

*I MINA' TRENTAI TRES NA LIHESLATURAN GUÁHAN*  
2016 (SECOND) REGULAR SESSION

Bill No. 266-33 (LS)

Introduced by:

Michael F.Q. San Nicolas



AN ACT TO *AMEND* 4 GCA §§ 8208 AND 8209, TO *AMEND* THE *NEW* §8507 WHICH IS *ADDED* TO 4 GCA BY SECTION 3 OF BILL NO. 2-33 (LS), AND TO *ADD* A *NEW* ARTICLE 6 TO CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED; RELATIVE TO CREATING A NEW RETIREMENT PLAN ONCE EMPLOYEES BECOME ELIGIBLE FOR SOCIAL SECURITY OLD AGE, SURVIVORS, AND DISABILITY INSURANCE (“OASDI”), PROVIDING FOR A CASH BALANCE RETIREMENT PLAN (“GUAM RETIREMENT SECURITY PLAN”) WITH BENEFITS AT LEAST EQUIVALENT TO SOCIAL SECURITY OASDI, PROVIDING MATCHED EMPLOYEE CONTRIBUTION RATES OF SIX AND TWO-TENTHS PERCENT (6.2%) FOR THE DEFINED CONTRIBUTION PLAN AND GUAM RETIREMENT SECURITY PLAN, PROVIDING FOR AN EMPLOYEE CONTRIBUTION RATE OF SIX AND TWO-TENTHS PERCENT (6.2%) FOR THE HYBRID RETIREMENT PLAN, CREATING MANDATORY EMPLOYEE CONTRIBUTION RATES OF ONE PERCENT (1%) TO THE DEFERRED COMPENSATION PROGRAM FOR THE NEW RETIREMENT PLAN ONCE EMPLOYEES BECOME ELIGIBLE FOR SOCIAL SECURITY OASDI, DEFINED CONTRIBUTION PLAN, HYBRID RETIREMENT PLAN, AND GUAM RETIREMENT SECURITY PLAN, AND PROVIDING FOR THE REAMORTIZATION OF THE ACTUARIALLY ACCRUED UNFUNDED LIABILITY OF THE DEFINED BENEFIT PLAN.

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

- 1           Section 1. Short Title. This Act *shall* be cited as the “Guam Retirement
- 2 Security Act.”

1           **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
2 that a good retirement system will provide a decent floor of benefits to members,  
3 while not imposing a potentially large unfunded retirement liability on future  
4 taxpayers. The participation by the government of Guam in the Social Security old  
5 age, survivors and disability insurance (OASDI) would provide such a benefit floor  
6 while ensuring that the government of Guam does not experience an unanticipated  
7 unfunded retirement liability.

8           *I Liheslaturan Guåhan* finds that under current federal law, prospective  
9 Government of Guam employees can not earn Social Security OASDI benefits  
10 from their service to the Government of Guam.

11           It is therefore the intent of *I Liheslaturan Guåhan* to provide for:

12           (a) a retirement plan for employees after Social Security becomes  
13 available for prospective employees,

14           (b) a Guam Retirement Security Plan, which provides the same rates  
15 of contributions and at least equivalent benefits to members upon retirement,  
16 as Social Security OASDI for all new Government of Guam employees, and

17           (c) a Hybrid Retirement System for existing employees.

18           It is further the intent of *I Liheslaturan Guåhan* to provide for uniform  
19 employee rates of contribution of six and two-tenths percent (6.2%), aligned with  
20 the payroll tax rates under Social Security OASDI, for each of the Defined  
21 Contribution Retirement System, the Hybrid Retirement System, and the Guam  
22 Retirement Security Plan, and for a mandatory employee rates of contribution of  
23 one percent (1%) for the Deferred Compensation Program for each such plan.

24           **Section 3. Retirement Plan Following Social Security Authorization.**

25           (a) Coverage.

26           (1) New Employees. From the effective date of coverage of  
27 employees of the Government of Guam under Social Security Old Age,

1 Survivors, and Disability Insurance ('Social Security'), all new employees of  
2 the Government of Guam whose employment commences on or after such  
3 date *shall* participate in Social Security and no additional new employees  
4 *may* be admitted to the Defined Benefit System, the Defined Contribution  
5 Retirement System, or the Guam Retirement Security Plan.

