



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

FEB 17 1999

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

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<i>[Signature]</i>
Time	12:54 pm
Date	2-18-99

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 98 (COR), "AN ACT TO AMEND P.L. NOS. 24-289 AND 24-327, RELATIVE TO EXTENDING THE EXECUTIVE BRANCH BUDGET AND FOR OTHER PURPOSES", which I have signed into law today as **Public Law No. 25-02**.

Very truly yours,

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

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

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

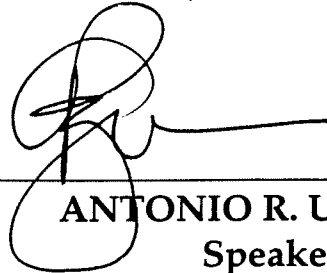
00084

Office of the Speaker	
ANTONIO R. UNPINGCO	
Date:	2-18-99
Time:	1:00
Rec'd by:	<i>[Signature]</i>
Print Name:	CHALLENGE

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 98 (COR), "AN ACT TO AMEND P.L. NOS. 24-289 AND 24-327, RELATIVE TO EXTENDING THE EXECUTIVE BRANCH BUDGET AND FOR OTHER PURPOSES," was on the 17th day of February, 1999, duly and regularly passed.



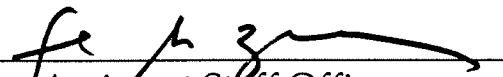
ANTONIO R. UNPINGCO
Speaker

Attested:



MARK FORBES
Senator and Acting Legislative
Secretary

This Act was received by *I Maga'lahen Guahan* this 17th day of February, 1999,
at 5:42 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: 2-17-99

Public Law No. 25^{or}-02

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 98 (COR)

As substituted on the Floor
and amended.

Introduced by:

Mark Forbes
A. R. Unpingco
S. A. Sanchez, II
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
L. F. Kasperbauer
A.C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
J. C. Salas

**AN ACT TO AMEND P.L. NOS. 24-289 AND 24-327,
RELATIVE TO EXTENDING THE EXECUTIVE
BRANCH BUDGET AND FOR OTHER PURPOSES.**

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

2 **Section 1.** Section 9 of Public Law Number 24-289 is hereby *amended* to
3 read as follows:

1 One Hundred Thirteen Million Eight Hundred Three Thousand
2 Five Hundred Eighty-one Dollars (\$113,803,581) from the General
3 Fund; Fifteen Million Five Hundred Ninety-nine Thousand Three
4 Hundred Thirty-four Dollars (\$15,599,334) from Special Funds;
5 and Ten Million Nine Hundred Seventy-seven Thousand Nine
6 Hundred Forty-three Dollars (\$10,977,943) from Federal Matching
7 Grants-in-Aid."

8 **Section 2.** Section 2 of Public Law Number 24-327 is hereby *amended* to
9 read as follows:

10 "Section 2. Section 8113 is hereby *added* to Article 1, Chapter
11 8 of Title 4 of the Guam Code Annotated to read as follows:

12 'Section 8113. **Early Retirement Credit.** Any person
13 who is a current member of the Fund may apply for and receive
14 up to five (5) years of retirement credit provided that:

15 (a) the person apply for such credit within six (6)
16 months of the effective date of this Act;

17 (b) the person pay into the Retirement Fund an
18 amount equal to their annual employee's contribution to the
19 Fund at the time of their application, multiplied by the
20 number of years of credit they are applying for, or sign a
21 promissory note at an interest rate *not* exceeding the
22 actuarially determined required rate of return to pay such
23 amount in full within three (3) years of the date of the note;

1 (c) the person is a member of the Defined Benefit
2 Plan *or* the Defined Contribution Plan;

3 (d) the employee has never previously retired under
4 the Defined Benefit Plan *or* the Defined Contribution
5 Retirement System;

6 (e) no employee shall be permitted to actually retire
7 under this Early Retirement Credit any sooner than ninety
8 (90) days *after* notifying the Director of the Retirement Fund
9 of one's intent to retire under this Act;

10 (f) the person complies with this Section and all
11 other provisions of this Act, and retires on a service
12 retirement annuity within six (6) months after applying and
13 qualifying for the early retirement credit; *and*

14 (g) the person has *any* of the following:

15 (i) twenty (20) years of service credit for
16 retirement purposes *prior to* the purchase of additional
17 retirement credit pursuant to this Act; *or*

18 (ii) fifteen (15) years of service credit for
19 retirement purposes prior to the purchase of
20 additional retirement credit pursuant to this Act, and
21 is a member of the uniformed services of the
22 government of Guam."

