



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>Joni Amador</u>
Time	<u>2:15 p.m.</u>
Date	<u>5-7-98</u>

MAY 06 1998

Refer to  
**Legislative Secretary**

The Honorable Antonio R. Unpingco  
Speaker  
Mina'Bente Kuattro na Liheslaturan Guåhan  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 519 (COR), "AN ACT TO AMEND §8134(c) OF ARTICLE 1, CHAPTER 8 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR DISABLED DEPENDENT CHILDREN OF ANNUITANTS.", which I have signed into law today as **Public Law No. 24-189.**

The Retirement Law currently provides for disability benefits for disabled children of annuitants of the Government of Guam Retirement Fund. When an annuitant dies, payments are still made for the care of a disabled child, however current law seems to say that the child's disability has to be certified by a physician before the child is 18 years of age.

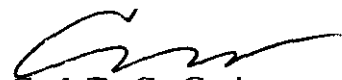
This legislation provides that, as is the case already, a child must have been disabled before the age of 18 to be eligible for disability annuity. The legislation makes an additional provision that if, for some reason, a physician did not certify the child's disability before the age of 18 and the parent later dies, the disabled child will still be provided for. A physician can certify the disability within 1 year of the parent's death. In most cases of disability, either the disability occurs at birth, or as a result of an event such as an accident, and determining when this occurred will not be difficult.

00798

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 5/7/98  
Time: 10:45 AM  
Rec'd by: [Signature]  
Print Name: Jani Man

This situation does not occur with any frequency, but clarifies that disabled persons who are children of annuitants, and disabled while still in the age of minority before 18 and dependent on their parents, will still be provided for after the parent passes away.

Very truly yours,



Carl T. C. Gutierrez  
I Maga'lahañ Guåhan  
Governor of Guam

00798

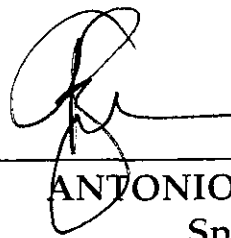
Attachment:      copy attached for signed bill  
                         original attached for vetoed bill

cc:    The Honorable Joanne M. S. Brown  
       Legislative Secretary

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session

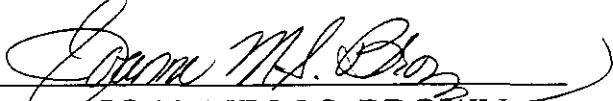
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 519 (COR), "AN ACT TO AMEND §8134(c) OF ARTICLE 1, CHAPTER 8 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR DISABLED DEPENDENT CHILDREN OF ANNUITANTS," was on the 27<sup>th</sup> day of April, 1998, duly and regularly passed.



ANTONIO R. UNPINGCO  
Speaker

Attested:



JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahen Guahan* this 1<sup>st</sup> day of May, 1998,  
at 12:05 o'clock P.M.



Assistant Staff Officer  
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ  
*I Maga'lahen Guahan*

Date: 5-6-98

Public Law No. 24-189

**MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session**

**Bill No. 519 (COR)**

As substituted by the Committee on Power  
Foreign Affairs and General Government Services  
and amended on the Floor.

Introduced by:

V. C. Pangelinan  
F. E. Santos  
Felix P. Camacho  
Francisco P. Camacho  
T. C. Ada  
F. B. Aguon, Jr.  
A. C. Blaz  
J. M.S. Brown  
M. C. Charfauros  
E. J. Cruz  
W. B.S.M. Flores  
Mark Forbes  
L. F. Kasperbauer  
A. C. Lamorena, V  
C. A. Leon Guerrero  
L. Leon Guerrero  
J. C. Salas  
A. L.G. Santos  
A. R. Unpingco  
J. Won Pat-Borja

**AN ACT TO AMEND §8134(c) OF ARTICLE 1,  
CHAPTER 8 OF TITLE 4 OF THE GUAM CODE  
ANNOTATED, RELATIVE TO PROVIDING FOR  
DISABLED DEPENDENT CHILDREN OF  
ANNUITANTS.**

