



August 3, 2011

**The Honorable Judith T. Won Pat, Ed.D.**  
Speaker  
*I Mina' Trentai Unu Na Liheslatuaran Guahan*  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

**VIA: The Honorable Rory J Respicio**  
Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 163-31 (COR) As Substituted**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on **Substitute Bill No. 163-31 (COR) – “AN ACT TO ADD A NEW §34118.1 TO CHAPTER 34, TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO MANDATING THE ELECTRONIC REMITTAL OF CHILD SUPPORT PAYMENTS AND WITHHOLDINGS BY EMPLOYERS AND PAYROLL PROCESSORS.”**

Committee votes are as follows:

<u>5</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>2</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Sincerely,

  
**BENJAMIN J.F. CRUZ**  
Chairperson

2011 AUG 19 AM 9:21

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER

Chairman, Committee on Youth, Cultural Affairs, Procurement,  
General Government Operations, and Public Broadcasting  
Web Address: [www.senatorbjcruz.com](http://www.senatorbjcruz.com)



*I MINA TRENTAI UNI NA LIHESLATI RAN GUAHAN*

The 31<sup>st</sup> Guam Legislature • [senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com)  
155 Hesler Place, Hagatna, Guam 96910  
Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

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## COMMITTEE REPORT

ON

SUBSTITUTE BILL NO. 163-31 (COR)

**“AN ACT TO ADD A NEW §34118.1 TO CHAPTER 34, TITLE 5  
OF THE GUAM CODE ANNOTATED RELATIVE TO  
MANDATING THE ELECTRONIC REMITTAL OF CHILD  
SUPPORT PAYMENTS AND WITHHOLDINGS BY  
EMPLOYERS AND PAYROLL PROCESSORS.”**



August 1, 2011

**MEMORANDUM**

**TO: All Members**  
Committee on Youth, Cultural Affairs, Procurement, General  
Government Operations and Public Broadcasting

**FROM: Vice Speaker Benjamin J.F. Cruz**

**SUBJECT: Committee Report on Bill No. 163-31(COR) As Substituted**

Transmitted herewith for your consideration is the **Committee Report on Substitute Bill No. 163-31(COR) – “AN ACT TO ADD A NEW §34118.1 TO CHAPTER 34, TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO MANDATING THE ELECTRONIC REMITTAL OF CHILD SUPPORT PAYMENTS AND WITHHOLDINGS BY EMPLOYERS AND PAYROLL PROCESSORS.”**

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 163-31(COR) As Substituted
- Bill No. 163-31(COR) As Introduced
- Public Hearing Sign-in Sheet
- COR Referral of Bill No. 163-31(COR)
- Fiscal Note on Bill No. 163-31 (COR)
- Public Hearing Notices
- Public Hearing Agenda

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Benjamin J.F. Cruz", written in a cursive style.

BENJAMIN J.F. CRUZ  
Chairperson



## COMMITTEE VOTE SHEET

**SUBSTITUTE BILL NO. 163-31(COR) - "AN ACT TO ADD A NEW §34118.1 TO CHAPTER 34, TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO MANDATING THE ELECTRONIC REMITTAL OF CHILD SUPPORT PAYMENTS AND WITHHOLDINGS BY EMPLOYERS AND PAYROLL PROCESSORS."**

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		✓				
MUÑA BARNES, TINA ROSE Vice-Chairperson				✓		
WON PAT, JUDITH T. Speaker and Ex-Officio Member						
GUTHERTZ, JUDITH P. Member						
RESPICIO, RORY J. Member		8/11/11				
RODRIGUEZ, DENNIS G. JR. Member						
ADA, V. ANTHONY Member		8/3/11				
DUENAS, CHRISTOPHER Member		8/3/11				
MABINI, SAM Member				8/3/11		
YAMASHITA, ALINE Member		8/3/11				



## Committee Report Digest

### I. OVERVIEW

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting convened a public hearing on Wednesday, May 25, 2011 at 10:00 a.m. in the Public Hearing Room of *I Liheslatura*. Among the items on the agenda was the consideration of Bill No. 163-31(COR) "An Act to add a new §34118.1 to chapter 34, Title 5 of the Guam Code Annotated relative to mandating the electronic remittal of child support payments and withholdings."

Bill No. 163-31(COR) would mandate that employers with 10 (ten) or more employees, of which at least one employee holds a child support obligation, remit such child support payments electronically.

#### Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all senators on May 18th and 23rd via email. Notices of the hearing were published in the Marianas Variety Guam edition on May 18th. Copies of the hearing notices are appended to the report.

#### Senators Present

Vice Speaker Benjamin J.F. Cruz, Chairperson  
Senator Rory J. Respicio, Committee Member  
Senator Adolpho B. Palacios, Sr., Committee Member  
Senator V. Anthony Ada, Committee Member  
Senator Aline A. Yamashita, Ph.D., Committee Member

The public hearing was called to order at 10:08 a.m.

### II. SUMMARY OF TESTIMONY AND DISCUSSION

**Vice Speaker Benjamin J.F. Cruz called the public hearing to order at 10:08 a.m.** and announced the morning's agenda and the issuance of public hearing notices in compliance with the Open Government Law.