6 (2) Employees Authorized to Participate in Social Security. From the  
7 effective date of the negotiated coverage of employees of the Government of  
8 Guam under Social Security Old Age, Survivors, and Disability Insurance  
9 ('Social Security'), such employees of the Government of Guam who  
10 become eligible for Social Security at that time, *may* or *shall*, as required by  
11 the Social Security Administration, participate in Social Security, subject to  
12 the terms and conditions for such coverage. Such employees shall retain all  
13 employment rights, including but not limited to rights and privileges  
14 extended to such employee by reason of their seniority in government  
15 service.

16 (b) Contributions to the Deferred Compensation Program. From the effective  
17 date of coverage of an employee of the Government of Guam under Social  
18 Security Old Age, Survivors, and Disability Insurance ('Social Security'), a  
19 Government of Guam employee who is covered under Social Security Old Age,  
20 Survivors, and Disability Insurance ('Social Security') *shall*, from the date of such  
21 coverage, make a mandatory contribution to a Deferred Compensation Program  
22 administered by the Government of Guam Retirement Fund of one percent (1%) of  
23 the employee's base pay. Such reductions from base pay, although designated as  
24 member contributions, shall be deducted from the employee by the employer at the  
25 normal payroll intervals, shall be paid by the employer, and shall be remitted  
26 within five (5) working days to the insurance, annuity, mutual fund, or other  
27 qualified company or companies designated by the board to administer the

1 operations of the Deferred Compensation Program. In addition, such employee  
2 may make such voluntary contributions, consistent with applicable laws, to such  
3 employee's Deferred Compensation Program account.

4 **Section 4. Defined Contribution Plan.**

5 (a) Notwithstanding any other provision of law, the five percent (5%)  
6 member and employer contribution rates established in 4 GCA §§ 8208 and 8209  
7 shall be amended to six and two-tenths percent (6.2%) effective January 1, 2017.

8 (b) Contributions to the Deferred Compensation Program. Effective January  
9 1, 2017, a Government of Guam employee who is covered under the Defined  
10 Contribution Retirement System shall, from the date of such coverage, make a  
11 mandatory contribution to a Deferred Compensation Program administered by the  
12 Government of Guam Retirement Fund of one percent (1%) of the employee's  
13 base pay. Such reductions from base pay, although designated as member  
14 contributions, shall be deducted from the employee by the employer at the normal  
15 payroll intervals and shall be remitted within five (5) working days to the  
16 insurance, annuity, mutual fund, or other qualified company or companies  
17 designated by the board to administer the operations of the Deferred Compensation  
18 Program. In addition, such employee may make such voluntary contributions,  
19 consistent with applicable laws, to such employee's Deferred Compensation  
20 Program account.

21 **Section 5. Hybrid Retirement Plan.**

22 (a) Notwithstanding any other provision of law, when Bill No. 2-33 (LS) is  
23 enacted into law, the new §8507 which is added to 4 GCA by Section 3 of Bill No.  
24 2-33 (LS) is hereby amended, to read:

25 **“Section 8507. Hybrid Plan Member Contributions to Fund.**

26 ~~The member contribution provisions under Section 8136 or other~~  
27 ~~successor provision shall be applicable to~~ Each member of the Hybrid Plan

1 shall contribute six and two tenths percent (6.2%) of the base pay earned and  
2 accruing to such member ~~members in a manner no different than the~~  
3 ~~application to members who are not Hybrid Plan members.~~ However,  
4 notwithstanding that the contributions by Hybrid Plan members are  
5 designated as member contributions and shall be administered as member  
6 contributions under Section 8136, such contributions shall be on a  
7 mandatory basis deducted from the member's base salary and paid by the  
8 employer in lieu of contributions by the member, and shall constitute pre-tax  
9 'pick-up' employer contributions for purposes of determining the income tax  
10 treatment of such contributions under Section 414(h) of the United States  
11 Internal Revenue Code.”