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

2           **Section 1. Legislative Statement.** *I Liheslaturan Guahan* finds the  
3 current statute providing annuity benefits to children with disabilities of  
4 annuitants, or members of the Retirement Fund, is deficient in its ability to  
5 address long-term care and services in the event of the annuitant's death.  
6 Presently, upon the death of an annuitant or member, the continuation of  
7 benefits is conditional upon examination by physicians and notification to the  
8 Retirement Fund prior to the child's attainment of age eighteen (18). Should  
9 notification fail to be received, termination of the essential benefits occur.

10           *I Liheslaturan Guahan* further finds that the Retirement Fund has  
11 encountered numerous cases from families of deceased members, who have  
12 no prior knowledge of the requirements, thus, failing to obtain continued  
13 annuity benefits to provide for the care and services of survivor(s) incapable  
14 of self-support.

15           It is the intent of *I Liheslaturan Guahan* to ensure that long-term financial  
16 support to such individuals will not be threatened nor sacrificed due to  
17 limited financial support, by requiring the Retirement Fund to adequately  
18 inform all existing members and annuitants of the requirements; and further,  
19 by providing an opportunity to fulfill the examination requirements, if the  
20 disabled surviving child was *not* able to attain the required examinations  
21 before the eighteenth (18<sup>th</sup>) birthday, after the death of the annuitant or  
22 member. The implementation of this requires that the enabling statute be  
23 amended.

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

3           “(c) **Payment to Children Disabled Before Eighteen (18) Years.**

4           Upon death of an annuitant, or a member while in service having  
5 completed at least three (3) years of total service, if a surviving child or  
6 children is disabled, annuities shall be payable to them after age  
7 eighteen (18) at the same annual rate as if they were minor children  
8 under the age of eighteen (18); provided however, that such annuity  
9 shall be conditional upon the child being disabled prior to the child’s  
10 eighteenth (18<sup>th</sup>) birthday and having been examined by two (2) licensed  
11 physicians before attaining the age of eighteen (18), or within one (1)  
12 year of the death of the annuitant or member, and found to be  
13 permanently physically or mentally disabled and incapable of self-  
14 support. The results of such examination may be submitted to the  
15 Board at any time prior to the child’s eighteenth (18<sup>th</sup>) birthday, or  
16 within one (1) year of the death of the annuitant or member.

17           Such annuity shall continue until death or until such child loses  
18 his permanent disability and becomes capable of self-support. The  
19 Retirement Fund shall notify all annuitants and members of the Fund  
20 the availability of such benefit and requirements within sixty (60) days  
21 of the enactment of this Act and again within thirty (30) days following  
22 receipt of notice of the death of such annuitant or member.”

24-189



LEGISLATURE  
GUAM LEGISLATURE

Senator Felix P. Camacho

Power, Foreign Affairs and General Government Services

472-3505, 5  
472-9747

April 20, 1998

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
155 Hesler Street  
Agaña, Guam 96910

via: Committee on Rules

Dear Mr. Speaker:

the Committee on Power, Foreign Affairs & General Government Services, to which was referred **BILL NO. 519 (COR)**, "An Act to Amend Subsection (c) of §8134, Title 4 GCA, and to Add a New Subsection (g) to the Same Section, Relative to Requiring the Retirement Fund to Inform All Annuitants and Members of the Requirements Necessary for Their Dependent(s) With Disabilities to Continue Receiving Essential Benefits After the Death of the Annuitant or Member, and to Provide an Opportunity for the Dependent(s) With Disabilities to Fulfill Examination Requirements After the Death of the Annuitant or Member.", does hereby report back, with the recommendation TO DO PASS **AS SUBSTITUTED** BY THE COMMITTEE.