When reaching Bill 163 on the agenda, **Vice Speaker Cruz deferred to bill sponsor Senator Rory J. Respicio for opening remarks.**

**Senator Respicio** expressed his excitement about the bill and explained that he had several meetings regarding this bill during the drafting process. He is thankful that the bill is being warmly received by the Attorney General because it allows for electronic remittances for child support services for those companies who have ten or more employees. He then proposes some





amendments to include payroll processors, as well as a \$3 dollar processing fee per transaction which will be paid by the obligor. Also, there will be a penalty for anyone found in violation. The government is now allowing for electronic remittances, but this bill would make it mandatory. If this bill were to become law, remittances would be done electronically and Attorney Cepeda and her staff can concentrate on enforcement rather than having to worry about distributions and where they are going to go.

**Chief Deputy Attorney General Phil Tydingco** appeared before the Committee on behalf of Attorney General Lenny Rapads, to express their support of Bill 163. Tydingco adds that their office has noticed that this Legislature is starting to enact laws requiring electronic transactions in support of the government's need to go paperless as much as possible. He defers to the Child Support Enforcement Division (CSED) Director, Barbara Cepeda, to provide more details regarding their review of Bill 163.

**Cepeda** echoed Tydingco's support of Bill 163 and provided the Committee with a list of recommended changes and the reasoning for such changes, all of which are detailed in her **written testimony enclosed with this report.**

**Senator Respicio** explained that whatever substitute version the Committee comes up with, he would like for the draft to be reviewed by the AG's Office, specifically Cepeda and her Division, to ensure that all of their concerns are addressed.

**Senator Respicio** then asked the AG's representatives to explain to the Committee the current process by which the Department of Administration sends the withholdings to the CSED, specifically highlighting the amount of redundancy. They deduct the amount out of the employee's check, which is hundreds of them, and what the AGs staff gets is a list of names, and then the staff gets working on each and every payment that was made by name and social, and it is very tedious work. Should the bill become law, it would save a lot of time for the staff because it is such a redundant process.

**Senator Respicio** asked if the accounts were remitted electronically whether the AGs staff would still have to be involved and **Cepeda responded** that they wouldn't need to be and it would cut out a lot of extra work.

**Senator Palacios** wanted to verify some of the recommendations for amendments to the bill that were earlier referenced. When asked what would be needed in order for someone to participate in this process, **Cepeda responded** saying all that is needed is a bank account and a computer. He then goes on to ask how would notifications be made if there are changes, like additional names on to the transmittal or names deleted or roles changed. How would that be transmitted to the AG for adjustments and things? Would there still be a need for a hard-copy notification?

**Cepeda responded** by saying that when an employee terminates from an employer, the employer is supposed to let us know, usually by fax on the second page of the wage-withholding.



**Senator Palacios** asked what some of the safeguards are against error or posted to the wrong account. **Cepeda responded** that there are errors but they are very little and usually only happen when there are multiple cases say if a man had three cases and they get a payment from the employer and they didn't tell us how to break the payment up into the three cases.

**Senator Palacios** asked if the process was done electronically would the employer still have to do the entries in there? **Cepeda stated** that they would receive the payment through their bank accounts so they would still have to try and reconcile it.

**Senator Palacios** wanted to ask just one more question with the unclaimed child support which is still accruing interest and wanted the AGs staff to look into it and see who they can communicate with to get an authorization for the AGs office to see how they can use that interest to enhance the services of the child support division. **Cepeda** discussed it with Senator Respicio's team, who is working to adopt what other jurisdictions do with respect to certain laws. If there is a certain amount of days when the payments are not claimed, then the Legislature can do what they choose to with the money. In some jurisdictions it's one year and in others it's two years.

**Senator Tony Ada** asks what would happen if an employee does not work the amount of hours necessary to make the amount of money needed for their employer to withhold their child support payment; and does this mean means the employer doesn't pay?

In response, **Cepeda explains** that the law states that the employer can deduct up to 60% of the employee's disposable earnings but only up to 50% if the employee is supporting another child or family and that is on the instructions that they send on wage-withholding. If they receive reduced hours, the most they can get is 60% out of that and no the employee will not get penalized. Yes, the employee would still be short, but the AGs staff would not file contempt action for non-payment. Of course, if the reduced hours continue for several months, they could always request a modification in the payment amount.

Before the Committee Chair closed the hearing, **Senator Respicio** wanted to state for the record, that this bill received a lot of support on Facebook, and he thanked Attorney Cepeda and her team for following through with the issue and for being very responsive.

There being no further discussion, **Vice Speaker thanked the individuals for their testimony, and adjourned the public hearing on Bill No. 163**, declaring the measure as being publicly heard.



### **III. FINDINGS AND RECOMMENDATION**

Specific amendments to the language of Bill 163-31 as introduced are reflected in the written testimony of the CSED Director. These changes are summarized as follows:

#### **Section 1**

- Amended language to clarify the findings and the intent of the Legislature, to include the CSED request to include a specific reference to 'employers' and 'payroll processors.'

#### **Section 2**

- Changed section title to "Development of Agreement; Distribution of Information; Required Transmittals; Prohibited Withdrawal."

#### ***Subsections (a) and (b)***

- Clarified language to reflect that the responsibility of withholdings will fall on employers and payroll processors; and amended any language referencing 'employees' or 'obligees', because the transactions only involve the Division and the employer.
- Included language to require employers to transmit "the name and appropriate identification number, if any, of each obligor for whom payment is made and the amount transmitted for that obligor."

