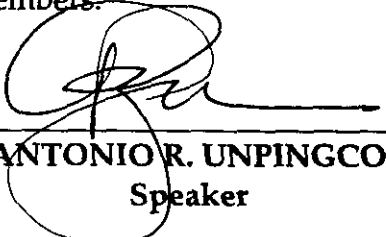


MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

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

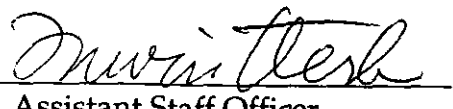
This is to certify that Substitute Bill No. 20 (COR), "AN ACT TO AMEND §8121 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RE-EMPLOYMENT OF RETIRED TEACHERS AND HEALTH CARE PROFESSIONALS," returned without approval of *I Maga'lahen Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 31st day of May, 2001, to pass said bill notwithstanding the veto of *I Maga'lahen Guåhan* by a vote of fourteen (14) members.


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 1st day of June
2001, at 4:55 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

Public Law No. 26-19

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT

Received By SE

Time 9:50 a.m.

Date 06/05/01

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 20 (COR)

As substituted by the Committee on
Ways and Means, and further substituted
by the Author and amended on the Floor.

Introduced by:

L. F. Kasperbauer

J. T. Won Pat

Mark Forbes

J. F. Ada

T. C. Ada

F. B. Aguon, Jr.

J. M.S. Brown

E. B. Calvo

F. P. Camacho

M. C. Charfauros

L. A. Leon Guerrero

K. S. Moylan

V. C. Pangelinan

A. L.G. Santos

A. R. Unpingco

**AN ACT TO AMEND §8121 OF TITLE 4 OF THE
GUAM CODE ANNOTATED, RELATIVE TO THE
RE-EMPLOYMENT OF RETIRED TEACHERS AND
HEALTH CARE PROFESSIONALS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the statutory requirement for re-employment under contractual
4 arrangement of retired classroom teachers, guidance and health counselors;
5 and employees of the Chamorro Language and Culture Program has proven

1 to be cumbersome and inefficient. Quite often, work is performed for weeks
2 before contracts are routed through multiple agencies, duly signed and
3 implemented. Both history and projections show that Guam will continue to
4 employ retirees to fill these critical positions.

5 Due to the continuing nature of shortages in these areas of employment,
6 *I Liheslaturan Guåhan* intends that an employment practice *other than*
7 employment contracts be effected and that such employment practice include
8 both full-time and part-time employment.

9 **Section 2.** Section 8121 of Article 1, Chapter 8 of Title 4 of the Guam
10 Code Annotated, as amended by Public Law Number 25-02, is hereby
11 *amended* to read as follows:

12 **"Section 8121. Same. Suspension of Annuity Payment.** (a) A
13 retired member who subsequently becomes an employee eligible
14 for membership under §8106 of this Title *prior to* January 1, 1999
15 shall, upon becoming so employed, have that member's right to
16 receive payment of that member's annuity suspended for the
17 duration of that member's employment, but all other rights
18 pertaining to that member's annuity provided by this Article,
19 including automatic increases therein, shall be retained by that
20 member. The provisions of this Section shall *not* be applicable to
21 any person employed by the Department of Education in Guam
22 schools, such as a substitute teacher; classroom teacher; guidance
23 counselor; health counselor; or certified, registered and/or
24 licensed health professional, including, but *not* limited to, physical

1 therapists, occupational therapists, speech therapists, audiologists,
2 speech pathologists, speech clinicians, physicians, physician
3 assistants, nurses or psychologists; when such critical need arises;
4 *provided*, that such person(s) occupies a position for which no
5 other qualified/certified applicant was available, and that such
6 employment shall be on a school-year basis, *subject* to the
7 provisions of Items (d) and (e) of this Section.

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

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

1 by that member; *except*, that the retired member shall forfeit any
2 enhanced benefits for which that member was eligible pursuant to
3 the early retirement provisions of §8121.1.

4 This Subsection shall *not* be construed to render a member
5 ineligible for participation in the Defined Contribution Retirement
6 System or the Deferred Compensation Program under Articles 2
7 and 3 of this Chapter, upon a retired member's subsequent
8 employment with the government of Guam.

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

18 (d) Any persons hired pursuant to the provisions of Item
19 (a) of this Section who are subsequently rehired for consecutive
20 school years shall be exempt from the requirements expected *only*
21 of new employees, including, but *not* limited to, physical
22 examinations with the exception of proof of certification, as a
23 condition of such rehire."

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

Legislative Secretary
B20;veto
May, 2001
Page 2

This legislation states that it is amending a section of law contained in Public Law No. 25-02, however, in fact, it is creating an entirely new law. The section referred to in Public Law No. 25-02 was subsequently repealed in Public Law No. 25-74.

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 Antonio R. Unpingco
Speaker

Overridden

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2001 (FIRST) Regular Session

Date: 5/3/01

VOTING SHEET

Vetoed

Bill No. 20

Resolution No. _____

Question: Notwithstanding the objections of the Governor,

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.					✓
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14 _____ _____ _____ 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Overridden
5/31/01

CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAY 30 2001

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Asपाल Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>JS</u>
Time	<u>4:02 p.m.</u>
Date	<u>05/30/01</u>

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 020 (COR) entitled: "AN ACT TO AMEND §8121 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RE-EMPLOYMENT OF RETIRED TEACHERS AND HEALTH CARE PROFESSIONALS" which I have vetoed.

This legislation eliminates the procedures used by the government to hire new employees for those employees who are not really new to the government but who are re-hired for consecutive school years at the Department of Education. However, if this legislation were signed, there would be a gap created for those retired teachers who are subsequently rehired, as there would be no mechanism in the law to authorize their hiring.

If this legislation had only the effect of eliminating red tape in the rehiring of teachers and other professionals at the Department of Education, the legislation would have been signed. However, the legislation may adversely affect the rights and obligations of many other persons in the government who are not employed at the Department of Education, and who are not teachers.


This legislation may adversely affect those who are hired by the government as health professionals by making it necessary to hire them over and over on an annual basis, instead of hiring them intermittently as they are needed, as is the case now. The legislation may also adversely affect those individuals who previously retired and were rehired by making them ineligible to be rehired for three years, should they retire again. Since the legislation has what appear to be unintended adverse affects on employees who are not employees of the Department of Education, as well as omitting procedures for the rehiring of retired teachers, it has been vetoed.