**SUBSTITUTE BILL NO. 519 (COR)**, "An Act to Amend Subsection (c) of §8134, Title 4 Guam Code Annotated, Relative to Requiring the Retirement Fund to Inform All Annuitants and Members of the Requirements Necessary for Their Dependent(s) With Disabilities to Continue Receiving Essential Benefits After the Death of the Annuitant or Member, and to Provide an Opportunity for the Dependent(s) With Disabilities to Fulfill Examination Requirements After the Death of the Annuitant or Member."

Votes of Committee Members are as follows:

<u>9</u>	To Pass
<u>          </u>	Not To Pass
<u>          </u>	To The Inactive File
<u>          </u>	Abstained
<u>          </u>	Off-Island
<u>6</u>	Not Available

Sincerely,



SENATOR FELIX P. CAMACHO

Attachments





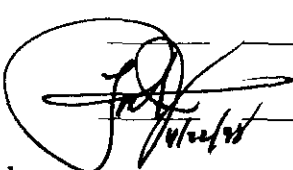


**COMMITTEE ON POWER, FOREIGN AFFAIRS  
& GENERAL GOVERNMENT SERVICES  
TWENTY-FOURTH GUAM LEGISLATURE  
155 Hesler Street, Agana, Guam 96910**

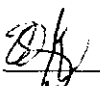
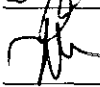
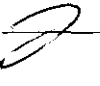

<b>Chairman: Senator Felix P. Camacho    Vice Chairman: Senator Lawrence F. Kasperbauer Ex-Officio Member: Speaker Antonio R. Unpingco</b>
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**VOTING SHEET ON:**

**SUBSTITUTE BILL NO. 519 (COR), "An Act to Amend Subsection (c) of §8134, Title 4, Guam Code Annotated, Relative to Requiring the Retirement Fund to Inform All Annuitants and Members of the Requirements Necessary for Their Dependent(s) With Disabilities to Continue Receiving Essential Benefits After the Death of the Annuitant or Member, and to Provide an Opportunity for the Dependent(s) With Disabilities to Fulfill Examination Requirements After the Death of the Annuitant or Member."**

**(AS INTRODUCED: BILL NO. 519 (COR), "An Act to amend Subsection (c) of §8134, Title 4 GCA, and to Add a New Subsection (g) to the Same Section, Relative to Requiring the Retirement Fund to Inform All Annuitants and Members of the Requirements Necessary for Their Dependent(s) With Disabilities to Continue Receiving Essential Benefits After the Death of the Annuitant or Member, and to Provide an Opportunity for the Dependent(s) With Disabilities to Fulfill Examination Requirements After the Death of the Annuitant or Member.")**

<u>COMMITTEE MEMBERS</u>	<u>INITIAL</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
Sen. Felix P. Camacho		<input checked="" type="checkbox"/>			
Sen. Lawrence F. Kasperbauer		<input checked="" type="checkbox"/>			
Sen. Thomas C. Ada					
Sen. Frank B. Aguon, Jr.		<input checked="" type="checkbox"/>			
Sen. Elizabeth Barrett-Anderson					
Sen. Francisco P. Camacho		<input checked="" type="checkbox"/>			
Sen. Mark C. Charfauros		<input checked="" type="checkbox"/>			

Sen. Eduardo J. Cruz, MD		✓	_____	_____	_____
Sen. William B. S.M. Flores		✓	_____	_____	_____
Sen. Carlotta A. Leon Guerrero			_____	_____	_____
Sen. Alberto A.C. Lamorena V			_____	_____	_____
Sen. Vicente C. Pangelinan		✓	_____	_____	_____
Sen. Angel L.G. Santos			_____	_____	_____
Sen. Francis E. Santos			_____	_____	_____
Sen. Judith Won Pat-Borja		✓	_____	_____	_____

**COMMITTEE ON POWER, FOREIGN AFFAIRS  
& GENERAL GOVERNMENT SERVICES  
TWENTY-FOURTH GUAM LEGISLATURE  
155 Hesler Street, Agaña, Guam 96910**