- Included language to prohibit any employers from withdrawing from the electronic payment program once they've initially registered. Note, however, instead of including the full paragraph requested, the Committee included part of the language requested:

*"Once an employer is registered as a mandatory participant in the EFT program, the employer may not withdraw from the program."*

The Committee's concern with the entire paragraph –

*"Once an employer is registered as a mandatory participant in the EFT program, the employer may not withdraw from the program even if the number of employees for whom the employer is required to withhold and remit child support payments decreases to less than 10 employees."*

is two-fold:

- (1) The threshold for those employees with child support obligations is one, not 10; however, after clarifying with CSED, the intent of this suggested language is to keep all employers who enroll, enrolled even if their total number of employees drops below 10.
- (2) This policy, however, should it become law, does not apply to any employer with less than 10 employees. If we mandate requirements for those employers who were initially a participant in the program and that employer's number of employees decreases to less than 10, they must be treated equally as all other employers with less than 10 employees, such that this policy would not apply to them. Doing otherwise may be perceived as trying to create a double-standard, which would be unjust and may provide a policy susceptible to a legal challenge.





***Subsection (c)***

- Deleted original subsection (c) requiring same-day remittance, at the suggestion of the Division.
- Included a new subsection (c), "Processing Fees", to authorize the Division to charge employers a fee of no more than \$3.00 per transaction.

***Subsection (d)***

- Added a new subsection (d), "Penalties", to hold employers accountable to complying with this policy by setting a penalty such that those found in violation of this Act will be assessed treble damages by the Court, similar to the penalty in place for those who fail to uphold their obligations, as specified in §34132 of this Chapter.

Therefore, **the Committee** on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting **hereby submits** for consideration, **Substitute Bill No. 163-31 (COR)** - "AN ACT TO ADD A NEW §34118.1 TO CHAPTER 34, TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO MANDATING THE ELECTRONIC REMITTAL OF CHILD SUPPORT PAYMENTS AND WITHHOLDINGS BY EMPLOYERS AND PAYROLL PROCESSORS", **with the recommendation to report out only.**

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2011 (FIRST) REGULAR SESSION

2011 APR 22 11:41 AM

Bill No. 163-31 (COR)

Introduced by:

R.J. Respicio  
A.B. Palacios, Sr.  
J.P. Guthertz, DPA  
T.C. Ada  
B.J.F. Cruz

AN ACT TO ADD A NEW §34118.1 TO CHAPTER 34, TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO MANDATING THE ELECTRONIC REMITTAL OF CHILD SUPPORT PAYMENTS AND WITHHOLDINGS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Intent.** In an effort to make the remittance of  
3 child support payments faster, simpler and safer, it is the intent of *I*  
4 *Liheslatura* to mandate that child support payments be remitted  
5 electronically.

6 The benefits of providing electronic remittance of child support  
7 payments include streamlining the overall process for remitting child  
8 support withholding; reducing the amount of time employers spend  
9 withholding child support obligations; increased safety, when compared to  
10 writing and mailing checks; and a reduction of costs associated with  
11 remitting child support payments.

12 Some employers, employees and the Office of the Attorney General  
13 Child Support Enforcement Division have realized these benefits, as

1 electronic funds transfer and electronic data interchange options are  
2 currently made available for interested parties.

3 It is the intent of *I Liheslatura* to mandate that all employers with ten  
4 (10) or more employees, of which at least one (1) employee has child  
5 support payment obligations, remit all child support payments  
6 electronically.

7 **Section 2. A new §34118.1 is hereby *added* to Chapter 34, Title 5**  
8 **Guam Code Annotated to read:**

9 **“§34118.1. Electronic Remittance Required.**

10 **(a) Establishment of Electronic Transfer Mechanisms.** The Office  
11 of the Attorney General Child Support Enforcement Division *shall* establish  
12 electronic funds transfer and electronic data interchange mechanisms to  
13 allow for the electronic remittance of child support payments or  
14 withholdings.

15 **(b) Development of Agreement; Distribution of Information.**  
16 The Child Support Enforcement Division *shall* develop an agreement  
17 stipulating the necessary conditions required for an employer or employee  
18 to electronically remit child support payments or withholdings to the  
19 Division; such agreement *shall* be signed by the Child Support Enforcement  
20 Division Director, the Obligor, Obligee, and if applicable, the employer.  
21 The Division *shall* provide all necessary information to each Obligor,  
22 Obligee, and to each employer with ten (10) or more employees, of which  
23 at least one (1) employee has child support payment obligations, detailing

1 options for electronic funds transfers and the process by which one must  
2 comply in order to establish such payment arrangements.

3       **(c) Same Day Remittance Required.** Employers and/or  
4 employees *shall* ensure that child support payments or withholdings are  
5 electronically remitted to the Child Support Enforcement Division on the  
6 same day paychecks are issued by affected employers and/or to affected  
7 employees.

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*I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN*  
2011 (FIRST) REGULAR SESSION

**Bill No. 163-31 (COR)**

As Substituted by the Committee on Youth,  
Cultural Affairs, Procurement,  
General Government Operations  
and Public Broadcasting.

