

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>228-32 (COR)</b> <b>P.L. 32-128</b>	Michael F. Q. San Nicolas	AN ACT TO EXEMPT BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS AS SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS, BY AMENDING SUBSECTION (a) OF §8121, ARTICLE 1, CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED.	11/26/13 5:14 p.m.	11/27/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land	1/14/14 2:00 p.m.		<b>Fiscal Note Requested 01/17/14</b> <b>Fiscal Note Received 2/18/14</b>
	<b>DATE PASSED</b>	<b>TITLE</b>	<b>TRANSMITTED</b>		<b>DUE DATE</b>	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	<b>PUBLIC LAW NO.</b>	<b>NOTES</b>
	2/3/2014	AN ACT TO AMEND SUBSECTION (a) OF §8121 OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS OF RETIRED SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS.	2/4/14	12:28 p.m.	2/15/2014	2/10/2014	32-128	



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd 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  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member


Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

February 17, 2014

## Memorandum

**To:** Rennae Meno  
*Clerk of the Legislature*

**From:** Senator Thomas C. Ada   
*Acting Chairperson of the Committee on Rules*

**Subject:** Fiscal Notes /Waivers

*Hafa Adai!*

Attached please find the fiscal notes and waivers for the bill numbers listed below.

Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

### FISCAL NOTES:

- Bill No. 216-32(LS)
- Bill No. 228-32(LS)
- Bill No. 229-32(COR)
- Bill No. 230-32(COR)
- Bill No. 258-32(COR)
- Bill No. 260-32(COR)

### WAIVERS:

- Bill No. 253-32(COR)
- Bill No. 261-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

2014 FEB 18 AM 9:52

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO  
GOVERNORJOHN A. RIOS  
DIRECTORRAY TENORIO  
LIEUTENANT GOVERNORJOSE S. CALVO  
DEPUTY DIRECTOR

FEB 13 2014

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Dos na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 216-32(LS), 228-32(LS), 229-32(COR), 230-32(COR), 258-32(COR), 260-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 253-32(COR), and 261-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

A handwritten signature in black ink, appearing to read "John A. Rios".

JOHN A. RIOS  
Director

Enclosures  
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 228-32 (LS)**

**AN ACT TO EXEMPT BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS AS SCHOOL BUS DRIVERS OR AUTOMATIVE MECHANICS, BY AMENDING SUBSECTION (a) OF §8121, ARTICLE 1, CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Government of Guam Retirement Fund	Dept./Agency Head: Paula Blas
Department's General Fund (GF) appropriation(s) to date:	43,712,959
Department's Other Fund (Specify) appropriation(s) to date:	3,371,990
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$47,084,949</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (Bill No. 1(4-S))	\$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 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	1/	\$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 / / No  
Is there a federal mandate to establish the program/agency? / / Yes / / 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: /x/ Yes / / No  
/ / Requested agency comments not received by due date / / Other:

Analyst: *Nancy L. Mesa* Date: *1/30/14* Director: *John A. Rios* Date: **FEB 13 2014**

**Footnotes:**  
1/ There is a potential impact on the General Fund should Bill No. 228-32 be enacted into law. The intent of the proposed legislation is to permit the limited term appointment of government of Guam retirees to work as School Bus Drivers or Automative Mechanics and allow such retiree to continue to receive his or her regular retirement annuity payment. Should twelve (12) retirees elect to be School Bus Drivers and five (5) to be Automative Mechanic 1, the estimated personnel services cost is \$260,652 (\$17,635/salary + \$4,086/benefits x 12) and \$121,195 (\$19,974/salary + \$4,265/benefits x 5) respectively.

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

FEB 13 2014

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina' trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

32-14-1309  
Office of the Speaker  
Judith T. Won Pat, Ed.D.  
Date: 2/14/14  
Time: 4:10 PM  
Received by:

Dear Madame Speaker:

Transmitted herewith is Bill No. 228-32 (COR) "AN ACT TO AMEND SUBSECTION (a) OF §8121 OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS OF RETIRED SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS" which I signed into law on February 10, 2014 as **Public Law 32-128**.