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**COMMITTEE REPORT**

ON

**BILL NO. 519 (COR)**

“An Act to Amend Subsection (c) of §8134, Title 4 GCA, and to Add a New Subsection (g) to the Same Section, Relative to Requiring the Retirement Fund to Inform All Annuitants and Members of the Requirements Necessary for Their Dependent(s) With Disabilities to Continue Receiving Essential Benefits After the Death of the Annuitant or Member, and to Provide an Opportunity for the Dependent(s) With Disabilities to Fulfill Examination Requirements After the Death of the Annuitant or Member.”

**COMMITTEE MEMBERS**

Chairman: Felix P. Camacho  
Vice Chairman: Senator Lawrence F. Kasperbauer  
Ex-Officio Member: Antonio R. Unpingco

Thomas C. Ada	Elizabeth Barrett-Anderson
Francisco P. Camacho	Mark C. Charfauros
Edwardo J. Cruz, MD	William B. S.M. Flores
Alberto A.C. Lamorena V	Carlotta A. Leon Guerrero
Vicente C. Pangelinan	Angel L.G. Santos
Francis E. Santos	Judith Won Pat-Borja
Frank B. Aguon, Jr.	

**COMMITTEE REPORT  
POWER, FOREIGN AFFAIRS AND  
GENERAL GOVERNMENT SERVICES**

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**BILL NO. 519 (COR)**

“An Act to Amend Subsection (c) of §8134, Title 4 GCA, and to Add a New Subsection (g) to the Same Section, Relative to Requiring the Retirement Fund to Inform All Annuitants and Members of the Requirements Necessary for Their Dependent(s) With Disabilities to Continue Receiving Essential Benefits After the Death of the Annuitant or Member, and to Provide an Opportunity for the Dependent(s) With Disabilities to Fulfill Examination Requirements After the Death of the Annuitant or Member.”

**I. PUBLIC HEARING**

The Committee on Power, Foreign Affairs & General Government Services called a public hearing to order at 9:00 a.m., Tuesday, April 14, 1998 to hear testimony on Bill No. 519 (COR). The hearing was held in the Public Hearing Room, of the Temporary Building, of the Guam Legislature, Agaña. Notices were placed in the Pacific Daily News on 04/11/ and 04/12/98.

The hearing was called to order by Senator Felix P. Camacho, Chairman of the Committee on Power, Foreign Affairs and General Government Services. Members present included Senators Vicente C. Pangelinan, Francisco P. Camacho, Frank B. Aguon, and Alberto A. Lamorena V.

Present to testify was Ms. Joanne Grimes, Esquire, Legal Council, Board of Trustees, Government of Guam Retirement Fund. Written testimony was submitted by Mr. John A .Rios, Director, Government of Guam Retirement Fund.

**II. BACKGROUND**

Pursuant to subsection (c) of §8134, Title 4, GCA, annuity benefits continue to be payable to the surviving disabled children of annuitants after they reach

the age of majority (eighteen years of age). The provision for said continuance is dependent upon the child being found to be permanently physically or mental disabled and incapable of self-support. Said medical diagnosis, however, must be completed by two licensed physicians, prior to the child turning eighteen years of age. Additionally, said findings must be submitted to the Retirement Fund prior to the child turning eighteen. Should notification fail to be received, termination of essential benefits occur.

It has been found that many families of deceased annuitants have had no prior knowledge of the aforementioned statute. And because they were unaware of the provisions contained therein, diagnosis of the disabled child did not transpire prior the child turning eighteen, thus resulting in the loss of annuity benefits. Benefits which are essential for the care of disabled survivor(s) who are incapable of self-support. Bill No. 519 seeks to address the deficiency found in the enabling statute, and effectuates the necessary steps to do so, in order to ensure that long-term financial support for said individuals is not unduly sacrificed.

