



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho  
Governor

Kaleo Scott Moylan  
Lieutenant Governor

06 JUN 2005

The Honorable Mark Forbes  
Speaker  
Mina' Bente Ocho Na Liheslaturan Guåhan  
155 Hessler Street  
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 118 (EC), "AN ACT TO AUTHORIZE INTEREST ONLY PAYMENTS AND TO ADD A NEW SUBSECTION (h). TO 4 GCA §8137, 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" which I signed into law on June 2, 2005, as **Public Law 28-38**.

Sinseru yan Magåhet,

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

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo  
Senator and Legislative Secretary

<b>Senator Edward J.B. Calvo</b> SECRETARY OF THE LEGISLATURE ACKNOWLEDGEMENT RECEIPT	
Rec'd by: <u>JBC</u>	Print Name & Initial
Time: <u>3:58 PM</u>	Date: <u>6/8/05</u>

Office of the Speaker

MARK FORBES

Date: 6/7/05  
Time: 3:15 pm  
Rec'd by: [Signature]  
Print Name: \_\_\_\_\_

28-05-0229

0231



**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN**  
TWENTY-EIGHTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

May 25, 2005

The Honorable Felix P. Camacho  
*I Maga'lahen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 71(EC), 81(EC) and 145(LS); and Substitute Bill Nos. 1(LS), 38(EC), 64(EC), 76(EC) and 118(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on May 20, 2005.

Sincerely,

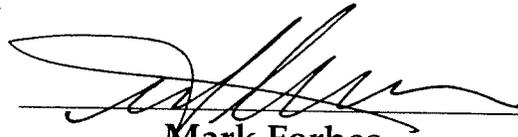
EDWARD J.B. CALVO  
Senator and Secretary of the Legislature

Enclosures (8)

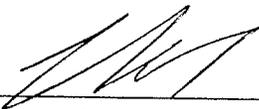
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) Regular Session

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

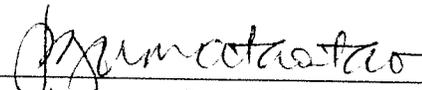
This is to certify that Substitute Bill No. 118 (EC), "AN ACT TO AUTHORIZE INTEREST ONLY PAYMENTS AND TO ADD A NEW SUBSECTION (h) TO TITLE 4 GCA §8137, ALL FOR THE PURPOSE OF PERMITTING EMPLOYEES ELIGIBLE TO RETIRE FROM THE DEPARTMENT OF EDUCATION AND THE GUAM MEMORIAL HOSPITAL AUTHORITY TO RETIRE IN FACT," was on the 20<sup>th</sup> day of May, 2005, duly and regularly passed.

  
Mark Forbes  
Speaker

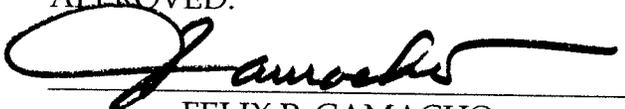
Attested:

  
Edward J.B. Calvo  
Senator and Secretary of the Legislature

-----  
This Act was received by *I Maga'lahaen Guåhan* this 25 day of May, 2005,  
at 4:10 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: 6/2/05

Public Law No. 28-38

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

**Bill No. 118 (EC)**

As substituted by the Committee  
on General & Omnibus Matters and  
amended.

Introduced by:

Mark Forbes  
Mike Cruz  
F. B. Aguon, Jr.  
J. M.S. Brown  
Edward J.B. Calvo  
B. J. F. Cruz  
L. F. Kasperbauer  
R. Klitzkie  
L. A. Leon Guerrero  
J. A. Lujan  
A. B. Palacios  
R. J. Respicio  
Ray Tenorio  
A. R. Unpingco  
J. T. Won Pat

AN ACT TO AUTHORIZE INTEREST ONLY PAYMENTS  
AND TO ADD A NEW SUBSECTION (h) TO TITLE 4 GCA  
§8137, 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.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Special Retirement Provisions for DOE and GMHA. On  
3 the first day of the first month following the enactment hereof and on every

1 first day of every month thereafter, with a grace period of *no more than* ten (10)  
2 days, the Treasurer of Guam shall pay "interest only" payments in the sum of  
3 One Hundred Ninety-two Thousand Nine Hundred Fifty-five Dollars and  
4 Seven Cents (\$192,955.07) for the Department of Education (DOE) deficiency  
5 to the Government of Guam Retirement Fund (GGRF) and the Treasurer of  
6 Guam shall pay interest only payments in the sum of One Hundred Ninety  
7 Thousand Five Hundred One Dollars and Nineteen Cents (\$190,501.19) for the  
8 Guam Memorial Hospital Authority (GMHA) deficiency to the GGRF on the  
9 first day of the first month following the enactment hereof and on every first  
10 day of every month thereafter. These interest only payments shall be paid  
11 automatically each month in the form of a cash draw down.