12 (b) Contributions to the Deferred Compensation Program. As provided in  
13 Bill No. 2-33 (LS), effective January 1, 2017, a Government of Guam employee  
14 who is covered under the Hybrid Retirement System shall, from the date of such  
15 coverage, make a mandatory contribution to a Deferred Compensation Program  
16 administered by the Government of Guam Retirement Fund of one percent (1%) of  
17 the employee's base pay. Such reductions from base pay, although designated as  
18 member contributions, shall be deducted from the employee by the employer at the  
19 normal payroll intervals and shall be remitted within five (5) working days to the  
20 insurance, annuity, mutual fund, or other qualified company or companies  
21 designated by the board to administer the operations of the Deferred Compensation  
22 Program. In addition, such employee may make such voluntary contributions,  
23 consistent with applicable laws, to such employee's Deferred Compensation  
24 Program account.

25 **Section 6. Guam Retirement Security Plan.** A *new* Article 6 is hereby  
26 *added* to Chapter 8, Title 4 of the Guam Code Annotated, to read:

27 **“ARTICLE 6**

1 **GUAM RETIREMENT SECURITY PLAN**

- 2
- 3 § 8601. Definitions.
- 4 § 8602. Guam Retirement Security Plan Created and Established; Body  
5 Corporate.
- 6 § 8603. Article to be Liberally Construed; Purpose.
- 7 § 8604. Administration of the Guam Retirement Security Plan.
- 8 § 8605. Powers and Duties of the Board in the Administration of the  
9 Guam Retirement Security Plan.
- 10 § 8606. Membership: Eligibility.
- 11 § 8607. Voluntary Participation by Defined Contribution Member.
- 12 § 8608. Members' Contributions.
- 13 § 8609. Employer Contributions.
- 14 §8610. Accrual of Cash Balance Credits Toward Retirement.
- 15 § 8611. Employees on Active Duty.
- 16 § 8612. Statements.
- 17 § 8613. Right to Benefits Not Subject to Execution, etc.
- 18 § 8614. Contributions to the Deferred Compensation Program.

19

20 **§8601. Definitions.**

21 As used in this Article, unless the context otherwise requires:

- 22 (a) 'Account' *means* an account established for each member to  
23 record the deposit of member contributions, employer contributions, and  
24 interest, dividends or other accumulations credited on behalf of the member;
- 25 (b) 'Base Pay' *means* an employee's stated rate of pay;
- 26 (c) 'Board' *means* the Board of Trustees of the Government of Guam  
27 Retirement Fund, which is responsible for the direction and operation of the

1        affairs and business of the system. Title to all assets of the Retirement Fund  
2        *shall* be held for the Retirement Fund by the Board or its qualified agent's  
3        bank trustee;

4        (d) 'Deferred Compensation Program' *means* the Government of  
5        Guam Deferred Compensation Program established and operated in  
6        accordance with Article 5 of this Chapter and inclusive of modifications in  
7        the terms and conditions of the Deferred Compensation Program applicable  
8        to the members of the Guam Retirement Security Plan under this Article 4;

9        (e) 'Defined Benefit System' *means* the Government of Guam  
10       Defined Benefit System established in Article 1 of this Chapter;

11       (f) 'Director' *means* the Director of the Government of Guam  
12       Retirement Fund as appointed by the Board in accordance with § 8140 of  
13       Article 1, Chapter 8 of Title 4 of the Guam Code Annotated;

14       (g) 'Employer' *means* each and every line department or agency of  
15       the Executive Branch, every autonomous and semi-autonomous agency or  
16       instrumentality, every public corporation, every educational institution,  
17       whether secondary or post-secondary, the Legislative Branch, the Judicial  
18       Branch, the Public Defender Corporation and every public entity hereafter to  
19       be created by law, within Guam which has employed or employs a member;

20       (h) 'Employer contribution' *means* an amount deposited into the  
21       Government of Guam Retirement Fund to provide Guam Retirement  
22       Security Plan benefits to members;

23       (i) 'Existing employee' *means* any employee who is employed by the  
24       government of Guam before December 30, 2016;

25       (j) 'Guam Retirement Security Plan' *means* the cash balance plan  
26       created and established by this Article;

1 (k) 'Member' *means* any person who meets the eligibility  
2 requirements for membership in the Guam Retirement Security Plan and  
3 participates in the Guam Retirement Security Plan; and

4 (l) 'Member contribution' *means* an amount deducted from the  
5 member's regular base pay, and deposited into the Government of Guam  
6 Retirement Fund to provide Guam Retirement Security Plan benefits to  
7 members;

8 (m) 'Retirement' *means* a member's withdrawal from the active  
9 employment of a participating employer and completion of all conditions  
10 precedent to such withdrawal;

11 (n) 'Retirement Fund' *means* the Government of Guam Retirement  
12 Fund established and operated in accordance with Article 1 of this Chapter  
13 and inclusive of the modifications in the terms and conditions of the Defined  
14 Benefit System applicable to members of the Guam Retirement Security  
15 Plan under this Article 4.

