

CHAPTER 44
THE COLA SETTLEMENT AWARDEE APPRECIATION ACT
TAX REBATES FOR COLA SETTLEMENT AWARDEES

SOURCE: This chapter was added by P.L. 28-151:8 (Oct. 31, 2006).

NOTE: This chapter was added by P.L. 28-151 in relation to the authorization of the Governor to make COLA payments pursuant to *Rios v. Camacho*, Superior Court Case No. SP0206-93. Pursuant to P.L. 28-151, this chapter “shall be repealed and cease to be of any further force and effect upon the Superior Court's determination in SP0206-93 that all COLA awards have been paid over.”

- § 44101. Definitions.
- § 44102. Tax Rebate for COLA Settlement Awardees.
- § 44103. Procedure to Claim Rebated Taxes.
- § 44104. Rebate Fund.
- § 44105. Implementation by Tax Commissioner.

§ 44101. Definitions. As used in this Chapter:

(a) ‘*COLA AWARDEE*’ means a retiree of the Retirement Fund who is a member of the COLA Class designated in Superior Court Case No. SP0206-93 entitled to receive a Cost of Living Allowance.

(b) ‘*COLA Award Qualifying Certificate (CQC)*’, means the declaration of a *COLA AWARDEE*, made pursuant to Title 6 GCA § 4308, of the personal income tax due from a COLA AWARD received pursuant to Superior Court Case No. SP0206-93.

SOURCE: Subsection (a) amended by P.L. 29-004:18 (Sept. 6, 2007).

§ 44102. Tax Rebate for COLA Settlement Awardees.

A tax rebate in an amount equal to the total personal income tax due regarding Cost of Living Adjustment payments received pursuant to Superior Court Case No. SP0206-93 by ‘COLA AWARDEES’ is hereby established and declared.

§ 44103. Procedure to Claim Tax Rebates.

When a tax return is accompanied by a *CQC*, the amount of tax due prior to the rebate shall be deposited with the government of Guam when the return is filed. Alternatively, if no payment is due when the tax return is filed, the Tax Commissioner of Guam shall credit the amount of the *CQC* to the Rebate Fund from taxes paid by the taxpayer. Unless the Tax

11 GCA FINANCE & TAXATION
CH. 44 COLA SETTLEMENT AWARDEE APPRECIATION ACT

Commissioner finds that the rebate is not payable, the rebate shall be withdrawn from the deposit and returned to the taxpayer within one hundred eighty (180) days of the deposit without interest.

§ 44104. Rebate Fund.

Deposits made pursuant to § 44103 of this Chapter shall be covered and deposited into the fund created by Title 12 GCA § 58138.

§ 44105. Implementation by Tax Commissioner.

The Tax Commissioner of Guam shall, *no later than* ninety (90) days after the enactment hereof, develop necessary procedures to implement this Chapter, and to that end shall :

- (a) enact such rules and regulations as he finds necessary;
- (b) promulgate forms and publications to assist eligible taxpayers to take advantage of this Chapter; and
- (c) develop a procedure to allow the set off of an unpaid tax rebate from a prior year against a current year's tax liability.