0227

Legislative Secretary
B20;veto
May, 2001
Page 2

This legislation states that it is amending a section of law contained in Public Law No. 25-02, however, in fact, it is creating an entirely new law. The section referred to in Public Law No. 25-02 was subsequently repealed in Public Law No. 25-74.

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 Antonio R. Unpingco
Speaker

*Overridden
5/31/01*

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session**


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

This is to certify that Substitute Bill No. 020 (COR) "AN ACT TO AMEND §8121 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RE-EMPLOYMENT OF RETIRED TEACHERS AND HEALTH CARE PROFESSIONALS," was on the 16th day of May, 2001, duly and regularly passed.



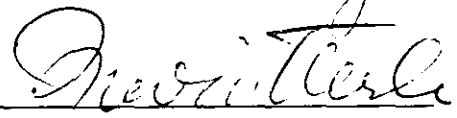
ANTONIO R. UNPINGCO
Speaker

Attested:



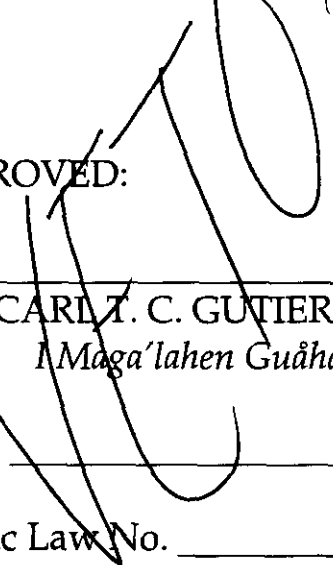
JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 18th day of May, 2001,
at 5:00 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 20 (COR)

As substituted by the Committee on
Ways and Means, and further substituted
by the Author and amended on the Floor.

Introduced by:

L. F. Kasperbauer

J. T. Won Pat

Mark Forbes

J. F. Ada

T. C. Ada

F. B. Aguon, Jr.

J. M.S. Brown

E. B. Calvo

F. P. Camacho

M. C. Charfauros

L. A. Leon Guerrero

K. S. Moylan

V. C. Pangelinan

A. L.G. Santos

A. R. Unpingco

**AN ACT TO AMEND §8121 OF TITLE 4 OF THE
GUAM CODE ANNOTATED, RELATIVE TO THE
RE-EMPLOYMENT OF RETIRED TEACHERS AND
HEALTH CARE PROFESSIONALS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the statutory requirement for re-employment under contractual
4 arrangement of retired classroom teachers, guidance and health counselors;
5 and employees of the Chamorro Language and Culture Program has proven

1 to be cumbersome and inefficient. Quite often, work is performed for weeks
2 before contracts are routed through multiple agencies, duly signed and
3 implemented. Both history and projections show that Guam will continue to
4 employ retirees to fill these critical positions.

5 Due to the continuing nature of shortages in these areas of employment,
6 *I Liheslaturan Guåhan* intends that an employment practice *other than*
7 employment contracts be effected and that such employment practice include
8 both full-time and part-time employment.

9 **Section 2.** Section 8121 of Article 1, Chapter 8 of Title 4 of the Guam
10 Code Annotated, as amended by Public Law Number 25-02, is hereby
11 *amended* to read as follows:

12 **"Section 8121. Same. Suspension of Annuity Payment.** (a) A
13 retired member who subsequently becomes an employee eligible
14 for membership under §8106 of this Title *prior to* January 1, 1999
15 shall, upon becoming so employed, have that member's right to
16 receive payment of that member's annuity suspended for the
17 duration of that member's employment, but all other rights
18 pertaining to that member's annuity provided by this Article,
19 including automatic increases therein, shall be retained by that
20 member. The provisions of this Section shall *not* be applicable to
21 any person employed by the Department of Education in Guam
22 schools, such as a substitute teacher; classroom teacher; guidance
23 counselor; health counselor; or certified, registered and/or
24 licensed health professional, including, but *not* limited to, physical

1 therapists, occupational therapists, speech therapists, audiologists,
2 speech pathologists, speech clinicians, physicians, physician
3 assistants, nurses or psychologists; when such critical need arises;
4 *provided*, that such person(s) occupies a position for which no
5 other qualified/certified applicant was available, and that such
6 employment shall be on a school-year basis, *subject* to the
7 provisions of Items (d) and (e) of this Section.

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

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

1 by that member; *except*, that the retired member shall forfeit any
2 enhanced benefits for which that member was eligible pursuant to
3 the early retirement provisions of §8121.1.

4 This Subsection shall *not* be construed to render a member
5 ineligible for participation in the Defined Contribution Retirement
6 System or the Deferred Compensation Program under Articles 2
7 and 3 of this Chapter, upon a retired member's subsequent
8 employment with the government of Guam.

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

18 (d) Any persons hired pursuant to the provisions of Item
19 (a) of this Section who are subsequently rehired for consecutive
20 school years shall be exempt from the requirements expected *only*
21 of new employees, including, but *not* limited to, physical
22 examinations with the exception of proof of certification, as a
23 condition of such rehire."

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



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAY 30 2001

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGMENT RECEIPT

Received By SL

Time 5:09 p.m.

Date 05/30/01

RE: CORRECTED VETO MESSAGE

Dear Legislative Secretary Brown:

Enclosed please find a corrected veto message for Substitute Bill No. 020, correcting the word "heath" to "health" in the title of the bill.

Very truly yours,

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

Attachments

cc: The Honorable Antonio R. Unpingco
Speaker

0228



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAY 30 2001

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT

Received By EC

Time 5:09 p.m.

Date 05/30/01

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 020 (COR) entitled: "AN ACT TO AMEND §8121 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RE-EMPLOYMENT OF RETIRED TEACHERS AND HEALTH CARE PROFESSIONALS" which I have vetoed.

This legislation eliminates the procedures used by the government to hire new employees for those employees who are not really new to the government but who are re-hired for consecutive school years at the Department of Education. However, if this legislation were signed, there would be a gap created for those retired teachers who are subsequently rehired, as there would be no mechanism in the law to authorize their hiring.