**Introduced by:**

**R.J. Respicio**  
**A.B. Palacios, Sr.**  
**J.P. Guthertz, DPA**  
**T.C. Ada**  
**B.J.F. Cruz**

**AN ACT TO ADD A NEW §34118.1 TO CHAPTER 34,  
TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE  
TO MANDATING THE ELECTRONIC REMITTAL OF  
CHILD SUPPORT PAYMENTS AND WITHHOLDINGS  
BY EMPLOYERS AND PAYROLL PROCESSORS.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*

3        finds that the electronic remittance of child support payments can be of  
4        great benefit to the children for whom such payments have been ordered,  
5        as well as to the custodial parent or other person having custody of the  
6        minor child, by making the remittance of child support payments faster,  
7        safer, and more simple, and by preventing unnecessary delays in the  
8        receipt of such court ordered payments.

9        The benefits of providing electronic remittance of child support  
10       payments include streamlining the overall process for remitting child



1 support withholding; reducing the amount of time employers spend  
2 withholding child support obligations; and increased safety, when  
3 compared to writing and mailing checks.

4 Some employers and the Office of the Attorney General Child  
5 Support Enforcement Division (“Division”) have already realized these  
6 benefits, as electronic funds transfer and electronic data interchange  
7 options are currently made available for interested employers, as per  
8 National Automated Clearinghouse Association (NACHA) Standards.

9 It is the intent of *I Liheslatura* to mandate that all employers with ten  
10 (10) or more employees, of which at least one (1) employee has child  
11 support payment obligations, remit all child support payments  
12 electronically, whether directly by the employer through Electronic Funds  
13 Transfer (EFT), or by the employer’s Payroll Processor, if such a service is  
14 utilized.

15 **Section 2. A new §34118.1 is hereby *added* to Chapter 34, Title 5**  
16 **Guam Code Annotated to read:**

17 **“§34118.1. Electronic Remittance Required.**

18 **(a) Establishment of Electronic Transfer Mechanisms.** The Office  
19 of the Attorney General Child Support Enforcement Division *shall* establish  
20 electronic funds transfer and electronic data interchange mechanisms to

1 allow for the electronic remittance of child support payments or  
2 withholdings from employers and from payroll processors.

3       **(b) Development of Agreement; Distribution of Information;**  
4 **Required Transmittals; Prohibited Withdrawal.** The Child Support  
5 Enforcement Division *shall* develop an agreement stipulating the necessary  
6 conditions required for an employer to electronically remit child support  
7 payments or withholdings of their employee to the Division, including by  
8 use of any payroll processing service; such agreement *shall* be signed by the  
9 Child Support Enforcement Division Director, or his designee, and the  
10 employer. The Division *shall* make available all necessary information to  
11 each employer with ten (10) or more employees, of which at least one (1)  
12 employee has child support payment obligations, detailing options for  
13 electronic funds transfers and the process by which one must comply in  
14 order to establish such payment arrangements.

15       If an employer makes payment by way of electronic transfer of  
16 money pursuant to this subsection, the employer shall transmit separately  
17 the name and appropriate identification number, if any, of each obligor for  
18 whom payment is made and the amount transmitted for that obligor.

19       Once an employer is registered as a mandatory participant in the EFT  
20 program, the employer may not withdraw from the program.

1           **(c) Processing Fees.** The Child Support Enforcement Division is  
2 hereby authorized to implement a fee of up to Three Dollars (\$3.00) per  
3 transaction. This fee *shall* be paid by the employer and *shall not* be deducted  
4 from the employee's pay or withholdings amount.

5           **(e) Penalties.** Employers found to be in violation of this Act *shall* be  
6 liable for assessment of treble damages by the court, in the same manner as  
7 treble damages are assessed pursuant to § 34132 of this Chapter.

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**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN  
AFFAIRS; AND HUMAN & NATURAL RESOURCES



*I Minã'trentai Unu na Liheslaturan Guåhan*  
**THIRTY-FIRST GUAM LEGISLATURE**

June 7, 2011

**MEMORANDUM**

**To:** Vice Speaker Benjamin JF Cruz  
*Chairperson, Committee on General Government Operations*

**From:** Senator Rory J. Respicio   
*Sponsor, Bill No. 163-31 (COR)*

**Subject:** Testimony on Bill No. 163-31 (COR)

*Hafa Adai* Mr. Chairman:

Attached, please find testimony submitted by the Child Support Enforcement Division of the Attorney General's Office in regards to Bill No. 163-31 (COR). Please include this testimony in your Committee Report on Bill 163.

*Si Yu'os ma'åse'.*



Leonardo M. Rapadas  
Attorney General



Barbara P. Cepeda  
Deputy & IV-D Director,  
Child Support Enforcement Division

## Office of the Attorney General

June 6, 2011

Honorable Rory J. Respicio  
Committee on Rules, Federal, Foreign & Micronesian Affairs,  
and Human and Natural Resources  
155 Hesler Street, Suite 302  
Hagatna, Guam 96910

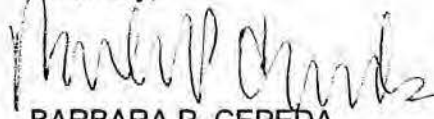
Re: Testimony in support of Bill 163-31

Dear Senator Respicio:

Attached please find my written testimony in support of Bill 163-31, An Act to Add a New §34118.1 to Chapter 34, Title 5 of the Guam Code Annotated Relative to Mandating the Electronic Remittal of Child Support Payments and Withholdings.

If you have any questions, please do not hesitate to contact me at 475-3360 ext. 601.