12 The interest only payments shall continue until satisfaction of both  
13 DOE's deficiency, in the amount of Seventeen Million One Hundred Fifty-four  
14 Thousand Six Hundred Eight Dollars and Seventy-five Cents (\$17,154,608.75),  
15 and GMHA's deficiency, in the amount of Sixteen Million Eight Hundred  
16 Sixty Thousand One Hundred Forty-two Dollars and Twenty-two Cents  
17 (\$16,860,142.22), from a General Obligation Bond or alternate means. If the  
18 DOE and GMHA deficiencies are not satisfied within five (5) years following  
19 enactment hereof, payments for DOE and GMHA principal shall resume and  
20 proceed as provided in 4 GCA §8137.

21 After the Treasurer of Guam has made the first monthly payment  
22 pursuant to this Section, the Government of Guam Retirement Fund shall  
23 accept and approve for retirement any eligible employee of the Department of  
24 Education or the Guam Memorial Hospital Authority upon the condition that  
25 the respective agency's employer and employee contributions to the Fund for  
26 the applicable fiscal year are current and paid in full as provided in P.L. 27-

1 106, Chapter VI, Section 13, including interest and penalties pursuant to 4  
2 GCA §8137(c) and interest at the actuarial rate determined in the latest  
3 completed actuarial valuation prepared for the Board of Trustees by the  
4 actuary appointed by the Board, which is seven and one half percent (7.5%).  
5 If the Treasurer of Guam fails to make current payments as required by this  
6 Section or if DOE or GMH fails to make current payments for the applicable  
7 fiscal year, the Fund shall cease processing applications from employees of  
8 that agency until payment is made in full.

9       **Section 2. A new Subsection (h) is hereby *added* to Title 4 GCA**  
10 **§8137 to read as follows:**

11           “§8137(h). 1. **Board’s Power to Enforce.** The Board of the  
12 Government of Guam Employees’ Retirement Fund may file in Superior  
13 Court a Petition for Writ of Mandate to compel any government official  
14 who is so obligated to pay or transfer money to the Retirement Fund for  
15 employee or employer contributions to the Fund.

16           2. **Remedies.** At the court’s discretion, failure to comply with a  
17 Writ of Mandate issued pursuant to this Section after notice and a  
18 hearing shall be subject to contempt of court proceedings.

19           3. **Costs and Attorney’s Fee.** If the Board’s petition is granted, the  
20 court shall award costs and a reasonable attorney’s fee, which shall be  
21 paid from funds of the official’s agency.

22           4. **Dismissal after Payment.** If payment of the delinquent amount  
23 is made within fifteen (15) days after filing the petition for Writ, the  
24 petition shall be dismissed.”



**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN**  
TWENTY-EIGHTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

**FILE COPY**

May 25, 2005

The Honorable Felix P. Camacho  
*I Maga'lahen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 71(EC), 81(EC) and 145(LS); and Substitute Bill Nos. 1(LS), 38(EC), 64(EC), 76(EC) and 118(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on May 20, 2005.

Sincerely,

EDWARD J.B. CALVO  
Senator and Secretary of the Legislature

Enclosures (8)

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

**FILE COPY**

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

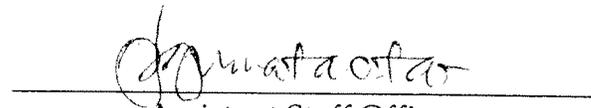
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Mark Forbes  
Speaker

Attested:

  
Edward J.B. Calvo  
Senator and Secretary of the Legislature

-----  
This Act was received by *I Maga'lahaen Guåhan* this 25 day of May, 2005,  
at 4:10 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'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) Regular Session

**Bill No. 118 (EC)**

As substituted by the Committee  
on General & Omnibus Matters and  
amended.