If this legislation had only the effect of eliminating red tape in the rehiring of teachers and other professionals at the Department of Education, the legislation would have been signed. However, the legislation may adversely affect the rights and obligations of many other persons in the government who are not employed at the Department of Education, and who are not teachers.

This legislation may adversely affect those who are hired by the government as health professionals by making it necessary to hire them over and over on an annual basis, instead of hiring them intermittently as they are needed, as is the case now. The legislation may also adversely affect those individuals who previously retired and were rehired by making them ineligible to be rehired for three years, should they retire again. Since the legislation has what appear to be unintended adverse affects on employees who are not employees of the Department of Education, as well as omitting procedures for the rehiring of retired teachers, it has been vetoed.

Legislative Secretary
B20;veto
May, 2001
Page 2

This legislation states that it is amending a section of law contained in Public Law No. 25-02, however, in fact, it is creating an entirely new law. The section referred to in Public Law No. 25-02 was subsequently repealed in Public Law No. 25-74.

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 Antonio R. Unpingco
Speaker

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2001 (FIRST) Regular Session

Date: 5/16/01

VOTING SHEET

S Bill No. 20 (COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.				EA	✓
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.					✓
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

13 0 0 0 2

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina'Bente Sais Na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature

May 1, 2001

Honorable Antonio R. Unpingco
Speaker
Mina'Bente Sais Na Liheslaturan Guåhan
Hagåtña, Guam 96910

VIA: Chairperson, Committee on Rules, General Government Operations,
Reorganization and Reform and Federal, Foreign and General Affairs

Dear Mr. Speaker:

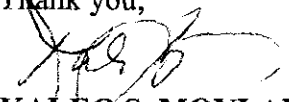
The Committee on Ways and Means, to which was referred Bill No. 20 (COR), "AN ACT TO REPEAL AND REENACT SECTION 8121, ARTICLE 1, CHAPTER 8 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REEMPLOYMENT OF RETIRED TEACHERS AND HEALTH CARE PROFESSIONALS," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass as substituted.

The Committee votes are as follows:

<u>-8-</u>	To Do Pass
<u>-0-</u>	Not to Pass
<u>-1-</u>	To Report Out
<u>-0-</u>	Abstain
<u>-0-</u>	Inactive File

A copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Thank you,

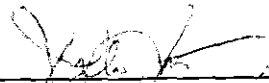

KALEO S. MOYLAN
Chairperson

Enclosure:


Committee on Ways and Means
Vote Sheet on
Substitute Bill No. 20 (COR)

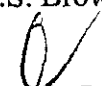
**AN ACT TO REPEAL AND REENACT SECTION 8121, ARTICLE 1,
 CHAPTER 8 OF TITLE 4 OF THE GUAM CODE ANNOTATED,
 RELATIVE TO THE REEMPLOYMENT OF RETIRED TEACHERS
 AND HEATH CARE PROFESSIONALS.**


COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
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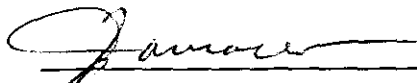

 Kaleo S. Moylan, Chairperson

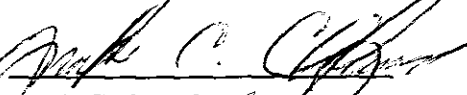
↓
To report out only



 Joanne M.S. Brown, Vice Chairperson

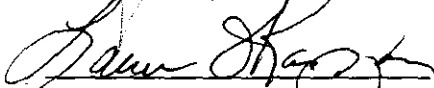

 Antonio R. Unpingco, Speaker & Ex-Officio

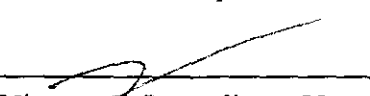

 Eddie B. Calvo, Member


 Felix P. Camacho, Member


 Mark C. Charfauros, Member


 Mark Forbes, Member


 Lawrence F. Kasperbauer, Member


 Vicente C. Pangelinan, V, Member

**Committee on Ways and Means
Report On**

Substitute Bill No. 20 (COR)

Sponsored by Senators L. F. Kasperbauer and J. T. Won Pat

**AN ACT TO REPEAL AND REENACT SECTION 8121,
ARTICLE 1, CHAPTER 8 OF TITLE 4 OF THE GUAM CODE
ANNOTATED, RELATIVE TO THE REEMPLOYMENT OF
RETIRED TEACHERS AND HEATH CARE
PROFESSIONALS.**

PUBLIC HEARING

The Committee on Ways and Means, to which was referred Bill No. 20 (COR) "AN ACT TO REPEAL AND REENACT SECTION 8121, ARTICLE 1, CHAPTER 8 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REEMPLOYMENT OF RETIRED TEACHERS AND HEATH CARE PROFESSIONALS," conducted a public hearing on Monday, February 26, 2001, at the Guam Legislature Public Hearing Room. Senator Kaleo S. Moylan, Chairperson of the Committee on Ways and Means convened the hearing at 9:30 a.m. Also in attendance were Senators Lawrence F. Kasperbauer, Lou A. Leon Guerrero, Vicente C. Pangelinan, Thomas C. Ada, and Felix P. Camacho.

TESTIMONY

Appearing before the Committee were Mr. Benny San Nicolas, retired educator, Ms. Rosie R. Tainatongo, Mr. Luis Reyes, and Vince Leon Guerrero all from the Department of Education, and Mr. John Rios, Director of the Retirement Fund.

Ms. Rosie R. Tainatongo, testified that the Department of Education supports Bill No. 20. She also recommended that Section 2(b)(3) of the legislation be amended to include the Department of Education. She elaborated saying that the Department is always in need of recruiting Health Care Professionals such as Physical and Occupational Therapists, Speech/Language Clinicians and Speech/Language Pathologists. These positions according to Director Tainatongo are required under the Individual Disability Education Act. If these services are not provided, the Department may possibly face noncompliance that may altogether jeopardize the Department's Federal Grants programs.

In closing, all those present, urged the Committee and other members of the Guam Legislature to act favorably on Bill No. 20 (COR).

There being no further discussion, the Chair announced that mark-up meetings will be scheduled prior to the Committee submitting its final report to the Legislature. The Chair subsequently adjourned the hearing on Bill No 20 at 10:30 a.m.