Sincerely,

  
BARBARA P. CEPEDA  
Deputy Attorney General

*Bill/Steph -  
fyi + please  
also include  
in CMTE Rep  
Amy*

RECEIVED  
6/16/11

Leonardo M. Rapadas  
Attorney General



Barbara P. Cepeda  
Deputy & IV-D Director,  
Child Support Enforcement Division

## Office of the Attorney General

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May 25, 2011

### COMMENTS:

BILL NO. 163-31 (COR) - An Act to Add a New §34118.1 to Chapter 34, Title 5 of the Guam Code Annotated Relative to Mandating the Electronic Remittal of Child Support Payments and Withholdings.

Greetings Mr. Chairman, Vice Chairman, and members of the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting.

Thank you for the opportunity to provide written testimony on behalf of the Attorney General's Office, which supports the intent of Bill No. 163-31 (COR), an act to add a new §34118.1 to Chapter 34, Title 5 of the Guam Code Annotated relative to mandating the electronic remittal of child support payments and withholdings.

The Attorney General's Office supports the intent of Bill 163-31 (COR). However, there are a few recommendations which we would like to see inserted in the Bill.

First of all, we would like to make sure the Bill is clear that it will mandate electronic remittal of child support payments by employers and to include payroll processors.

Under Section 1, Legislative Intent, we would like to recommend in the last sentence of the last paragraph the following, "currently made available for employers as per National Automated Clearing House Association (NACHA) standards."

Under Section 2, §34118.1(a), last paragraph, we recommend that the words "from employers and payroll processors" be added after the words "payments or withholdings".

Under Section 2, §34118.1(b), page 2, line 17, we recommend to delete the words "or employee". Also on the same sentence, line 17, we recommend the words "of their employee" be added after the words "payments or withholdings. Continuing on the same sentence, line 20, we recommend removing the words "the Obligor, Obligee, and if applicable" and replacing with the words "or his or her designee and", before the words "the employer".

Under Section 2, §34118.1(b), page 2, line 21, we recommend inserting the words "make available" after the word "shall". Also, we recommend removing the words "each Obligor, Obligee, and" before the words "to each employer".

We recommend adding the following sentence to the end of Section 2(b): If an employer makes payment by way of electronic transfer of money pursuant to this subsection, the employer shall


transmit separately the name and appropriate identification number, if any, of each obligor for whom payment is made and the amount transmitted for that obligor.

We would like to see a paragraph inserted as follows: "Once an employer is registered as a mandatory participant in the EFT program, the employer may not withdraw from the program even if the number of employees for whom the employer is required to withhold and remit child support payments decreases to less than 10 employees."

Other considerations of this Bill are whether there will be a penalty against employers for non-compliance. Perhaps the language of 5 GCA §34132 could be mirrored allowing the court to assess treble damages against employers for non-compliance with mandatory electronic remittal of child support payments. Another consideration is whether any fees by the Territory or employers will be charged. During a meeting with Senator Rory Respicio's staff, it was discussed that perhaps employers should be charged a \$3 per transaction fee. This fee will be in addition to the child support payment and shall not be deducted from the child support payment.

We support the passage of Bill No. 163-31 (COR) with the above-mentioned recommendations.

OFFICE OF THE ATTORNEY GENERAL  
CHILD SUPPORT ENFORCEMENT DIVISION



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BARBARA P. CEPEDA  
Deputy Attorney General

I MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN  
2011 (FIRST) REGULAR SESSION

Bill No. 163-31 (COR)

Introduced by:

R.J. Respicio  
A.B. Palacios, Sr.  
J.P. Guthertz, DPA  
T.C. Ada  
B.J.F. Cruz

AN ACT TO ADD A NEW §34118.1 TO CHAPTER 34, TITLE  
5 OF THE GUAM CODE ANNOTATED RELATIVE TO  
MANDATING THE ELECTRONIC REMITTAL OF CHILD  
SUPPORT PAYMENTS AND WITHHOLDINGS FROM EMPLOYERS  
AND PAYROLL PROCESSORS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. In an effort to make the remittance of child support payments faster, simpler and safer, it is the intent of *I Liheslatura* to mandate that child support payments be remitted electronically.

The benefits of providing electronic remittance of child support payments include streamlining the overall process of remitting child support withholding; reducing the amount of time employers spend withholding child support obligations; increased safety, when compared to writing and mailing checks; and a reduction of costs associated with remitting child support payments.

Some employers, employees and the Office of the Attorney General Child Support Enforcement Division have realized these benefits, as electronic funds transfer and electronic data interchange options are currently made available for employers and payroll processors as per National Automated Clearing House Association (NACHA) standards.

It is the intent of *I Liheslatura* to mandate that all employers and payroll processors with ten (10) or more employees, of which at least one (1) employee has child support payment obligations, remit all child support payments electronically.

Section 2. A new §34118.1 is hereby *added* to Chapter 34, Title 5 Guam Code Annotated to read:

“§34118.1. Electronic Remittance Required.

(a) Establishment of Electronic Transfer Mechanisms. The Office of the Attorney General Child Support Enforcement Division *shall* establish electronic funds transfer and electronic data interchange mechanisms to allow for the electronic remittance of child support payments or withholdings from employers and payroll processors.