Introduced by:

Mark Forbes  
Mike Cruz  
F. B. Aguon, Jr.  
J. M.S. Brown  
Edward J.B. Calvo  
B. J. F. Cruz  
L. F. Kasperbauer  
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2 days, the Treasurer of Guam shall pay “interest only” payments in the sum of  
3 One Hundred Ninety-two Thousand Nine Hundred Fifty-five Dollars and  
4 Seven Cents (\$192,955.07) for the Department of Education (DOE) deficiency  
5 to the Government of Guam Retirement Fund (GGRF) and the Treasurer of  
6 Guam shall pay interest only payments in the sum of One Hundred Ninety  
7 Thousand Five Hundred One Dollars and Nineteen Cents (\$190,501.19) for the  
8 Guam Memorial Hospital Authority (GMHA) deficiency to the GGRF on the  
9 first day of the first month following the enactment hereof and on every first  
10 day of every month thereafter. These interest only payments shall be paid  
11 automatically each month in the form of a cash draw down.

12 The interest only payments shall continue until satisfaction of both  
13 DOE’s deficiency, in the amount of Seventeen Million One Hundred Fifty-four  
14 Thousand Six Hundred Eight Dollars and Seventy-five Cents (\$17,154,608.75),  
15 and GMHA’s deficiency, in the amount of Sixteen Million Eight Hundred  
16 Sixty Thousand One Hundred Forty-two Dollars and Twenty-two Cents  
17 (\$16,860,142.22), from a General Obligation Bond or alternate means. If the  
18 DOE and GMHA deficiencies are not satisfied within five (5) years following  
19 enactment hereof, payments for DOE and GMHA principal shall resume and  
20 proceed as provided in 4 GCA §8137.

21 After the Treasurer of Guam has made the first monthly payment  
22 pursuant to this Section, the Government of Guam Retirement Fund shall  
23 accept and approve for retirement any eligible employee of the Department of  
24 Education or the Guam Memorial Hospital Authority upon the condition that  
25 the respective agency’s employer and employee contributions to the Fund for  
26 the applicable fiscal year are current and paid in full as provided in P.L. 27-

1 106, Chapter VI, Section 13, including interest and penalties pursuant to 4  
2 GCA §8137(c) and interest at the actuarial rate determined in the latest  
3 completed actuarial valuation prepared for the Board of Trustees by the  
4 actuary appointed by the Board, which is seven and one half percent (7.5%).  
5 If the Treasurer of Guam fails to make current payments as required by this  
6 Section or if DOE or GMH fails to make current payments for the applicable  
7 fiscal year, the Fund shall cease processing applications from employees of  
8 that agency until payment is made in full.

9 **Section 2. A new Subsection (h) is hereby *added* to Title 4 GCA**  
10 **§8137 to read as follows:**

11 **“§8137(h). 1. Board’s Power to Enforce.** The Board of the  
12 Government of Guam Employees’ Retirement Fund may file in Superior  
13 Court a Petition for Writ of Mandate to compel any government official  
14 who is so obligated to pay or transfer money to the Retirement Fund for  
15 employee or employer contributions to the Fund.

16 **2. Remedies.** At the court’s discretion, failure to comply with a  
17 Writ of Mandate issued pursuant to this Section after notice and a  
18 hearing shall be subject to contempt of court proceedings.

19 **3. Costs and Attorney’s Fee.** If the Board’s petition is granted, the  
20 court shall award costs and a reasonable attorney’s fee, which shall be  
21 paid from funds of the official’s agency.

22 **4. Dismissal after Payment.** If payment of the delinquent amount  
23 is made within fifteen (15) days after filing the petition for Writ, the  
24 petition shall be dismissed.”

IX TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN  
(Included in File w/ All Bills Transmitted)  
BILL NO. 118

- EXHIBITS ATTACHED *None*
- CONFIRM NUMBER OF PAGES *3*
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN "\*" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any *None*

Confirmed By: *dpl/ps*

Dated: 2/25/05

FINAL REVIEW:

Dated: \_\_\_\_\_

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)  
TO THE GOVERNOR. (DANNY, [unclear] OR OTHERS )
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK  
PLACED ON CLERK'S DESK. (Same copy given to [unclear] ;
  
- FILED by: \_\_\_\_\_

# I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 5/20/05  
*Friday*

## VOTING SHEET

S Bill No. 118 (ec)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSEN
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eddie J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Mike (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.					EA ✓
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14
0
0
0
1

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence

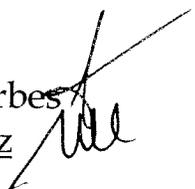
*PL. 28-38*

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.

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

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

14           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  
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25 **2. Remedies.** At the court's discretion, failure to comply with a Writ of Mandate  
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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  
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5 the petition shall be dismissed.