*Senseramente,*

EDDIE BAZA CALVO

2014 FEB 14 PM 4:49 W



*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2014 (SECOND) Regular Session

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

This is to certify that Bill No. 228-32 (COR), "AN ACT TO AMEND SUBSECTION (a) OF §8121 OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS OF RETIRED SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS," was on the 3rd day of February, 2014, duly and regularly passed.



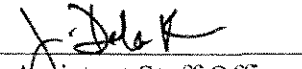
Judith T. Won Pat, Ed.D.  
Speaker

Attested:

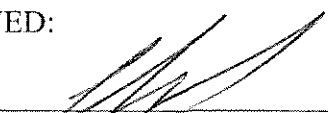


Rory J. Respicio  
Acting Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 4<sup>th</sup> day of Feb., 2014, at 12:28 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'lahen Guåhan*

Date: FEB 10 2014

Public Law No. 32-128

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session

**Bill No. 228-32 (COR)**

Introduced by:

Michael F. Q. San Nicolas  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
B. J.F. Cruz  
Chris M. Dueñas  
Michael T. Limtiaco  
Brant T. McCreadie  
Tommy Morrison  
T. R. Muña Barnes  
Vicente (ben) C. Pangelinan  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* SUBSECTION (a) OF §8121 OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS OF RETIRED SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS.**

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

2       **Section 1. Short Title.** This Act *shall* be cited as the “*Responsible*  
3 *Retired School Bus Driver and Automotive Mechanic Re-employment Act.*”

4       **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
5 that the Department of Public Works currently has a fleet of one hundred thirty-  
6 eight (138) school buses. In the near future, it is expected that the fleet will expand

1 to approximately one hundred fifty (150) school buses. Currently, the Department  
2 of Public Works has difficulty in maintaining sufficient bus drivers to operate the  
3 full complement of buses owned by the government of Guam, and keeping much  
4 of the bus fleet operational. Recently, the newly-expanded fleet has been operating  
5 with around one hundred ten (110) school buses. The automotive mechanics  
6 employed by the Department face a large workload, so unexpected mechanical  
7 failures or damage to buses can have significant impacts on the transportation of  
8 public and private school students.

9 *I Liheslaturan Guåhan* further finds that Subsection (a) of §8121, Chapter 8,  
10 Title 4, Guam Code Annotated, provides that some retirees may be re-employed,  
11 provided that the retirement annuity is suspended. Many retirees view this as a  
12 disincentive to return to government service. Some exceptions to this include  
13 certain judges, persons employed at Department of Education schools, certain  
14 licensed health professionals, faculty of the University of Guam and Guam  
15 Community College, limited term police officers, unclassified appointees of the  
16 Governor, employees of the Office of the Governor and Lieutenant Governor, and  
17 heads of autonomous agencies appointed by a governing board. School bus drivers  
18 and automotive mechanics are *not* included in this exempt class, so if they return to  
19 work for the Department of Public Works, they would be required to forgo their  
20 regular retirement annuity payment, which would be a considerable barrier to re-  
21 employment with the Department.

22 Therefore, it is the intent of *I Liheslaturan Guåhan* to permit the limited  
23 term appointment of government of Guam retirees to work as school bus drivers or  
24 automotive mechanics, and allow such retiree to continue to receive his or her  
25 regular retirement annuity payment.