(b) Development of Agreement; Distribution of Information. The Child Support Enforcement Division *shall* develop an agreement stipulating the necessary conditions required for an employer ~~or employee~~ to electronically remit child support payments or withholdings of their employee to the Division; such agreement *shall* be signed by the Child Support Enforcement Division Director or his or her designee, ~~the Obligor, Obligee, and if applicable~~ and the employer. The Division *shall* make available ~~provide~~ all necessary information to ~~each Obligor, Obligee, and to~~ each employer and payroll processor with ten (10) or more employees, of which at least one (1) employee has child support payment obligations, detailing options for electronic funds transfers and the process by which one must comply in order to establish such payment arrangements. If an employer or payroll processor makes payment by way of electronic transfer of money pursuant to this subsection, the employer or payroll processor shall transmit



separately the name and appropriate identification number, if any, of each obligor for whom payment is made and the amount transmitted for that obligor.

(c) Same Day Remittance Required. Employers and payroll processors  
~~and/or employees~~ *shall* ensure that child support payments or withholdings are electronically remitted to the Child Support Enforcement Division on the same day paychecks are issued by affected employers and payroll processors ~~and/or to affected employees.~~

(d) Penalty for Non-Compliance. Any employer or payroll processor who is found to have willfully refused to comply with mandatory electronic remittal of child support payments and withholdings may be assessed treble damages by the court, to be paid over to the obligee.

(e) Fees. To reimburse the employer or payroll processor for the costs in making the electronic remittal of child support payments and withholdings, the employer or payroll processor may deduct \$3 from the amount paid the obligor each time the employer or payroll processor makes an electronic payment. This \$3 fee is in addition to the child support payment and shall not be deducted from such child support payment.

(f) Once an employer or payroll processor is registered as a mandatory participant in the EFT program, the employer or payroll processor may not withdraw from the program even if the number of employees for whom the employer or payroll processor is required to withhold and remit child support payments decreases to less than 10 employees.

Fiscal Note of Bill No. 163-31 (COR)

AN ACT TO ADD A NEW §34118.1 TO CHAPTER 34, TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO MANDATING THE ELECTRONIC REMITTAL OF CHILD SUPPORT PAYMENTS AND WITHHOLDINGS.

Department/Agency Appropriation Information	
Dept./Agency Affected: Attorney General's Office	Dept./Agency Head: Leonardo Rapadas
Department's General Fund (GF) appropriation(s) to date:	10,793,965
Department's Other Fund (Specify) appropriation(s) to date:	-
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$10,793,965</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions? // Yes /x/ No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A // Yes // No  
If no, what is the additional amount required? \$ // N/A
- Does the Bill establish a new program/agency? // Yes /x/ No  
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /x/ No  
Is there a federal mandate to establish the program/agency? // Yes /x/ No
- Will the enactment of this Bill require new physical facilities? // Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes /x/ No  
// Requested agency comments not received by due date // Other: \_\_\_\_\_

7/5/10/14

Analyst: M Quinata Date: \_\_\_\_\_ Director: Ernesta A. Mangiona Date: \_\_\_\_\_  
BBMR Director

Footnotes:  
This legislation may provide for child support payments being made on a timely basis. Passage of this bill may increase certain departmental costs to operate such a program. However, in its present form, that impact cannot be determined at this time.



# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

**MAJORITY MEMBERS:**

Speaker  
Judith T. Won Pat

Vice Speaker  
Benjamin J. F. Cruz

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

Senator  
Dennis G. Rodriguez, Jr.  
ASST. MAJORITY WHIP

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

**MINORITY MEMBERS:**

Senator  
Aline A. Yamashira  
ASST. MINORITY LEADER


Senator  
Christopher M. Duenas

April 25, 2011

**MEMORANDUM**

**To:** Pat Santos  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** Senator Rory J. Respicio   
*Chairperson, Committee on Rules*

**Subject:** Referral of Bill Nos. 163-31 (COR) through 166-31 (COR) and 168-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 163-31(COR) through 166-31 (COR) and 168-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os ma'åse!*

(3) Attachments

2011 APR 25 PM 1:19

*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

**April 22, 2011**

Page 1 of 1

<b>Bill No.</b>	<b>Sponsor(s)</b>	<b>Title</b>	<b>Date Introduced</b>	<b>Date Referred</b>	<b>120 Day Deadline</b>	<b>Committee Referred</b>	<b>Public Hearing Date</b>	<b>Date Committee Report Filed</b>	<b>Status (Date)</b> Passed? Failed? Vetoed? Overridden? Public Law?
163-31 (COR)	R. J. Respicio, A .B. Palacios, Sr., J. P. Guthertz, DPA, T. C. Ada, B. J.F. Cruz	AN ACT TO ADD A NEW §34118.1 TO CHAPTER 34, TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO MANDATING THE ELECTRONIC REMITTAL OF CHILD SUPPORT PAYMENTS AND WITHHOLDINGS.	4/22/11 11:47 a.m.	4/25/11		Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting.			