16 **§8602. Guam Retirement Security Plan Created and Established;**  
17 **Body Corporate.**

18 The Guam Retirement Security Plan is hereby created and established  
19 to provide for the secure, fair, and orderly retirement of personnel of the  
20 Government of Guam. The Guam Retirement Security Plan shall constitute a  
21 body corporate and all business of the system shall be transacted in the name  
22 of the Guam Retirement Security Plan.

23 **§ 8603. Article to be Liberally Construed; Purpose.**

24 The provisions of this Article *shall* be liberally construed so as to  
25 provide a retirement system for a qualified person who is employed in the  
26 Government of Guam.

27 **§ 8604. Administration of the Guam Retirement Security Plan.**



1           The Board *shall* administer the Guam Retirement Security Plan. The  
2 board *may* sue and be sued, contract and be contracted with and conduct all  
3 the business of the Guam Retirement Security Plan in the name of the Guam  
4 Retirement Security Plan.

5           **§ 8605. Powers and Duties of the Board in the Administration of the**  
6 **Guam Retirement Security Plan.**

7           The Board has all powers necessary to effectuate the purposes of this  
8 Article. The Board *may* contract with an insurance, annuity, mutual fund, or  
9 other qualified company or companies to administer the operations of the  
10 Guam Retirement Security Plan. In selecting such company or companies  
11 the Board *shall* take into account as its highest fiduciary duty, the proper  
12 safeguard and protection of the member and employer contributions, and the  
13 interest dividends, or other returns thereon. The Board *shall* promulgate  
14 rules regarding the proper investment of funds. The Board *may* borrow  
15 monies to effectuate the purposes of this Article, including, but not limited  
16 to, monies loaned from the Government of Guam Retirement Fund for  
17 interim financing for survivor death insurance and pre-retirement disability  
18 insurance premiums to the extent that they were offered under the Guam  
19 Retirement Security Plan.

20           **§ 8606. Membership: Eligibility.**

21           (a) New employees. Beginning January 1, 2017, the Guam Retirement  
22 Security Plan *shall* be the single retirement program for all new employees  
23 whose employment commences on or after that date, except those currently  
24 are authorized for coverage in Social Security. No additional new employees  
25 *may* be admitted to the Defined Benefit System, the Defined Contribution  
26 System, or the Hybrid Retirement System. Upon the effective date of the  
27 government of Guam's participation in Social Security for the purpose of

1 providing Old Age, Survivor and Disability Insurance to employees of the  
2 government of Guam, no additional new employees *shall* become members  
3 of the Guam Retirement Security Plan.

4 (b) Existing employees.

5 (1) Existing employees who are members of the Defined  
6 Benefit System *shall* continue to contribute to and participate in the  
7 Defined Benefit System without change in provisions or benefits and  
8 as provided from time to time in the Defined Benefit System.

9 (2) Existing employees who are members of the Defined  
10 Contribution System whose employment continues beyond December  
11 31, 2016, *may* elect to participate in the Guam Retirement Security  
12 Plan under §8607 of this Article.

13 (c) Reemployed employees.

14 (1) Any employee who is a member of the Defined Benefit  
15 System, either leaves government service or retires after December  
16 30, 2016, and who is later reemployed by the Government of Guam  
17 *shall* not become a member of the Guam Retirement Security Plan.

18 (2) Any employee who is a member of the Defined  
19 Contribution System, leaves government service after December 30,  
20 2016, and is later reemployed by the Government of Guam *may*  
21 become a member of the Guam Retirement Security Plan, except  
22 persons who are ineligible for membership under (e) of this Section;  
23 provided, that he or she *shall* be entitled to readmission to the Defined  
24 Contribution System in which he or she was originally a member if  
25 such employee has not withdrawn his or her contributions from the  
26 Defined Contribution System. However, if such employee has  
27 withdrawn his or her contributions from the Defined Contribution

1 System the readmission to the Defined Contribution System *shall* not  
2 be permitted and the employee *shall* be entitled only to membership in  
3 the Guam Retirement Security Plan in accordance with this Article.