26 **Section 3. Suspension of Annuity Payment.** Subsection (a) of §8121,  
27 Article 1, Chapter 8, Title 4, Guam Code Annotated, is hereby *amended* to read:



1           “(a) A retired member who subsequently becomes an employee  
2 eligible for membership under §8106 of this Title prior to January 1, 1999,  
3 *shall*, upon becoming so employed, have that member’s right to receive  
4 payment of that member’s annuity suspended for the duration of that  
5 member’s employment, but all other rights pertaining to that member’s  
6 annuity provided by this Article, including automatic increases therein, *shall*  
7 be retained by that member. The provisions of this Section *shall not* be  
8 applicable to any retired Judge or Justice designated and assigned by the  
9 Chief Justice to perform judicial duties in the courts of Guam as provided for  
10 in §6115 of Title 7 GCA, or any person employed by the Department of  
11 Education in Guam schools, as a substitute teacher or as a Certified  
12 Augmentation Teaching Service (CATS) employee as that term is defined  
13 by Title 17 GCA § 3127(b). Such employment *shall* be subject to the  
14 provisions of Subsection (d) of this Section.

15           The provisions of this Section *shall not* be applicable to any certified,  
16 registered or licensed health care professional, or ancillary service personnel,  
17 employed by the Guam Memorial Hospital Authority, the Department of  
18 Mental Health and Substance Abuse, the Department of Public Health and  
19 Social Services; academic faculty positions at the University of Guam and  
20 the Guam Community College; a limited term police officer employed by  
21 the Guam Police Department, to include Police Officers I, II, III and  
22 Sergeant I & II, performing duties such as patrol officers, narcotic officers,  
23 criminal investigators and school resource officers; or limited term school  
24 bus drivers or automotive mechanics employed by the Department of Public  
25 Works; provided, that such person(s) occupies such positions for which *no*  
26 other qualified/certified applicants was available, and that such employment





FILE COPY

**I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN**  
THIRTY-SECOND GUAM LEGISLATURE  
155 Hesler Place, Hagåtña, Guam 96910

February 3, 2014


The Honorable Edward J.B. Calvo  
*I Maga'lahaen Guahan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

*12:28 J. Dala K  
2/4/14*

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill Nos. 228-32(COR), 234-32(COR), 241-32(COR), 257-32(COR) and 258-32(COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guahan* on February 3, 2014.

Sincerely,

  
Rory J. Respicio  
Acting Legislative Secretary

Enclosure (5)

11303

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2014 (SECOND) Regular Session**

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

This is to certify that **Bill No. 228-32 (COR)**, "AN ACT TO AMEND SUBSECTION (a) OF §8121 OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS OF RETIRED SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS," was on the 3rd day of February, 2014, duly and regularly passed.



\_\_\_\_\_  
**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested:



\_\_\_\_\_  
**Rory J. Respicio**  
**Acting Legislative Secretary**

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This Act was received by *I Maga'lahen Guåhan* this 4<sup>th</sup> day of Feb., 2014, at 12:28 o'clock P.M.



\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

\_\_\_\_\_  
**EDWARD J.B. CALVO**  
*I Maga'lahen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session

**Bill No. 228-32 (COR)**

Introduced by:

Michael F. Q. San Nicolas  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
B. J.F. Cruz  
Chris M. Dueñas  
Michael T. Limtiaco  
Brant T. McCreadie  
Tommy Morrison  
T. R. Muña Barnes  
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Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* SUBSECTION (a) OF §8121 OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS OF RETIRED SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS.**

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

2 **Section 1. Short Title.** This Act *shall* be cited as the “*Responsible*  
3 *Retired School Bus Driver and Automotive Mechanic Re-employment Act.*”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
5 that the Department of Public Works currently has a fleet of one hundred thirty-  
6 eight (138) school buses. In the near future, it is expected that the fleet will expand

1 to approximately one hundred fifty (150) school buses. Currently, the Department  
2 of Public Works has difficulty in maintaining sufficient bus drivers to operate the  
3 full complement of buses owned by the government of Guam, and keeping much  
4 of the bus fleet operational. Recently, the newly-expanded fleet has been operating  
5 with around one hundred ten (110) school buses. The automotive mechanics  
6 employed by the Department face a large workload, so unexpected mechanical  
7 failures or damage to buses can have significant impacts on the transportation of  
8 public and private school students.