### III. TESTIMONY

**Attorney Joann Grimes** testified on behalf of the measure. She said that as currently written, language contained in the bill leaves room for ambiguity in terms of whether a child (meaning a child of majority age) would be entitled to receive survivor benefits if the disability occurs after attaining the age of majority. She stated that language reading “prior to the child’s eighteenth birthday” be added to line 16, page 2 of the bill so as to clarify that the disability occurred during the child’s minority years.

She stated that the words “continue to” and “continuing” found on line 13, page 2 and line 15, page 2 of the bill be deleted. She said that the reason the language should be deleted is that these payments are going to commence in the majority age and said existing language may be cause for confusion. Leaving the words in the text would leave a question, for example, on whether payments were “continued payments”, even if the child never received the payments while in the minority years because of the fact that the payments are given to their parents.

She concluded her testimony by stating that the notification or obligation requirement [ proposed subsection (g)] pertains only to disabled survivors [subsection (c)], and not to the entire §8134. She recommended that it be

eliminated as a separate subsection and be added as the last line in subsection (c). (Please refer to attached written testimony)

**Senator Vicente C. Pangelinan** stated that the suggested language regarding the fact that the disability occurred before the child attained the age of majority would certainly serve to clarify the section.

Senator Pangelinan stated that the reason behind providing for a notification process is because of the many individuals who have been unaware of the provision that the certification must have been made prior to the child turning eighteen. If they were notified, then there would not have been the problem with the loss of benefits.

**Attorney Grimes** inquired if the language contained in lines 21 - 22 provides for the payments to be made one year from the date of death, or one year from the date of the certification of disability.

**Senator Pangelinan** stated that the results of the certification should be made within one year from the date of the death of the parent. He concluded by stating his appreciation for the recommendations made.

#### **IV. FINDINGS**

The Committee finds that Bill No. 519 (COR) can be reported out with the changes recommended by Attorney Grimes.

#### **V. RECOMMENDATIONS**

The Committee on Power, Foreign Affairs & General Government Services hereby reports out Bill No. 519 (COR), as substituted by the committee, with the recommendation **TO DO PASS**.

or disability retirement annuity, leaving no person entitled to survivor annuities as provided in §8134 of this Chapter, the following shall be payable:

(a) The total amount of contributions made by the member, including regular interest, less the total amount of annuity payments received by the member; and

(b) A single sum death benefit payment in the amount of One Thousand Dollars (\$1,000).

Payment of these refunds and benefits shall be made to the beneficiary or beneficiaries designated by the member, in a nomination filed with the Board or if no such designation has been made, payment shall be made to the estate of the member.

SOURCE: GC §4215, as R/R by P.L. 11-171.

**§8133. Death of Inactive Member.** Notwithstanding any other provision of this Chapter, upon the death of a member, not in service, who had completed at least twenty (20) years of total service prior to his separation, if a surviving spouse or children survive the member, said surviving spouse or guardian of surviving children if there is no surviving spouse, shall have the following options:

(a) The surviving spouse may elect to receive an annuity as provided under §8134(a)(1) or (a)(2) whichever is applicable and §8134(c), if applicable; or

(b) If only a child or children survive, the guardian of said child or children may elect for the child or children to receive the annuity provided under §8214(a)(3) and (c) if applicable; or

(c) The surviving spouse or guardian of surviving minor children if there is no surviving spouse, may elect to receive in lieu of the annuity above provided, a refund of the amount of the deceased member's accumulated contribution in the Fund including regular interest to the date of the death.

SOURCE: GC §4216, as amended by P.L. 11-171.

**§8134. Survivor Annuities.** (a) Payment to Surviving Spouse and Minor Children of a Member. Upon death of a member, while in service, having completed at least three (3) years of total service, if a surviving spouse or minor children survive the member, the following annuities shall be payable:

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

(2) If both the surviving spouse and minor children under age eighteen (18) survive the member, an annuity shall begin immediately upon death of the member. The allowance for a minor child shall be payable until the child's attainment of age eighteen (18), age twenty-one (21) if child is a full-time student, marriage or death whichever first occurs. The annuity of the surviving spouse shall terminate upon the death or upon remarriage of a spouse under the age of forty (40) years, whichever first occurs; provided, however, that if remarriage occurs at age forty (40) or over, this restriction shall not be applicable.