23 **Section 3.** Section 17 is hereby *added* to Public Law Number 24-327 to
24 read as follows:

1 **"Section 17.** The annuities of any person who retires from
2 government of Guam service through the purchase of an early
3 retirement credit pursuant to this Act shall be paid by the Retirement
4 Fund in the same manner as the Fund pays all annuitants. No
5 appropriation to this effect is required. The government of Guam share
6 of early retirement credit purchased by a person pursuant to this Act
7 shall be paid out of those savings realized by the General Fund due to
8 the retirement of the person. Such funds are appropriated as are
9 necessary from such savings to allow for the payment of such
10 government share."

11 **Section 4.** Section 6 of Public Law Number 24-327 is hereby *amended* to
12 read as follows:

13 **"Section 6.** Section 8121 of Article 1, Chapter 8 of Title 4 of
14 the Guam Code Annotated, *as amended by P.L. No. 24-284*, is hereby
15 *amended* to read as follows:

16 **'Section 8121. Same. Suspension of Annuity Payment.**

17 (a) A retired member who subsequently becomes an
18 employee *eligible* for membership under §8106 of this Title
19 prior to January 1, 1999 shall, upon becoming so employed,
20 have his right to receive payment of his annuity suspended
21 for the duration of his employment, but all other rights
22 pertaining to his annuity provided by this Article, including
23 automatic increases therein, shall be retained by him. The
24 provisions of this Section shall *not* be applicable to any

1 person employed by the Department of Education in Guam
2 schools, such as a substitute teacher, a classroom teacher,
3 guidance, health counselor or licensed health professional
4 when such critical need arises; *provided*, that such person
5 occupies a position for which no other qualified/certified
6 applicant was available, and that such employment shall be
7 on a school year basis under contractual arrangement.

8 The provisions of this Section shall *not* be applicable to
9 any certified, registered or licensed health care professional,
10 or ancillary service personnel employed by the Guam
11 Memorial Hospital Authority, the Department of Mental
12 Health and Substance Abuse and the Department of Public
13 Health and Social Services; *provided*, that such person
14 occupies a position for which no other qualified applicants
15 were available, and provided that such employment is
16 procured on an annual and contractual basis.

17 (b) A retired member who subsequently becomes an
18 employee *eligible* for membership under §8106 of this Title
19 on or after January 1, 1999 shall, upon becoming so
20 employed, have his right to receive payment of his annuity
21 suspended for the duration of his employment, and shall be
22 ineligible for readmission to Defined Benefit Plan, but all
23 other rights pertaining to his annuity provided by this
24 Article, including automatic increases therein, shall be
25 retained by him, *except* that the retired member shall forfeit

1 any enhanced benefits for which he was eligible pursuant to
2 the early retirement provisions of §8121.1. This Subsection
3 shall *not* be construed to render a member ineligible for
4 participation in the Defined Contribution Retirement System
5 or the Deferred Compensation Program under Articles 2 and
6 3 of this Chapter, upon a retired member's subsequent
7 employment with the government of Guam.

8 (c) No employee voluntarily purchasing early
9 retirement credit shall be rehired by the government of
10 Guam in any position, whether contractual or otherwise, for
11 at least three (3) years from the effective date of retirement,
12 *except* for those exemptions listed under Paragraph (a). The
13 Retirement Fund shall make all individuals who voluntarily
14 apply for early retirement credit aware that their purchase of
15 such credit shall be construed as the voluntary waiver of
16 their right to re-employment or reinstatement for a period of
17 at least three (3) years.'''

18 **Section 5.** Section 18 is hereby *added* to Public Law Number 24-327 to
19 read as follows:

20 "Section 18. The hiring freeze provisions detailed in this Act
21 shall *not* apply to the positions of Director or Deputy Director of a
22 government of Guam department or agency."

23 **Section 6.** Section 19 is hereby *added* to Public Law Number 24-327 to
24 read as follows:

1 **Section 19. Severability.** *If* any provision of this Act or
2 its application to any person or circumstance is found to be invalid or
3 contrary to law, such invalidity shall *not* affect other provisions or
4 applications of this Act which can be given effect without the invalid
5 provisions or application, and to this end the provisions of this Act are
6 severable."

7 **Section 7. Extension of Limited Term Employment.**

8 Notwithstanding Public Law Number 24-327, any limited term employee who
9 was employed by the government of Guam as of December 31, 1998, or later,
10 *and* whose term may have expired before the enactment of this Act, or whose
11 term will expire prior to March 31, 1999, may be rehired by the government of
12 Guam in the same limited term position. Such limited term employment
13 hereunder shall expire on or before March 31, 1999. All Directors or agency
14 heads shall be responsible for notifying limited term employees assigned to
15 their departments of the applicable expiration date of their employment.

16 **Section 8. Severability.** *If* any provision of this Act or its
17 application to any person or circumstance is found to be invalid or contrary to
18 law, such invalidity shall *not* affect other provisions or applications of this Act
19 which can be given effect without the invalid provisions or application, and to
20 this end the provisions of this Act are severable.