

ELEVENTH GUAM LEGISLATURE
1972 (SECOND) Regular Session


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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Bill No. 1022, "An Act to amend Section 4212 of the Government Code of Guam to provide for an automatic increase in disability annuities", was on the 1st day of November, 1972, duly and regularly passed.


F. T. RAMIREZ
Speaker


ATTESTED:


G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 14th day
of November, 1972 at 10:15 o'clock A.M.


VINCENT T. PEREZ
Attorney General of Guam

APPROVED:


CARLOS G. CAMACHO
Governor of Guam

DATED: 11-22-72
9:30 am

Public Law
11-188

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ELEVENTH GUAM LEGISLATURE
1972 (SECOND) Regular Session

Bill No. 1022

Introduced by

A. L. Cristobal
V. D. Ada
J. B. Butler
T. C. Charfauros
J. R. Duenas
W. D. L. Flores
F. G. Lujan
L. S. N. Paulino
J. A. Perez
F. T. Ramirez
A. C. Sanchez
F. R. Santos
T. R. Santos
A. A. Sekt

AN ACT TO AMEND SECTION 4212 OF THE
GOVERNMENT CODE OF GUAM TO PROVIDE FOR
AN AUTOMATIC INCREASE IN DISABILITY
ANNUITIES.

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

2 Section 1. Section 4212 of the Government Code of Guam
3 is hereby amended to read as follows:

4 "Section 4212. Disability. (a) Any member less than
5 sixty (60) years of age, who shall become totally and
6 permanently disabled for service, either mentally or
7 physically, regardless of how or where the disability
8 shall have occurred, shall be entitled to a disability
9 retirement annuity. A total and permanent disability for
10 the purposes of this Chapter is one which results from
11 some impairment of body or mind that substantially pre-
12 cludes a person from performing with reasonable regularity
13 the substantial and material parts of any gainful work

1 or occupation that he would be competent to perform were it
2 not for that impairment, and is founded upon conditions
3 which render it reasonably certain that it will continue
4 indefinitely.

5 Such annuity shall begin to accrue upon the
6 commencement of disability, provided that if the member
7 is receiving salary for sick leave, payment shall accrue
8 from the date salary ceases.

9 A member shall be considered totally and permanently
10 disabled after the Board shall have received written cer-
11 tification by at least two licensed and practicing
12 physicians selected by the Board that the member is
13 totally and likely to be permanently disabled for the
14 further performance of the duties of any assigned position
15 in the service of the government. If upon consideration
16 of the report of such physicians, and such other evidence
17 as shall have been presented to it by the member or others
18 interested therefrom, the Board finds the member to be
19 totally and permanently disabled, it shall grant him a
20 disability retirement annuity upon written certification
21 that the member has been separated from the service of
22 the employer because of total disability of such nature
23 as to reasonably prevent further service for the employer
24 and as a consequence is not entitled to compensation
25 from the government.

26 The amount of disability retirement annuity shall be
27 sixty-six and two thirds percent (66 2/3%) based on the
28 salary of the member in effect at the date of disability.
29 Any special compensation allowance received or payable to
30 any member because of disability resulting from accidental
31 causes while in the performance of a specific act or acts
32 of duty shall be deducted from the disability annuity
33 payable by the Fund on account of the same disability.

1 At least once each year during the first five (5)
2 years following the allowance of a disability annuity to
3 any member, and at least once in every three (3) year
4 period thereafter, the Board shall require any disability
5 annuitant to undergo a medical examination to be made at
6 place of residence of said annuitant, or at any other
7 place mutually agreed upon, by a physician or physicians
8 engaged by the Board. If any examination indicates that
9 the annuitant is no longer physically or mentally
10 incapacitated for service, or that he is engaged or
11 is able to engage in a gainful occupation, payments of the
12 disability annuity by the Fund shall be discontinued as
13 soon as he is reinstated to the payroll following sick
14 leave, but in no case shall payment be made for more than
15 sixty (60) days after physicians engaged by the Board
16 find the annuitant is no longer incapacitated for service.

17 Should such annuitant become able to resume a gainful
18 occupation and his earnings therefrom be less than his
19 salary at the date of retirement or the salary currently
20 paid for similar positions, whichever is lower, the Board
21 shall continue the disability allowance in an amount which,
22 when added to his earnings from a gainful occupation, shall
23 not exceed his salary at the date of retirement or the
24 salary currently paid for similar position, whichever is
25 lower.

26 Should any disability annuitant refuse to submit to
27 a medical examination as herein provided, payments by the
28 Fund shall be discontinued until his withdrawal of such
29 refusal, and should his refusal continue for one year,
30 all rights of the member in any disability annuity shall
31 be revoked by the Board.

32 Any disability annuitant who is restored to active
33 service shall have deductions taken for the retirement

1 fund and upon subsequent retirement have his retirement
2 allowance based upon all allowable service including that
3 upon which the disability allowance is based.

4 (b) Any member who retires from service and is
5 entitled to receive disability retirement benefits after
6 December 1, 1972, shall receive an automatic increase of
7 his then fixed disability annuity in the amount of one
8 and one-half percent (1 1/2%) thereof each year on the
9 anniversary date of his retirement or entitlement:

10 (c) Any disability annuitant who shall have his
11 annuity recomputed as of December 1, 1972, shall receive
12 an automatic increase of his then recomputed annuity in the
13 amount of one and one-half percent (1 1/2%) thereof on
14 December 1, 1973, and each year thereafter."

15 Section 2. Any disability annuitant who had his annuity
16 recomputed pursuant to Section 2 of Public Law 10-122, Tenth
17 Guam Legislature, shall have his recomputed annuity increased on
18 December 1, 1972, by an amount equal to four percent (4%)
19 thereof.

20 Section 3. Any annuitant who, between April 1, 1970 and
21 December 1, 1972 became entitle to receive a disability
22 retirement annuity, shall have his annuity increased on December
23 1, 1972, by an amount equal to one-half percent (1/2%) thereof
24 for each four (4) month period that the annuitant was in receipt
25 of his annuity.

26 Section 4. The provisions of this Act shall take effect
27 December 1, 1972.