PROFILE

Brief Title: ***“Reemployment of Retired Teachers and Health Care Professionals.”***

Main Sponsor(s): Senators L. F. Kasperbauer and J. T. Won Pat.

Date Introduced: Tuesday, January 23, 2001.

Committee Referral: From the Committee on Rules, General Government Operations, Reorganization and Reform and Federal, Foreign and General Affairs, to the Committee on Ways and Means on Tuesday, January 30, 2001.

Public Hearing: 9:30 a.m., Monday, February 26, 2001.

Official Title: **AN ACT TO REPEAL AND REENACT SECTION 8121, ARTICLE 1, CHAPTER 8 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REEMPLOYMENT OF RETIRED TEACHERS AND HEALTH CARE PROFESSIONALS.**

Recommendation: To do pass as substituted by the Committee.

SECTION ANALYSIS

Section 1. Outlines Legislative findings and intent of the author.

Section 2. Repeals and reenacts Section 8121 of Article 1 of Chapter 8 of Title 4 of the Guam Code Annotated. The proposed Section provides that the ***“Suspension of Annuity Payment”*** would not be applicable to persons employed under this provision.

Section 3. Severability Provision.

CLOSER LOOK

A closer look reveals that:

- ⇒ Any person employed by the Department of Education in order to implement the Chamorro Language and Culture Program in Guam schools as mandated by Title 17 of the Guam Code Annotated, *provided that no other qualified applicants are available.*

- ⇒ Any person employed by the Department of Education as a classroom teacher, guidance or health counselor when such critical need arises for such positions inclusive of substitute teaching. The employment shall be on a school semester basis *provided* that such person occupies a position for which no other qualified applicants are available.
- ⇒ Any certified, registered, or licensed health care professional or ancillary service personnel employed by the Guam Memorial Hospital Authority *provided* that such person occupies a position for which no other qualified applicants are available.

The legislation also provides that any person reemployed by this Act shall be hired as a regular employee of the government of Guam, *however*, shall *not* be entitled to benefits such as medical, dental, and life insurance covered through the General Fund nor shall such employees be entitled to employer General Fund contributions on the wages earned from such re-employment.

COMMITTEE FINDINGS

The statutory requirement for reemployment under contractual arrangement of retired classroom teachers, guidance and health counselors *and* employees of the Chamorro Language and Culture Program have proven to be cumbersome and inefficient. Furthermore, work is performed for weeks before contracts are routed through multiple agencies, duly signed and implemented. The author of the legislation points to both history and projections that the government of Guam will continue to employ retirees to fill these critical positions. The author further cites the due to the continuing nature of shortages in these critical areas of employment, employment practice other than employment contracts be effected and that such employment practice include both full-time and part-time employment.

COMMITTEE RECOMMENDATION

The Committee on Ways & Means, having reviewed the findings and recommendations of the Office of Budget and Finance on **Bill No. 20 (COR) "AN ACT TO REPEAL AND REENACT SECTION 8121, ARTICLE 1, CHAPTER 8 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REEMPLOYMENT OF RETIRED TEACHERS AND HEATH CARE PROFESSIONALS,"** recommends that the legislation, as substituted, be passed by *I Liheslaturan Guåhan*.

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 20 (COR)

As substituted by the Committee on
Ways and Means

Introduced by:

L. F. Kasperbauer
J. T. Won Pat

**AN ACT TO REPEAL AND REENACT SECTION 8121,
ARTICLE 1, CHAPTER 8 OF TITLE 4 OF THE
GUAM CODE ANNOTATED, RELATIVE TO THE
REEMPLOYMENT OF RETIRED TEACHERS AND
HEATH CARE PROFESSIONALS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the statutory requirement for reemployment under contractual arrangement
4 of retired classroom teachers, guidance and health counselors and employees of the
5 Chamorro Language and Culture Program has proven to be cumbersome and
6 inefficient. Quite often, work is performed for weeks before contracts are routed
7 through multiple agencies, duly signed and implemented. Both history and
8 projections show that Guam will continue to employ retirees to fill these critical
9 positions.

10 Due to the continuing nature of shortages in these areas of employment *I*
11 *Liheslaturan Guåhan* intends that an employment practice other than *employment*
12 *contracts* be effected and that such employment practice include both full-time and
13 part-time employment.

1 **Section 2.** Section 8121 of Article 1, Chapter 8 of Title 4 of the Guam Code
2 Annotated is hereby *repealed* and *reenacted* to read as follows:

3 **"Section 8121. Same. Suspension of Annuity Payment. (a)** A
4 retired member who subsequently becomes an employee not ineligible for
5 membership under Section 8106 of this Title shall upon becoming so
6 employed, have his right to receive payment of his annuity suspended for the
7 duration of his employment, but all other rights pertaining to his annuity
8 provided by the Chapter, including automatic increases therein, shall be
9 retained by him.

10 **(b)** The provisions of this Section shall not be applicable:

11 (1) to any person employed by the Department of Education in
12 order to implement the Chamorro Language and Culture Program in
13 Guam schools as mandated by Section 8103, Chapter 8 of Title 17 of the
14 Guam Code Annotated provided that such person occupies a position for
15 which no other qualified applicants were available, *or*

16 (2) to any person employed by the Department of Education any
17 qualified person employed as a classroom teacher, guidance or health
18 counselor when such critical need arises for such positions inclusive of
19 substitute teaching. Such employment shall be on a school semester
20 basis provided that such person occupies a position for which no other
21 qualified applicants were available, *or*

22 (3) any certified, registered, or licensed health care professional
23 or ancillary service personnel employed by the Guam Memorial Hospital
24 Authority provided that such person occupies a position for which no

1 other qualified applicants were available, or for which a critical need
2 exists.

3 (c) Any person reemployed as authorized by Item (b) of this Section
4 shall be hired as a regular employee of the government of Guam, however,
5 shall not be entitled to benefits such as medical, dental, and life insurance
6 covered as a retiree of the Retirement Fund nor shall such employees be
7 entitled to employer Retirement Fund contributions on the wages earned from
8 such reemployment. Such employment may be on a full-time or part-time
9 basis."

10 **Section 3. Severability.** *If* any provision of this Law or its application
11 to any person or circumstance is found to be invalid or contrary to law, such
12 invalidity shall *not* affect other provisions or applications of this Law which can be
13 given effect without the invalid provisions or application, and to this end the
14 provisions of this Law are severable.