(3) If a minor child or children under age eighteen (18) survive a member and no parent of such child or children is living, an annuity on account of any child or children shall be payable until the child's attainment of age eighteen (18), marriage, or death, whichever first occurs.

(4) Payment of the annuity or allowance for a minor child or children provided for under Paragraphs (2) and (3) of this Section may be continued up to twenty-two (22) years of age if such minor child or children are full-time students in an accredited college or university, or educational institution.

(b) Payment to Surviving Spouse and Minor Children of Annuitant. Upon death of an annuitant, if a surviving spouse and/or children survive, annuities shall be payable to them at the same rate and under the same conditions as are applicable to survivors of a member whose death occurs while in service.

(c) Payment to Children Disabled Before Eighteen (18) Years. Upon death of an annuitant, or a member while in service having completed at least three (3) years of total service, if a surviving child or children is disabled, annuities shall continue to be payable to them after age eighteen (18) at the same annual rate as if they were minor children under the age of eighteen (18); provided, however, that such continuing annuity shall be conditional upon the child being disabled and having



been examined by two (2) licensed physicians before attaining the age of eighteen (18) and found to be permanently physically or mentally disabled and incapable of self-support. The results of such examination may be submitted to the Board at any time prior to the child's eighteenth (18th) birthday.

Such annuity shall continue until death or until such child loses his permanent disability and becomes capable of self-support.

(d) Optional Provisions for Unmarried Employees. Upon retirement for services, any unmarried employee, whether male or female, if in good health as determined upon medical examination, may elect to receive in lieu of his full service retirement annuity, on an actuarial equivalent basis, a reduced annuity payable during his or her life time with an annuity payable during his or her life time with an annuity payable to his or her designated beneficiary at the same rate and under the same conditions as are applicable to survivors of a married member whose death occurs while in service. The reduced retirement annuity payable to the member under this option shall be ninety percent (90%) of the full service retirement annuity if the designated beneficiary is of the same age, or older, or less than five (5) years younger than the retired employee. Such retirement annuity shall be reduced to the extent of one percent (1%) for each additional year above five (5) that the age of the member exceeds the age of the beneficiary; provided, that the reduced retirement annuity for the member shall in no event be less than sixty percent (60%) of the full service retirement annuity.

(e) Upon death of a member, while in service or in receipt of a service retirement or disability retirement annuity, if a surviving spouse or minor children survive the member, a single sum death benefit payment in the amount of One Thousand Dollars (\$1,000) shall be payable.

(f) Upon death of a member in the line of duty, as determined by the Board, if a surviving spouse or children survive, annuities shall be payable to them at the same rate and under the same conditions as are applicable to survivors of a member whose death occurs while in service having completed at least three (3) years of total service.

SOURCE: GC §4217, as R/R by P.L. 11-171; Subsections (a)(1) and (a)(2) amended by P.L. 13-199. Subsection (f) added by P.L. 20-99:8.

NOTE: P.L. 20-99:9 provides that subsection (f) "shall be retroactive to June 1, 1987."



**GOVERNMENT OF GUAM RETIREMENT FUND**  
**Board of Trustees Position Statement Regarding Bill 519**

April 14, 1998

The Board of Trustees of the Retirement Fund supports the intent and purpose of Bill 519 (COR), but is concerned that Bill 519 as currently written would allow surviving children of annuitants to receive surviving children benefits even if their disabilities arose after they attained the age of majority.