May 18, 2011

**MEMORANDUM**

**TO:** All Members/All Senators  
**FROM:** Vice Speaker Benjamin J.F. Cruz  
**RE:** First Notice of Public Hearing – May 25, 2011

*Hafa Adai!* Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on Wednesday, May 25, 2011, in the Legislature's Public Hearing Room with the following agenda:

**10:00 A.M.**

- **Bill No. 185-31(LS)** - B.J.F. Cruz/T.R. Muna-Barnes/V.A. Ada "An act to add a new §4129 to Chapter 4 of Title 4 of the Guam Code Annotated relative to employee leave for parental involvement in school activities which may be cited as the 'Invest in Good Parenting Act'"
- **Bill No. 183-31(LS)** - V.A. Ada/F.F. Blas, Jr./v.c. pangelinan "An act to add a §4121 to Chapter 4 of SGCA relative to the requiring the reporting of unbudgeted authorizations prior year obligations and tax refunds on BBMR's website."
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**2:00 P.M.**

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Please provide written testimonies at least one day prior to the hearing to the Office of the Vice Speaker Benjamin J.F. Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477-2522, or via email to [chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com).

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Garrett Duenas at the Office of the Vice Speaker Benjamin J.F. Cruz at 477-2521 or via email at [garrett.duenas@senatorbjcruz.com](mailto:garrett.duenas@senatorbjcruz.com).



## Chris Carillo

---

**From:** Chris Carillo [chris.carillo@senatorbjcruz.com]  
**Sent:** Wednesday, May 18, 2011 8:57 AM  
**To:** 'Chris Carillo'; 'speaker@judiwonpat.com'; 'Senator Tom Ada'; 'senatortonyada@guamlegislature.org'; 'senator@tinamunabarnes.com'; 'Senator Frank F. Blas, Jr.'; 'senator@senatorbjcruz.com'; 'duenasenator@gmail.com'; 'judiguthertz@gmail.com'; 'senatorsam@senatormabini.com'; 'Senator Ben C. Pangelinan'; 'cor@guamlegislature.org'; 'senatorrodriguez@gmail.com'; 'senatormana@gmail.com'; 'Aline Yamashita'; 'phnotice@guamlegislature.org'; 'dmgeorge@guampdn.com'; 'hottips@kuam.com'; 'Sabrina Salas'; 'mindy@kuam.com'; 'dcrisostomo@guampdn.com'; 'Janela'; 'thebigshow@k57.com'; 'therese.hart.writer@gmail.com'; 'Therese Hart'; 'Ray Gibson'; 'bmkelman@guampdn.com'; 'William Gibson'  
**Cc:** 'clerks@guamlegislature.org'; 'Pat Santos'; 'Rennae Perez'; 'Atty. Therese Terlaje'; 'yong@guamlegislature.org'; 'mis@guamlegislature.org'; 'sgtarms@guamlegislature.org'; 'Steven A. Dierking'; 'cyrus@senatorada.org'; 'louise\_atalig@yahoo.com'; 'chelsea@tinamunabarnes.com'; 'Mary Fejeran'; 'garrett.duenas@senatorbjcruz.com'; 'joshua.tenorio@senatorbjcruz.com'; 'leonguerrero.angela@gmail.com'; 'leslie.g@senatormabini.com'; 'cipo@guamlegislature.org'; 'Stephanie Mendiola'; 'cherbert.senatorrodriguez@gmail.com'; 'chechsantos@gmail.com'; 'alerta.jermaine@gmail.com'; 'evelyn4families@gmail.com'  
**Subject:** First Notice of Public Hearing – May 25, 2011  
**Attachments:** May 25 PUBLIC HEARING NOTICE.pdf

Hafa Adai All.....

Please see attached Notice also included below....

May 18, 2011

### MEMORANDUM

**TO:** All Members/All Senators  
**FROM:** Vice Speaker Benjamin J.F. Cruz  
**RE:** First Notice of Public Hearing – May 25, 2011

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**2:00 P.M.**

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**Senseramente,**

**Chris Carillo**  
**Office of the Vice-Speaker, Senator Benjamin J.F.Cruz**  
**Chairman,Committee on Youth, Cultural Affairs,Procurement,**  
**General Government Operations, and Public Broadcasting**

**I Mina'Trentai Unu na Liheslaturan Guåhan**  
**The 31st Guam Legislature**  
**155 Hesler Place**  
**Hagåtña, Guam 96910**  
**Phone: (671) 477-2520/1**  
**Fax: (671) 477-2522**  
**Web Address: <http://www.senatorbjcruz.com>**  
**E-mail: [chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com)**

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May 23, 2011

**MEMORANDUM**

**TO:** All Members/All Senators  
**FROM:** Vice Speaker Benjamin J.F. Cruz  
**RE:** Second Notice of Public Hearing – May 25, 2011