Senadot Mark Forbes, Gebilu
Kabisiyon Mayurd

30 JAN 2001

MEMORANDUM

TO: Chairman
Committee on Ways and Means

FROM: Chairman
Committee on Rules, General Governmental Operations, Reorganization and
Reform, and Federal, Foreign and General Affairs

SUBJECT: Principal Referral – Bill No. 20

The above bill is referred to your Committee as the Principal Committee, in accordance with Section 6.04.05.01. of the Standing Rules. Your Committee is the Committee authorized to perform the public hearing on this bill and to amend or substitute the bill, as well as report the bill out to the Body. It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

<p>GUAM LEGISLATURE OFFICE OF SENATOR KALEO S. MOYLAN ACKNOWLEDGEMENT RECEIPT Date: <u>1/30/2001</u> Time: _____ Received by: <u>Bert</u></p>

JAN 23, 01

MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 20 (COR)

Introduced by:

L.F. Kasperbauer *AK*
J.T. WONGPAT *AK*
FP CAMACHO *AK*

**AN ACT TO REPEAL AND RE-ENACT §8121 OF CHAPTER 8,
TITLE 4, GUAM CODE ANNOTATED RELATIVE TO THE
RE-EMPLOYMENT OF RETIRED TEACHERS AND HEATH
CARE PROFESSIONALS.**

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

2

3 **Section 1. Legislative Findings and Intent.** I Liheslaturan Guåhan finds that
4 the statutory requirement for re-employment under contractual arrangement of
5 retired classroom teachers, guidance and health counselors and employees of the
6 Chamorro Language and Culture Program has proven to be cumbersome and
7 inefficient. Quite often, work is performed for weeks before contracts are routed
8 through multiple agencies, duly signed and implemented. Both history and
9 projections show that Guam will continue to employ retirees to fill these critical
10 positions.

11 Due to the continuing nature of shortages in these areas of employment, I
12 Liheslatura intends that an employment practice other than *employment contracts* be
13 effected and that such employment practice include both full-time and part-time
14 employment.

15

16 **Section 2.** Section 8121 of Chapter 8, Title 4, Guam Code Annotated is
17 hereby repealed and re-enacted to read:

1 **"§8121. Same. Suspension of Annuity Payment. (a)** A retired member who
2 subsequently becomes an employee not ineligible for membership under Section
3 8106 of this Title shall upon becoming so employed, have his right to receive
4 payment of his annuity suspended for the duration of his employment, but all other
5 rights pertaining to his annuity provided by the Chapter, including automatic
6 increases therein, shall be retained by him.

7 **(b)** The provisions of this Section shall not be applicable:

8 (1) to any person employed by the Department of Education in order to
9 implement the Chamorro Language and Culture Program in Guam schools as
10 mandated by 17 Guam Code Annotated Section 8103 provided that such
11 person occupies a position for which no other qualified applicants were
12 available, *or*

13 (2) to any person employed by the Department of Education any
14 qualified person employed as a classroom teacher, guidance or health
15 counselor when such critical need arises for such positions inclusive of
16 substitute teaching . Such employment shall be on a school semester basis
17 provided that such person occupies a position for which no other qualified
18 applicants were available, *or*

19 (3) any certified, registered, or licensed health care professional or
20 ancillary service personnel employed by the Guam Memorial Hospital
21 Authority provided that such person occupies a position for which no other
22 qualified applicants were available, or for which a critical need exists.

23 **(c)** Any person re-employed as authorized by item (b) of this Section shall be
24 hired as a regular employee of the government of Guam, however, shall not be
25 entitled to benefits such as medical, dental, and life insurance covered through the
26 Retirement Fund nor shall such employees be entitled to employer Retirement Fund

1 contributions on the wages earned from such re-employment. Such employment
2 may be on a full-time or part-time basis."



DEPARTMENT OF EDUCATION

P.O. Box DE
Agana, Guam 96932
Tel: (671) 475-0457
Fax: (671) 472-5003



ROSIE R. TAINATONGO
Director of Education

February 26, 2001

The Honorable Senator Kaleo S. Moylan
Chairman, Committee on Ways and Means
Mina Bente Sais Na Liheslaturan Guahan
Twenty-Sixth Guam Legislature
Hagatna, Guam 96932

Buenas Mr. Chairman and members of the committee:

Thank you for giving the Department of Education the opportunity to submit testimony on Bill No. 20, "AN ACT TO REPEAL AND RE-ENACT §8121 OF CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO THE REEMPLOYMENT OF RETIRED TEACHERS AND HEALTH CARE PROFESSIONALS."

The Department of Education supports Bill No. 20. It is recommended that Section 2, (b), (3), include the Department of Education instead of only the Guam Memorial Hospital Authority. The reason we are recommending this inclusion is because the Department of Education always needs to recruit Health Care Professionals such as Physical Therapists, Occupational Therapists, Speech/Language Clinicians, and Speech/Language Pathologists, to name a few. These positions are generally under the Special Education Division of the Department of Education. These positions are required under the Individual Disability Education Act (IDEA). If services are not provided by some of these Health Care Professionals, we may possibly face non-compliance that may altogether jeopardize the Department's federal grants. But the most important consideration is that health care professionals are critically needed in our public schools.

With regard to the hiring of retired Teachers, Guidance Counselors, School Health Counselors, and Health Care Professionals, it will be a tremendous change in the

COMMONWEALTH NOW!



Page 2

Bill No. 20 Testimony

February 26, 2001

Department's personnel processing practice when the Department is authorized to hire under other than employment contracts. Bill No. 20 will eliminate the cumbersome and time consuming processing of retired teachers, Guidance and Health Counselors and Health Care Professionals. This simplified employment practice and processing will promote efficiency and at the same time expedite recruitment.

Once again, we thank you for giving us this opportunity and we hope that the committee will consider our recommendation as noted earlier.