4 (e) Ineligible Persons. The following persons shall not be eligible for  
5 membership:

6 (1) Persons whose services are compensated on a fee basis,

7 (2) Independent contractors,

8 (3) Persons whose employment is for a specific project, or

9 (4) Persons who are employed in the Senior Citizens  
10 Community Employment Program.

11 (5) Persons who have become members of the Hybrid  
12 Retirement System.

13 (6) Persons who by the nature of their employment status with  
14 the Government of Guam are eligible for Social Security Old Age,  
15 Survivors and Disability Insurance.

16 **§8607. Voluntary Participation by Defined Contribution Member.**

17 Beginning January 1, 2017, any member under the Defined  
18 Contribution System may, upon written election, voluntarily elect  
19 membership in the Guam Retirement Security Plan, on a prospective basis.  
20 Such member's existing individual account balance within the Defined  
21 Contribution System *shall* rollover to the Deferred Compensation Plan  
22 administered by the Government of Guam Retirement Fund.

23 **§ 8608. Members' Contributions.**

24 All contributions by the members *shall* be mandatory and equal to six  
25 and two-tenths percent (6.2%) of base pay. Such reductions from base pay,  
26 although designated as member contributions, *shall* be deducted from the  
27 employee by the employer at the normal payroll intervals and *shall* be

1 remitted within five (5) working days to the insurance, annuity, mutual fund,  
2 or other qualified company or companies designated by the board to  
3 administer the operations of the Guam Retirement Security Plan. The  
4 employer *shall* deduct the member's contributions required by this section  
5 from member's base pay on or after the first payroll interval following  
6 December 31, 2016.

7 The employer *shall* contribute or pay these member deducted  
8 contributions from the same source of funds which is used in paying base  
9 pay to the member. Member contributions deducted *shall* be treated for all  
10 purposes of the Government of Guam Retirement Fund Guam Retirement  
11 Security Plan in the same manner and to the same extent as member  
12 contributions made prior to the date of deduction. All member contributions  
13 *shall* be immediately credited to an account or accounts established for the  
14 benefit of the member under a trust agreement.

15 **§ 8609. Employer Contributions.**

16 Each employer *shall* make a contribution to each member's account  
17 which is equal to six and two-tenths percent (6.2%) of such member's base  
18 pay. Each employer *shall* ensure that such contributions are made within  
19 five (5) working days. In the case of an officer or an employee of the  
20 Government of Guam, any unpaid employer contribution *shall* be a  
21 government debt, contracted as a result of a casual deficit in the  
22 government's revenues, to be accorded preferred status over other  
23 expenditures.

24 **§ 8610. Accrual of Cash Balance Credits Toward Retirement.**

25 (a) Subject to the Social Security equivalent benefit floor in  
26 subsection (b) of this section, the Board shall establish a system of cash  
27 balance principal and interest credit rates that is consistent with the U.S.

1 Department of Treasury and the U.S. Internal Revenue Service's established  
2 guidelines relative to cash balance retirement plans.

3 (b) Social Security Equivalent Benefit Floor. Members of the Guam  
4 Retirement Security Plan and their survivors shall be entitled to not less than  
5 an account balance equivalent, on a present discounted value basis, to such  
6 benefits in such amounts and such times as are provided under the Social  
7 Security Old Age, Survivors, and Disability Insurance Program under 42  
8 USC Chapter 7 Subchapter II and applicable federal regulations, except that  
9 quarters of coverage and wages shall only include those earned under  
10 employment with the Government of Guam and as are credited by service  
11 after an employee has become a member of the Guam Retirement Security  
12 Plan and credited prior service pursuant to §8607 of this Chapter, upon the  
13 member's retirement from the Government of Guam as provided by the  
14 member's age at retirement.