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## Chris Carillo

---

**From:** Chris Carillo [chris.carillo@senatorbjcruz.com]  
**Sent:** Monday, May 23, 2011 9:28 AM  
**To:** 'Chris Carillo'; 'speaker@judiwonpat.com'; 'Senator Tom Ada'; 'senatortonyada@guamlegislature.org'; 'senator@tinamunabarnes.com'; 'Senator Frank F. Blas, Jr.'; 'senator@senatorbjcruz.com'; 'duenasenator@gmail.com'; 'judiguthertz@gmail.com'; 'senatorsam@senatormabini.com'; 'Senator Ben C. Pangelinan'; 'cor@guamlegislature.org'; 'senatorrodriguez@gmail.com'; 'senatormana@gmail.com'; 'Aline Yamashita'; 'phnotice@guamlegislature.org'; 'dmgeorge@guampdn.com'; 'hottips@kuam.com'; 'Sabrina Salas'; 'mindy@kuam.com'; 'dcrisostomo@guampdn.com'; 'Janela'; 'thebigshow@k57.com'; 'therese.hart.writer@gmail.com'; 'Therese Hart'; 'Ray Gibson'; 'bmkelman@guampdn.com'; 'William Gibson'  
**Cc:** 'clerks@guamlegislature.org'; 'Pat Santos'; 'Renna Perez'; 'Atty. Therese Terlaje'; 'yong@guamlegislature.org'; 'mis@guamlegislature.org'; 'sgtarms@guamlegislature.org'; 'Steven A. Dierking'; 'cyrus@senatorada.org'; 'louise\_atalig@yahoo.com'; 'chelsea@tinamunabarnes.com'; 'Mary Fejeran'; 'garrett.duenas@senatorbjcruz.com'; 'joshua.tenorio@senatorbjcruz.com'; 'leonguerrero.angela@gmail.com'; 'leslie.g@senatormabini.com'; 'cipo@guamlegislature.org'; 'Stephanie Mendiola'; 'cherbert.senatorrodriguez@gmail.com'; 'chechsantos@gmail.com'; 'alerta.jermaine@gmail.com'; 'evelyn4families@gmail.com'  
**Subject:** Second Notice of Public Hearing- Wednesday April 25th 2011  
**Attachments:** (2)notice.pdf

May 23, 2011

### MEMORANDUM

**TO:** All Members/All Senators  
**FROM:** Vice Speaker Benjamin J.F. Cruz  
**RE:** Second Notice of Public Hearing – May 25, 2011

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**Senseramente,**

**Chris Carillo**  
**Office of the Vice-Speaker, Senator Benjamin J.F.Cruz**  
**Chairman,Committee on Youth, Cultural Affairs,Procurement,**  
**General Government Operations, and Public Broadcasting**

**I Mina'Trentai Unu na Liheslaturan Guåhan**  
**The 31st Guam Legislature**  
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**Phone: (671) 477-2520/1**  
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**Web Address: <http://www.senatorbjcruz.com>**  
**E-mail: [chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com)**

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## Public Hearing Agenda

Wednesday May 25, 2011

### 10:00 A.M.

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- **Bill No. 189-31(LS)** - B.J.F. Cruz / T.R. Muna-Barnes "An act to add a new Chapter 88 to Division 8 of Title 4 of the Guam Code Annotated to reestablish the '*Kumision I Na'an Lugat*', the Guam Place Name Commission."

### 2:00 P.M.

- **Bill No. 163-61 (COR)** - R.J. Respicio/A.B. Palacios, Sr./J.P. Guthertz, DPA "An act to add a new §34118.1 to Chapter 34, Title 5 of the Guam Code Annotated relative to mandating the electronic remittal of child support payments and withholdings."
- **Bill No. 166-31(COR)** - B.J.F. Cruz / T.R. Muna-Barnes "An act to add a new §4308 to Article 4 of Chapter 5 of the Guam Code Annotated relative to discounted liquid fuel purchases for all retirees, survivors of retired employees who are receiving annuity benefits, employees, or separate groups of employees of the government of Guam."
- **Bill No. 169-31(COR)** - A.B. Palacios, Sr. "An act relative to providing government of Guam employees an opportunity for work site assignment preference, in an effort to minimize the impact of the increasing costs of gasoline prices, to reduce travel time to and from work, and to encourage car pooling; through adding a new subsection §4117.1 to Article 1, Chapter 4, Title 4, Guam Code

# Bill remits child support

MONDAY, 25 APRIL 2011 02:48 VARIETY NEWS STAFF



(OSRR) – Majority Leader Senator Rory J. Respicio has introduced Bill No. 163-31 (COR), which would require employers to electronically remit any required child support withholdings to the Office of the Attorney General Child Support Enforcement Division.

If enacted, the bill would streamline the processing of child support payments, enabling more effective and expeditious distribution.

“Remitting child support withholdings electronically is fast, simple and safe. Doing this means these children will receive their support on the same day that their parent receives his or her paycheck,” said Senator Respicio. “I am joined by Senators Tom Ada, (Adolpho) Palacios, (Judi) Guthertz and Vice Speaker (Benjamin) Cruz, who all believe that this bill, if enacted, will provide much needed relief for single parents, who struggle daily to meet their child’s needs. This initiative also makes it easier for employers involved with child support withholdings.”

Currently, the Child Support Enforcement Division offers filing of electronic child support withholdings as an option to employers. Respicio’s bill would make it mandatory.

If enacted, Bill No. 163-31 (COR) would require that employers with 10 or more employees, where at least one employee pays court-ordered child support, to electronically remit those child support withholdings.

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## Bill streamlines child support payments

*Posted: Apr 22, 2011 6:41 PM*

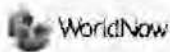
*Updated: Apr 24, 2011 8:28 AM*

by [Nick Delgado](#)

Guam - Senator Rory Respicio introduced legislation that would require employers to electronically remit any required child support withholdings to the Office of the Attorney General's Child Support Enforcement Division. Bill 163 would streamline the processing of child support payments making it more effective to distribute.

Respicio states, "Remitting child support withholdings electronically is fast, simple and safe. Doing this means these children will receive their support on the same day that their parent receives his or her paycheck." Electronic filing is currently optional to employers, however, the legislation would make it mandatory.

The measure would also require that employers with ten or more employees, where at least one employee pays court ordered child support, electronically remit those child support withholdings.



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