The Board of Trustees believes that the Legislature's intent is to protect disabled surviving children who failed to be examined prior to their eighteenth (18th) birthday, by allowing them to undergo an examination within one (1) year of their parent's death. In order to require that the disability must have occurred prior to the child's attaining age eighteen (18), we suggest that a clause be added to the current bill to clarify this condition. Our suggestion is provided in double underline in the proposed amended Bill 519 attached hereto. This clause is necessary to ensure that post-majority disabilities are not "disabilities" that would entitle surviving children to benefits under section 8134. We also suggest that the "continue to" and "continuing" language in section (c) be deleted to avoid confusion. Minor children will receive survivor benefits as minor children regardless of whether they are disabled. Section (c) should clarify that survivor benefits will be made, not necessarily continued, to disabled children of majority age.

Lastly, with respect to the notification requirements of proposed subsection (g), we suggest that since the notification involves only the requirements of subsection (c), it should be contained in subsection (c) rather than in a separate subsection. Our recommendations are included in the attached proposed amended bill.

**PROPOSED AMENDED BILL NO. 519**

**AN ACT TO AMEND SUBSECTION (c) OF §8134, TITLE 4 GCA, RELATIVE TO REQUIRING THE RETIREMENT FUND TO INFORM ALL ANNUITANTS AND MEMBERS OF THE REQUIREMENTS NECESSARY FOR THEIR DEPENDENT(S) WITH DISABILITIES TO CONTINUE RECEIVING ESSENTIAL BENEFITS AFTER THE DEATH OF THE ANNUITANT OR MEMBER, AND TO PROVIDE AN OPPORTUNITY FOR THE DEPENDENT(S) WITH DISABILITIES TO FULFILL EXAMINATION REQUIREMENTS AFTER THE DEATH OF THE ANNUITANT OR MEMBER.**

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

**Section 1. Legislative statement.** The Legislature finds the current statute providing annuity benefits to children with disabilities of annuitants or members of the Retirement Fund is deficient in its ability to address long-term care and services in the event of the annuitant's death. Presently, upon the death of an annuitant or member, the continuation of benefits is conditional upon examination by physicians and notification to the Fund prior to the child's attainment of age 18. Should notification fail to be received, termination of the essential benefits occur.

The Legislature further finds that the Retirement Fund has encountered numerous cases from families of deceased members, who have no prior knowledge of the requirements, thus, failing to obtain continued annuity benefits to provide for the care and services of survivor(s) incapable of self-support.

It is the intent of the Legislature to ensure that long-term financial support to such individuals will not be threatened nor sacrificed due to limited financial support, by requiring the Retirement Fund to adequately inform all existing members and annuitants of the requirements; and further, by providing an opportunity to fulfill the examination requirements, if the disabled surviving child was not able to attain the required examinations before the eighteenth birthday, after the death of the annuitant or member. The implementation of this requires that the enabling statute be amended.

**Section 2. Subsection (c) of §8134, Title 4, Guam Code Annotated, is hereby amended to read:**

“(c) Payment to Children Disabled Before Eighteen (18) Years. Upon death of an annuitant, or a member while in service having completed at least three (3) years of total service, if a surviving child or children is disabled, annuities shall ~~continue to~~ be payable to them after age eighteen (18) at the same annual rate as if they were minor children under the age of eighteen (18); provided, however, that such ~~continuing~~ annuity shall be conditional upon the child being disabled prior to the child’s eighteenth (18th) birthday and having been examined by two (2) licensed physicians before attaining the age of eighteen (18), or within one (1) year of the death of the annuitant or member, and found to be permanently physically or mentally disabled and incapable of self-support. The results of such examination may be submitted to the Board at any time prior to the child’s eighteenth (18th) birthday, or within one (1) year of the death of the annuitant or member.

Such annuity shall continue until death or until such child loses his permanent disability and become capable of self-support. The Retirement Fund shall notify all annuitants and members of the Fund the availability of such benefit and requirements within sixty (60) days of enactment of this Act and again within thirty (30) days following receipt of notice of the death of such annuitant or member.”