Senseramente,



ROSIE R. TAINATONGO
Director of Education



FONDON RITIRAO GUBETNAMENTON GUÅHAN
Government of Guam Retirement Fund
424 ROUTE 8
MAITE, GUAM 96927

Telephone Nos. (671) 475-8900/8901
Facsimile No. (671) 475-8922



March 7, 2001

Via Hand Delivery

Honorable Kaleo S. Moylan
Chairman, Ways and Means Committee
Twenty-Sixth Guam Legislature
Route 4, No. 777, Suite 16B
Sinajana, GU 96926

Dear Mr. Chairman:

Thank you for affording the Government of Guam Retirement Fund the opportunity to submit testimony on Bill 20.

In reviewing Bill 20, it is clear that there will be no financial impact to the Fund. We do, however, submit the following recommended change:

Section 2. §8121 (c) Any person re-employed as authorized by item (b) of this Section shall be hired as a regular employee of the government of Guam, however, shall not be entitled to benefits such as medical, dental, and life insurance covered ~~through~~ as a retiree of the Retirement Fund nor shall such employees be entitled to employer Retirement Fund contributions on the wages earned from such re-employment. Such employment may be on a full-time or part-time basis."

As you are aware, it is the Dept. of Administration (DOA) who administers these benefits. We recommend that this Committee consult with DOA to determine if employees will be adversely affected upon termination as a result of the above.

I hope this information is of assistance to you. Should you require additional information, please feel free to contact me directly.

Sincerely,


JOHN A. RIOS
Director

cc: Senators, Twenty-Sixth Guam Legislature
GGRF Board of Trustees

cm

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina'Bente Sais Na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature

February 16, 2001

OFFICE COPY

The Honorable Carl T.C. Gutierrez
Maga'lahaen Guåhan
R. J. Bordallo Governor's Complex
Agana, Guam 96932

Re: Committee Public Hearing: Monday, February 26, 2001

Dear Governor Gutierrez:

This is to inform you that the Committee on Ways and Means will conduct a public hearing on Monday, February 26, 2001 commencing at 9:30 a.m. in the Legislative Public Hearing Room.

Bill No. 7 (COR), "AN ACT TO *REPEAL, REPEAL* AND *REENACT* CERTAIN SECTIONS OF ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GOVERNMENT OF GUAM RETIREMENT FUND ADOPTING MODERN INVESTMENT PRACTICES INCORPORATED IN THE UNIFORM MANAGEMENT OF PUBLIC EMPLOYEE RETIREMENT SYSTEMS ACT.

Bill No. 17 (COR), "AN ACT TO AUTHORIZE THE GOVERNOR TO TRANSFER FUNDS TO THE DEPARTMENT OF PUBLIC WORKS TO PROVIDE WATER STORAGE TANKS AT SCHOOL DESIGNATED BY THE DEPARTMENT OF EDUCATION."

Bill No. 20 (COR), "AN ACT TO REPEAL AND RE-ENACT §8121 OF CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO THE RE-EMPLOYMENT OF RETIRED TEACHERS AND HEALTH CARE PROFESSIONALS."

As these measures affect the people of Guam, the Committee encourages that your assigned cabinet official(s) be in attendance. The Committee members and I would appreciate receiving fifteen (15) copies of your Administration's position statement and or supporting documents relating to the subject matter prior to the start of the hearing. A copy of the hearing Agenda is enclosed for your reference and information.

Thank you,


KALEO S. MOYLAN

Enclosure:

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina' Bente Sais Na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature

February 16, 2001

Mr. Joseph Rivera
Director
Bureau of Budget and Management Research
R. J. Bordallo Governor's Complex
Hagåtña, Guam 96932

Re: Request for Fiscal Notes

Dear Mr. Rivera:

Please find attached a copies of **Bill Nos. 7, 17, and 20 (COR)** referred to the Committee on Way and Means which I respectfully request issuance of a Fiscal Note.

Thank you,



KALEO S. MOYLAN

Attachment:

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina'Bente Sais Na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature

February 16, 2001

Mr. John Rios
Director
Government of Guam Retirement Fund
Maite, Guam 96927

Re: Committee Public Hearing: Monday, February 26, 2001

Dear Mr. Rios:

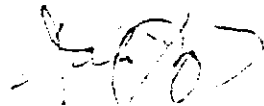
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Bill No. 7 (COR), "AN ACT TO REPEAL, REPEAL AND REENACT CERTAIN SECTIONS OF ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GOVERNMENT OF GUAM RETIREMENT FUND ADOPTING MODERN INVESTMENT PRACTICES INCORPORATED IN THE UNIFORM MANAGEMENT OF PUBLIC EMPLOYEE RETIREMENT SYSTEMS ACT.

Bill No. 20 (COR), "AN ACT TO REPEAL AND RE-ENACT §8121 OF CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO THE RE-EMPLOYMENT OF RETIRED TEACHERS AND HEATH CARE PROFESSIONALS."

As these measures affect the Retirement Fund, the Committee encourages that you or your assigned staff be in attendance. The Committee members and I would appreciate receiving fifteen (15) copies of your position statement and or supporting documents relating to the subject matter prior to the start of the hearing. A copy of the hearing Agenda is enclosed for your reference and information.

Thank you,



KALEO S. MOYLAN

Enclosure:

cc: Mr. Gerald S.A. Perez,
Chairman, Board of Trustees

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina'Bente Sais Na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature

February 16, 2001

Ms. Rosie Tainatongo
Director
Department of Education
Hagåtña, Guam 96910

Re: Committee Public Hearing: Monday, February 26, 2001

Dear Ms. Tainatongo:

This is to inform you that the Committee on Ways and Means will conduct a public hearing on Monday, February 26, 2001 commencing at 9:30 a.m. in the Legislative Public Hearing Room.

Bill No. 17 (COR), "AN ACT TO AUTHORIZE THE GOVERNOR TO TRANSFER FUNDS TO THE DEPARTMENT OF PUBLIC WORKS TO PROVIDE WATER STORAGE TANKS AT SCHOOL DESIGNATED BY THE DEPARTMENT OF EDUCATION."

Bill No. 20 (COR), "AN ACT TO REPEAL AND RE-ENACT §8121 OF CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO THE RE-EMPLOYMENT OF RETIRED TEACHERS AND HEALTH CARE PROFESSIONALS."

As these measures affect the Department of Education, the Committee encourages that you or your assigned staff be in attendance. The Committee members and I would appreciate receiving fifteen (15) copies of your position statement and or supporting documents relating to the subject matter prior to the start of the hearing. A copy of the hearing Agenda is enclosed for your reference and information.