9 *I Liheslaturan Guåhan* further finds that Subsection (a) of §8121, Chapter 8,  
10 Title 4, Guam Code Annotated, provides that some retirees may be re-employed,  
11 provided that the retirement annuity is suspended. Many retirees view this as a  
12 disincentive to return to government service. Some exceptions to this include  
13 certain judges, persons employed at Department of Education schools, certain  
14 licensed health professionals, faculty of the University of Guam and Guam  
15 Community College, limited term police officers, unclassified appointees of the  
16 Governor, employees of the Office of the Governor and Lieutenant Governor, and  
17 heads of autonomous agencies appointed by a governing board. School bus drivers  
18 and automotive mechanics are *not* included in this exempt class, so if they return to  
19 work for the Department of Public Works, they would be required to forgo their  
20 regular retirement annuity payment, which would be a considerable barrier to re-  
21 employment with the Department.

22 Therefore, it is the intent of *I Liheslaturan Guåhan* to permit the limited  
23 term appointment of government of Guam retirees to work as school bus drivers or  
24 automotive mechanics, and allow such retiree to continue to receive his or her  
25 regular retirement annuity payment.

26 **Section 3. Suspension of Annuity Payment.** Subsection (a) of §8121,  
27 Article 1, Chapter 8, Title 4, Guam Code Annotated, is hereby *amended* to read:

1           “(a) A retired member who subsequently becomes an employee  
2 eligible for membership under §8106 of this Title prior to January 1, 1999,  
3 *shall*, upon becoming so employed, have that member’s right to receive  
4 payment of that member’s annuity suspended for the duration of that  
5 member’s employment, but all other rights pertaining to that member’s  
6 annuity provided by this Article, including automatic increases therein, *shall*  
7 be retained by that member. The provisions of this Section *shall not* be  
8 applicable to any retired Judge or Justice designated and assigned by the  
9 Chief Justice to perform judicial duties in the courts of Guam as provided for  
10 in §6115 of Title 7 GCA, or any person employed by the Department of  
11 Education in Guam schools, as a substitute teacher or as a Certified  
12 Augmentation Teaching Service (CATS) employee as that term is defined  
13 by Title 17 GCA § 3127(b). Such employment *shall* be subject to the  
14 provisions of Subsection (d) of this Section.

15           The provisions of this Section *shall not* be applicable to any certified,  
16 registered or licensed health care professional, or ancillary service personnel,  
17 employed by the Guam Memorial Hospital Authority, the Department of  
18 Mental Health and Substance Abuse, the Department of Public Health and  
19 Social Services; academic faculty positions at the University of Guam and  
20 the Guam Community College; a limited term police officer employed by  
21 the Guam Police Department, to include Police Officers I, II, III and  
22 Sergeant I & II, performing duties such as patrol officers, narcotic officers,  
23 criminal investigators and school resource officers; or limited term school  
24 bus drivers or automotive mechanics employed by the Department of Public  
25 Works; provided, that such person(s) occupies such positions for which *no*  
26 other qualified/certified applicants was available, and that such employment

1           *shall* be on a fiscal year basis; subject to the provisions of Subsection (d) of  
2           this Section.

3           The provisions of this Section *shall not* be applicable to employee(s) of the  
4           Office of the Governor, employee(s) of the Office of the Lieutenant Governor,  
5           unclassified employee(s) appointed by the Governor of Guam, and heads of  
6           autonomous agencies appointed by a governing board. An employee of the  
7           Governor or Lieutenant Governor’s office or unclassified employee appointed by  
8           the Governor of Guam and heads of autonomous agencies appointed by a  
9           governing board who has previously retired *shall* become a member of the Defined  
10          Contribution Retirement System.”



