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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (First) Regular Session

Bill No. 399-31 (LS)

Introduced by:

v.c. pangelinan 

AN ACT TO REPEAL SECTION 2 OF PUBLIC
LAW 26-10 AND TO AMEND SECTION 8134(a)
OF ARTICLE 1, CHAPTER 8 OF TITLE 4
GUAM CODE ANNOTATED RELATIVE TO
MINOR OR DEPENDENT CHILDREN
SURVIVOR ANNUITIES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1.** Section 2 of Public Law 26-10 is hereby repealed in its
2 entirety.

3 ~~“Section 2. Any child who survives a member who, as of the date of~~
4 ~~the death of the member is a full-time student, is under the age of twenty-four~~
5 ~~(24) years, and has been continuously enrolled as a full-time student since~~
6 ~~the death of the member shall be eligible for a survivor annuity until~~
7 ~~determined ineligible according to the provisions of this Act.”~~

8 **Section 2.** Section 8134(a) of Article 1, Chapter 8 of Title 4 Guam
9 Code Annotated is hereby amended to read:

10 **“ Section 8134. Survivor Annuities.**

11 **(a) Payment to Surviving Spouse and Minor or Dependent**
12 **Children of a Member.** Upon death of a member, while in service, having
13 completed at least three (3) years of total service, if a surviving spouse or

1 minor or dependent children survive the member, the following annuities
2 shall be payable:

3 (1) If a spouse survives, an annuity shall begin as of the date of
4 the death of the member. The annuity shall terminate upon the death
5 of the surviving spouse or upon remarriage of a spouse under the age
6 of forty (40) years, whichever event first occurs; *provided*, that *if*
7 remarriage occurs at age forty (40) or over, this restriction shall *not* be
8 applicable.

9 (2) If both the surviving spouse and minor child or children
10 under age eighteen (18), or child or children over age eighteen (18)
11 attending high school as of the date of the death of the member,
12 survive the member, an annuity shall begin *immediately* upon death of
13 the member. *Except* as provided for in Paragraph (4) of this
14 Subsection, the allowance for a minor child or children shall be
15 payable until the child's or children's:

- 16 (i) attainment of age eighteen (18) or graduation from high
17 school, whichever occurs later;
- 18 (ii) marriage; *or*
- 19 (iii) death, whichever first occurs.

20 Except as provided for in Paragraph (4) of this Subsection, in the case
21 of a child or children over age of eighteen (18) attending high school as of
22 the date of the death of the member, the allowance shall be payable until the
23 child's or children's graduation from high school, marriage or death,
24 whichever occurs first. The annuity of the surviving spouse shall terminate
25 upon the death or upon remarriage of a spouse under the age of forty (40)
26 years, whichever first occurs; *provided*, however, that *if* remarriage occurs at
27 age forty (40) or over, this restriction shall *not* be applicable.

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~~(3) Except as provided for in Paragraph (4) of this Subsection,~~
~~if—If a minor child or children under age eighteen (18), or child or~~
~~children over the age of eighteen (18) attending high school survive a~~
~~member and no parent of such child or children is living, an annuity~~
~~shall begin immediately upon death of the member. Except as~~
~~provided for in Paragraph (4), the allowance on account of any minor~~
~~child or children shall be payable until the child's:~~

- (i) attainment of age eighteen (18) or graduation from high school, whichever occurs later;
- (ii) marriage; or
- (iii) death, whichever first occurs.

Except as provided for in Paragraph (4) of this Subsection, in the case of a child or children over age eighteen (18) attending high school as of the date of the death of the member, the allowance shall be payable until the child's or children's graduation from high school, marriage or death, whichever occurs first.

(4) Payment of the annuity or allowance for a minor child or children, or child or children over age eighteen (18) attending high school provided for under Paragraphs (2) and (3) of this Section may be continued *up* to ~~twenty-four (24)~~ twenty-five (25) years of age, *if* such minor child or children are full-time, undergraduate students in an accredited college or university, or educational institution.

(5) Any child who survives a member who, as of the date of the death of the member is a dependent of the member for the purposes of filing income tax, is a full-time student, and is under the age of twenty-five (25) years, and has been continuously enrolled as a full-time undergraduate

1 student in an accredited college or university or educational institution since
2 the death of the member shall be eligible for a survivor annuity until
3 marriage, death, receipt of an undergraduate degree, attainment of the age of
4 twenty five(25), or no longer enrolled full time as an undergraduate student,
5 whichever occurs first.”

6 **Section 3. Effective Date.** This Act shall become effective as on
7 August 1, 2011. Pursuant to this Act, The Government of Guam Retirement
8 Fund shall pay retroactively such annuity to eligible surviving children.