Thank you,



KALEO S. MOYLAN

Enclosure:

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina'Bente Sais Na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature

February 16, 2001

MEMORANDUM

To: All Members, Committee on Ways and Means
From The Chairperson,
Subject: Committee Public Hearing

This is to inform you that the Committee Ways and Means will be conducting a public hearing on Monday, February 26, 2001, at 9:30 a.m., in the Legislative Public Hearing Room.

Copies of the legislation and hearing Agenda are attached for your review.

Thank you,


KALEO S. MOYLAN

Attachment:

cc: Clerk of Legislature
Protocol
Media

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
Senator Kaleo S. Moylan, Chairman
Committee on Ways and Means

Public Hearing
9:30 a.m., Monday, February 26, 2001

A G E N D A

- I. Call to Order:
- II. Announcement & Introduction of Members:
- III. Legislative Measure:

Bill No. 7 (COR) by K. S. Moylan, F. P. Camacho, A. R. Unpingco
AN ACT TO *REPEAL, REPEAL AND REENACT* CERTAIN SECTIONS OF ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GOVERNMENT OF GUAM RETIREMENT FUND ADOPTING MODERN INVESTMENT PRACTICES INCORPORATED IN THE UNIFORM MANAGEMENT OF PUBLIC EMPLOYEE RETIREMENT SYSTEMS ACT.

Bill No. 17 (COR) by Chairman, Committee on Rules, General Governmental Operations, Reorganization and Reform, & Federal, Foreign and General Affairs, by request of *I Maga'lahaen Guåhan*, the Governor, in accordance with the Organic Act of Guam.
AN ACT TO AUTHORIZE THE GOVERNOR TO TRANSFER FUNDS TO THE DEPARTMENT OF PUBLIC WORKS TO PROVIDE WATER STORAGE TANKS AT SCHOOL DESIGNATED BY THE DEPARTMENT OF EDUCATION.

Bill No. 20 (COR) by L. F. Kasperbauer, J. T. Won Pat
AN ACT TO REPEAL AND RE-ENACT §8121 OF CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO THE RE-EMPLOYMENT OF RETIRED TEACHERS AND HEATH CARE PROFESSIONALS.

- IV. Remarks:
- VI. Adjournment:

The Hearing will take place at the Guam Legislature's Public Hearing Room.
Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Senator Kaleo S. Moylan at 472-3342.

MINA'BENTE SAIS NA LIHESLATURAN GUÁHAN

Senator Kaleo S. Moylan, Chairman

Committee on Ways and Means

Public Hearing

9:30 a.m., Monday, February 26, 2001

A G E N D A

- I. Call to Order:
- II. Announcement & Introduction of Members:
- III. Legislative Measure:

Bill No. 7 (COR) by K. S. Moylan, F. P. Camacho, A. R. Unpingco

AN ACT TO REPEAL, REPEAL AND REENACT CERTAIN SECTIONS OF ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GOVERNMENT OF GUAM RETIREMENT FUND ADOPTING MODERN INVESTMENT PRACTICES INCORPORATED IN THE UNIFORM MANAGEMENT OF PUBLIC EMPLOYEE RETIREMENT SYSTEMS ACT.

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AN ACT TO AUTHORIZE THE GOVERNOR TO TRANSFER FUNDS TO THE DEPARTMENT OF PUBLIC WORKS TO PROVIDE WATER STORAGE TANKS AT SCHOOL DESIGNATED BY THE DEPARTMENT OF EDUCATION.

Bill No. 20 (COR) by L. F. Kasperbauer, J. T. Won Pat

AN ACT TO REPEAL AND RE-ENACT §8121 OF CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO THE RE-EMPLOYMENT OF RETIRED TEACHERS AND HEATH CARE PROFESSIONALS.

- IV. Remarks:
- VI. Adjournment:

The Hearing will take place at the Guam Legislature's Public Hearing Room. Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Senator Kaleo S. Moylan at 472-3342.

Niue marks 100 anniversary of ties with NZ

ALOFI (Pacnews) — Niueans will begin celebrations to mark 100 years of special relations with New Zealand.

The launch, which kicks off here in the capital will feature floats, exhibitions, story telling, craft making and traditional dancing.

“We want to mark the year and the date because the centennial is important because it only comes once every hundred years. Niue was taken over by the British in 1900 and handed over to New Zealand in 1901. This happened in June 1, 1901,” Lakatani told Pacific Beat.



MINA BENTE SAIS NA LIHESLATURAN GUAHAN
SENATOR KALEO S. MOYLAN, CHAIRMAN
Committee on Ways and Means

Public Hearing
9:30 a.m., Monday, February 26, 2001
AGENDA

Bill No. 7 (COR) AN ACT REPEAL, REPEAL AND REENACT CERTAIN SECTIONS OF ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GOVERNMENT OF GUAM RETIREMENT FUND ADOPTING MODERN INVESTMENT PRACTICES INCORPORATED IN THE UNIFORM MANAGEMENT OF PUBLIC EMPLOYEE RETIREMENT SYSTEMS ACT.

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Bill No. 20 (COR) AN ACT TO REPEAL AND REENACT §8121 OF CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO THE RE-EMPLOYMENT OF RETIRED TEACHERS AND HEALTH CARE PROFESSIONALS.

The Hearing will take place at the Guam Legislature Public Hearing Room located at Hagåtña. Individuals requiring special accommodations, auxiliary aids or services are asked to contact the office of Senator Kaleo S. Moylan at 472-3342.

ing power for customers of Edison and PG&E. Those bonds would

Under Davis' plan, the state Stephanie McCorkie said.

lines could lead to quick improvements of a bottlenecked system

GOVERNMENT MEETINGS

▲ Continued from Page 8

accommodations should call 646-5278/9.

HOUSING CORPORATION AND RENTAL CORPORATION BOARD OF DIRECTORS: 5 p.m. Feb. 22, Building 6-5000 E. Sunset Blvd., Tiyan. Call 475-4927.

GTA BOARD OF DIRECTORS: 6 p.m. Feb. 22, GTA conference room, Upper Tumon. Agenda copies available at meeting. Those who need special accommodations should call 479-8607.