# LEGISLATIVE SESSION

## I MINA'TRENTAI DOS NA LIHESLATURAN

### 2014 (SECOND) Regular Session

### Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall  
February 3, 2014

Bill No. 228-32 (COR)

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE					✓ Ex.
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES					✓ Ex.
Senator Vicente (ben) Cabrera PANGELINAN		✓			
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

12	1	—	—	2 Ex.
Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

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

I = Pass



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd 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  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
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Speaker  
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Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

January 17, 2014

VIA E-MAIL

[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

**John A. Rios**  
**Director**  
**Bureau of Budget & Management Research**  
**P.O. Box 2950**  
**Hagåtña, Guam 96910**

**RE: Request for Fiscal Notes– Bill Nos. 228-32 (LS), 229-32(COR), 230-32(COR); 262-32(COR) & 263-32(COR)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

**Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature

<b>Bill Nos.</b>	<b>Sponsor</b>	<b>Title</b>
<b>228-32 (LS)</b>	Michael F. Q. San Nicolas	AN ACT TO EXEMPT BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS AS SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS, BY AMENDING SUBSECTION (a) OF §8121, ARTICLE 1, CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED.
<b>229-32 (COR)</b>	Michael F. Q. San Nicolas	AN ACT TO REQUIRE THAT THE OFFICE OF TECHNOLOGY ESTABLISH A WEB-BASED MEETING PROTOCOL TO ALLOW AGENCIES TO HOLD NON-PUBLIC MEETINGS REMOTELY BY ADDING A NEW SUBSECTION (k) TO §20204.1 OF ARTICLE 2, CHAPTER 20, TITLE 5, GUAM CODE ANNOTATED.
<b>230-32 (COR)</b>	Michael F. Q. San Nicolas	AN ACT TO REQUIRE THAT THE OFFICE OF TECHNOLOGY ESTABLISH A SECURE WEB- BASED COMMUNICATIONS PROTOCOL TO ALLOW AGENCIES TO SECURELY SHARE INFORMATION WITH AUTHORIZED RECIPIENTS BY ADDING A NEW SUBSECTION (j) TO §20204.1 OF ARTICLE 2, CHAPTER 20, TITLE 5, GUAM CODE ANNOTATED.

<b>262-32 (COR)</b>	Brant T. McCreadie	AN ACT TO AMEND §77107 AND TO ADD A NEW §77135 TO CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING A PUBLIC-PRIVATE PARTNERSHIP FOR VEHICLE IMPOUNDMENT.
<b>263-32 (COR)</b>	Brant T. McCreadie	AN ACT TO ADD A NEW §77113.1 TO CHAPTER 77, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING AN ANNUAL POLICE RECRUITMENT CYCLE, STARTING IN FISCAL YEAR 2015 FOR A FIVE YEAR PERIOD.



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

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Senator  
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Member

Senator  
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Member  
MINORITY LEADER


Senator  
Aline Yamashita  
Member

November 27, 2013

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

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

**From:** **Senator Thomas C. Ada**   
*Acting Chairperson of the Committee on Rules*

**Subject:** **Referral of Bill No. 228-32(LS)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 228-32(LS)**.

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

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

*Si Yu'os Ma'åse!*

Attachment

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2013 (FIRST) Regular Session**

Bill No. 228-32 (LS)

Introduced by:

Michael F.Q. San Nicolas 

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**AN ACT TO EXEMPT BENEFICIARIES OF THE  
DEFINED BENEFIT RETIREMENT PLAN FROM THE  
SUSPENSION OF THEIR ANNUITY PAYMENTS FOR  
LIMITED TERM APPOINTMENTS AS SCHOOL BUS  
DRIVERS OR AUTOMOTIVE MECHANICS, BY  
AMENDING SUBSECTION (a) OF §8121, ARTICLE 1,  
CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED.**

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

2 **Section 1. Short Title.** This Act *shall* be cited as the “Responsible Retired  
3 School Bus Driver and Automotive Mechanic Re-employment Act.”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
5 that the Department of Public Works currently has a fleet of one hundred thirty-  
6 eight (138) school buses. In the near future, it is expected that the fleet will expand  
7 to approximately one hundred fifty (150) school buses. Currently, the Department  
8 of Public Works has difficulty in maintaining sufficient bus drivers to operate the  
9 full complement of buses owned by the Territory and keeping much of the bus  
10 fleet operational. Recently, the newly-expanded fleet has been operating with  
11 around one hundred ten school buses. The automotive mechanics employed by the  
12 Department face a large workload, so unexpected mechanical failures or damage to  
13 buses can have significant impacts on the transportation of public and private  
14 school students.