15 **§ 8611. Employees on Active Duty.**

16 The government *shall* pay the employer's and member's Guam  
17 Retirement Security Plan contributions, group health insurance premiums,  
18 and group life insurance premiums for all officers and other employees of  
19 the Government of Guam who are on leave without pay and on active duty  
20 with the Guam National Guard or the reserve components of any of the  
21 Armed Services of the United States. All agencies and departments of the  
22 Government of Guam *shall* fund, from their respective annual budgets, the  
23 contributions for retirement, health insurance, and life insurance authorized  
24 by this Section. During such member's leave without pay on active duty,  
25 such member shall be credited quarters of coverage for their regular hours,  
26 not to exceed eighty (80) hours at their normal hourly base pay wage rate for  
27 each two-week period toward their entitlement to retirement benefits under

1 §8610 of this Chapter.

2 **§ 8612. Statements.**

3 The Board *shall* prepare, or cause to be prepared, on an annual basis, a  
4 statement including, at a minimum, each member's account balance and a  
5 present value estimate in current dollars of a monthly annuity which could  
6 be paid from such account balance for fifteen (15) years from the member's  
7 retirement. The Board *shall* prescribe the form and content of the statement  
8 consistent with the provisions of this Section.

9 **§ 8613. Right to Benefits Not Subject to Execution, etc.**

10 The right of any person to a benefit provided for in this Article *shall*  
11 not be subjected to execution, attachment, garnishment, the operation of  
12 bankruptcy or insolvency laws, or other process whatsoever, nor *shall* any  
13 assignment thereof be enforceable in any court, except court orders that  
14 relate to the provision or payment of child support, spousal support, or  
15 distribution of marital property to a spouse, child or other tax dependent  
16 issued pursuant to Guam's or another jurisdiction's domestic relations law.

17 **§ 8614. Contributions to the Deferred Compensation Program.**

18 A Government of Guam employee who is covered under the  
19 Retirement Security Plan *shall*, from the date of such coverage, make a  
20 mandatory contribution to a Deferred Compensation Program administered  
21 by the Government of Guam Retirement Fund of one percent (1%) of the  
22 employee's base pay. Such reductions from base pay, although designated as  
23 member contributions, shall be deducted from the employee by the employer  
24 at the normal payroll intervals and shall be remitted within five (5) working  
25 days to the insurance, annuity, mutual fund, or other qualified company or  
26 companies designated by the board to administer the operations of the  
27 Deferred Compensation Program. In addition, such employee may make

1 such voluntary contributions, consistent with applicable laws, to such  
2 employee's Deferred Compensation Program account."

3 **Section 5. Funding Implementation of the Hybrid Retirement System**  
4 **through Reamortization.** Notwithstanding any provision of law to the contrary,  
5 any cost actuarial cost for the implementation of the Hybrid Retirement System in  
6 excess of that funded by the employee rate of contribution, of six and two-tenths  
7 percent (6.2%) of base pay, under the amendment of §5(a) of this Act *shall* be  
8 funded through the reamortization of the actuarially accrued unfunded liability of  
9 the Defined Benefit Retirement System over such period as the Board of Trustees  
10 deems necessary.

11 **Section 6. Rules and Regulations.** Not later than three months (3) from the  
12 enactment of this Act, the Board of Trustees of the Retirement Fund *shall* approve  
13 such plan documents, rules, regulations, administrative procedures and forms at it  
14 *may* deem necessary and appropriate to implement the Guam Retirement Security  
15 Plan.

16 **Section 7. Educational Campaign.** The Board of Trustees of the  
17 Retirement Fund shall conduct an educational campaign on the Guam Retirement  
18 Security Plan for existing members of both the Defined Contribution System in  
19 such a time and in such a manner as to reasonably allow the effective date of their  
20 election under 4 GCA §8607 to be January 1, 2017.

21 **Section 8. Effective Date; Application.** Except as otherwise provided  
22 herein, this Act *shall* take effect upon enactment. Each provision of this Act *shall*  
23 be applied prospectively upon the effective date of its enactment. The effective  
24 date of an election by an existing employee under the Defined Contribution  
25 Retirement System to become a member of the Guam Retirement Security Plan  
26 *shall* be the later of the first calendar month after an employee's election or  
27 January 1, 2017.

1           **Section 9. Severability.** If any provision of this Act or its application to any  
2 person or circumstance is found to be invalid or contrary to law, such invalidity  
3 *shall* not affect other provisions or applications of this Act which can be given  
4 effect without the invalid provisions or applications, and to this end the provisions  
5 of this Act are severable.