Agencies Responsible for Retiree COLA.** The
9 Guam Power Authority, the A.B. Won Pat International Airport Authority, the Guam
10 Economic Development Authority, the Guam Housing Corporation, the
11 Government of Guam Retirement Fund, the Jose D. Leon Guerrero Commercial
12 Port, the Guam Waterworks Authority, Guam Housing and Urban Renewal
13 Authority, Guam Educational Telecommunications Corporation, and the Guam
14 Visitors Bureau shall pay a COLA in a single payment to every Government of
15 Guam Retirement Fund retiree who retired from each respective aforementioned
16 agency as of September 30 of the current Fiscal Year or his/her survivor, no later
17 than November 1 of the current Fiscal Year.

18 **§ 8A107. Autonomous Agency Required to Reimburse General Fund.**
19 Each agency mentioned in § 8A106 shall reimburse the General Fund for any COLA
20 paid by the Fund in the current Fiscal Year to retirees who have retired from that
21 agency or their survivors no later than December 31 of the current Fiscal Year.

22 **§ 8A108. Retiree May Waive Standard COLA Payment.** Any retiree or
23 survivor eligible to receive COLA pursuant to this Act may waive their payment
24 authorized herein by filing a notarized affidavit waiving such payment with the
25 entity responsible for the Retirement Fund.

26 **§ 8A109. COLA Increase Authorized Through Fiscal Year 2026.**
27 Notwithstanding any other provision of law and subject to the availability of funds,

1 the Cost of Living Allowance payment to each eligible retiree or survivor shall be
2 increased annually by One Hundred Dollars (\$100) in a single lump sum payment
3 of Two Thousand Three Hundred Dollars (\$2,300) in FY 2024, Two Thousand Four
4 Hundred Dollars (\$2,400) in FY 2025, and Two Thousand Five Hundred Dollars
5 (\$2,500) in FY 2026.”

6

7 **Section 3. FY 2024 Appropriation for Cost of Living Allowance (COLA)**

8 **Increase.** In addition to the appropriation authorized by *I Liheslatura* for COLA
9 payments in Fiscal Year 2024, the sum of Seven Hundred Forty One Thousand One
10 Hundred Dollars (\$741,100) is hereby appropriated from the General Fund in Fiscal
11 Year 2024 to pay each retiree of the Government of Guam Retirement Fund who is
12 retired as of September 30, 2023, or his/her survivor, no later than November 1, 2023
13 an additional One Hundred Dollars (\$100).

14

15 **Section 4. Effective Date.** This Act shall be effective upon enactment.

16

17 **Section 5. Severability.** If any provision of this Act or its application to any
18 person or circumstance is found to be invalid or inorganic, such invalidity shall not
19 affect other provisions or applications of this Act that can be given effect without
20 the invalid provision or application, and to this end the provisions of this Act are
21 severable.