15 *I Liheslaturan Guåhan* further finds that Subsection (a) of §8206, Chapter 8,

1 Title 4, Guam Code Annotated, provides that some retirees may be re-employed,  
2 provided that the retirement annuity is suspended. Many retirees view this as a  
3 disincentive to return to government service. Some exceptions to this include  
4 certain Judges, persons employed at Department of Education schools, certain  
5 licensed health professionals, faculty of the University of Guam and Guam  
6 Community College, limited term police officers, unclassified appointees of the  
7 Governor, employees of the Office of the Governor and Lieutenant Governor and  
8 heads of autonomous agencies appointed by a governing board. School Bus  
9 Drivers and Automotive Mechanics are not included in this exempt class, so if they  
10 return to work for the Department of Public Works, they would be required to  
11 forgo their regular retirement annuity payment, which would be a considerable  
12 barrier to re-employment with the Department.

13 Therefore, it is the intent of *I Liheslaturan Guåhan* to permit the limited  
14 term appointment of government of Guam retirees to work as School Bus Drivers  
15 or Automotive Mechanics and allow such retiree to continue to receive his or her  
16 regular retirement annuity payment.

17 **Section 3. Suspension of Annuity Payment.** Subsection (a) of §8121,  
18 Article 1, Chapter 8, Title 4, Guam Code Annotated is hereby *amended*, to read:

19 “(a) A retired member who subsequently becomes an employee  
20 eligible for membership under §8106 of this Title prior to January 1, 1999,  
21 *shall*, upon becoming so employed, have that member’s right to receive  
22 payment of that member’s annuity suspended for the duration of that  
23 member’s employment, but all other rights pertaining to that member’s  
24 annuity provided by this Article, including automatic increases therein, *shall*  
25 be retained by that member. The provisions of this Section *shall* not be  
26 applicable to any retired Judge or Justice designated and assigned by the  
27 Chief Justice to perform judicial duties in the courts of Guam as provided for

1 in §6115 of Title 7 GCA, or any person employed by the Department of  
2 Education in Guam schools, as a substitute teacher or as a Certified  
3 Augmentation Teaching Service (CATS) employee as that term is defined  
4 by Title 17 GCA § 3127(b). Such employment *shall* be subject to the  
5 provisions of Subsection (d) of this Section.

6 The provisions of this Section *shall* not be applicable to any certified,  
7 registered or licensed health care professional, or ancillary service personnel,  
8 employed by the Guam Memorial Hospital Authority, the Department of  
9 Mental Health and Substance Abuse, the Department of Public Health and  
10 Social Services, academic faculty positions at the University of Guam and  
11 the Guam Community College, ~~or~~ a limited term police officer employed by  
12 the Guam Police Department to include Police Officers I, II, III and Sergeant  
13 I & II, performing duties such as patrol officers, narcotic officers, criminal  
14 investigators and school resource officers, or limited term School Bus  
15 Drivers or Automotive Mechanics employed by the Department of Public  
16 Works; provided, that such person(s) occupies such positions for which no  
17 other qualified/certified applicants was available, and that such employment  
18 *shall* be on a fiscal year basis; subject to the provisions of Subsection (d) of  
19 this Section.

20 The provisions of this Section *shall* not be applicable to employee(s)  
21 of the Office of the Governor, employee(s) of the Office of the Lieutenant  
22 Governor, unclassified employee(s) appointed by the Governor of Guam,  
23 and heads of autonomous agencies appointed by a governing board. An  
24 employee of the Governor or Lieutenant Governor's office or unclassified  
25 employee appointed by the Governor of Guam and heads of autonomous  
26 agencies appointed by a governing board who has previously retired *shall*  
27 become a member of the Defined Contribution Retirement System."