BOARD OF EXAMINERS FOR PHARMACY: Rescheduled meeting 8 a.m. Feb. 22, Health Professional Licensing office, 1302 E. Sunset Blvd., Tiyan. Agenda copies available at 1304 E. Sunset Blvd. Call 475-0251/2.

CHAMORRO LAND TRUST COMMISSION: 9 a.m. Feb. 22, Building 907, Central Ave., Tiyan. Those who need special accommodations should call 475-4251.

GOVERNOR'S COUNCIL ON PHYSICAL FITNESS & SPORTS: 10 a.m. Feb. 23, Division of Health Planning and Development's conference room, 1308 E. Sunset Blvd., Tiyan. Call 477-3920.

GUAM SYSTEM OF CARE COUNCIL: 4 p.m. Feb. 23, GSAT, 19 Dean's Circle, UOG. All interested people wel-

come. Call Victor F. Borja, 475-4625/9.

GUAM DEVELOPMENTAL DISABILITIES COUNCIL: 4:30 p.m. Feb. 26, GSAT conference room, 19 Dean's Circle, UOG. Council members urged to attend; public welcome. Requests for reasonable accommodations must be made 72 hours in advance. Call 475-9127.

COMMITTEE ON WAYS AND MEANS: Feb. 26, 9:30 a.m., Guam Legislature's public hearing room. Subject: Bill 7, modern investment practices; Bill 17, storage tanks at designated schools; Bill 20, reemployment of retired teachers and health care professionals. Those who need special accommodations should call 472-3342.

GUAM HOUSING AND GUAM RENTAL CORPORATION: Regular board meeting. Feb. 27, 10 a.m., Guam Housing Corporation, Bldg. 6, 5000 E. Sunset Blvd., Tiyan.

GUAM PRESERVATION TRUST: Regular board meeting, Feb. 27, 4 p.m., GPT conference room. For information, call 472-9439/40.

SOUTHERN GUAM SOIL & WATER CONSERVATION DISTRICT: Regular meeting, Feb. 27, 7 p.m., UOG experiment station, Inarajan.

Pacific Daily News, Wednesday, February 21, 2001 guampdn.com

ower Payments

GOVERNMENT MEETINGS

▲ Continued from Page 9

907, Central Ave., Tiyán. Those who need special accommodations should call 475-4251.

COMMITTEE ON POWER, PUBLIC SAFETY & THE JUDICIARY: Oversight hearing on GPA's management and financial report 9:30 a.m. Feb. 22, 1 Liheslatyran Guahan public hearing room, Hagåtña. Those with disabilities who need special accommodations should call office of Sen. Joseph Ada, 472-3431.

GOVERNOR'S COUNCIL ON PHYSICAL FITNESS & SPORTS: 10 a.m. Feb. 23, Division of Health Planning and Development's conference room, 1308 E. Sunset Blvd., Tiyán. Call 477-3920.

GUAM SYSTEM OF CARE COUNCIL: 4 p.m. Feb. 23, GSAT, 19 Dean's Circle, UOG. All interested people

tions must be made 72 hours in advance. Call 475-9127.

COMMITTEE ON WAYS AND MEANS: Feb. 26, 9:30 a.m., Guam Legislature's public hearing room. Subject: Bill 7, modern investment practices; Bill 17, storage tanks at designated schools; Bill 20, re-employment of retired teachers and health care professionals. Those who need special accommodations should call 472-3342.

HOUSING CORPORATION AND RENTAL CORPORATION BOARD OF DIRECTORS: 10 a.m. Feb. 27, Building 6-5000 E. Sunset Blvd., Tiyán. Call 475-4927.

GIAA BOARD OF DIRECTORS: Feb. 27 meeting canceled. Call 646-0300/02.

GUAM PRESERVATION TRUST: Regular board meeting, Feb. 27, 4 p.m., GPT conference room. For information, call 472-9439/40.

SOUTHERN GUAM SOIL & WATER CONSERVATION DISTRICT: Regular meeting, Feb. 27, 7 p.m., UOG experiment station, Inarajan.

COMMITTEE ON PUBLIC WORKS, HEALTH AND HUMAN SERVICES: Public hearing 9 a.m. Feb. 27, 1 Liheslatyran Guahan public hearing room, Hagåtña. Bill Nos. 5, 25. Public invited. Those with disabilities who need special accommodations should

guampdn.com Pacific Daily News, Thursday, February 22, 2001



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Legislative & Policy Briefs

HEARING: Committee on Ways and Means, 9:30 a.m. Monday Feb. 26, 2001, Legislative Public Hearing Room, Hagatña. The committee will hear Bill 7, to reform the Government of Guam Retirement system; Bill 17, to authorize transfer of funds to construct water storage tanks at public schools; and Bill 20, to allow retired teachers to be part-time substitute teachers. For more information, contact the office of Senator Kaleo Moylan, R-Barrigada, committee chairman, at 472-3342.

HEARING: Committee on Public Works, Health and Human Services, 9:00 a.m. Tuesday, Feb. 27, 2001, Legislative Public Hearing Room, Hagatña. The committee will hear Bill 5, to require reconciliation of tipping fee billings, and Bill 25, to extend the implementation of MIP reform by six months. For more information, contact the office of Senator Eddie Calvo, R-Maite, committee chairman, at 472-4040.

HEARING: Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs, 10:00 a.m. Friday, March 2, 2001, Rules Committee Conference Room, Hagatña. The committee will hear Bill 6, to rename the Guam Commercial Port for Jose D. Leon Guerrero; Bill 28, the Ratepayers Bill of Rights; and appointments of Vicente Taitague as Director of the Department of Agriculture; Lucy San Nicolas and Tomas Aguon to the Chamorro Land Trust Commission; Antonio Palomo to the Hagatña Restoration and Redevelopment Authority; and Manuel Pinauin and Joaquin Angoco as members of the Civil Service Commission. For more information, contact the office of Senator Mark Forbes, R-Sinajana, committee chairman, at 472-3407.

FILED: Response to the opposition brief from the Gutierrez Administration in the proposed settlement of Marianas Audubon Society v. Norton, the critical habitat designation case, by MAS attorneys from the Earthjustice Legal Defense Fund and local attorney Mitch Thompson. The Administration objects to the settlement because they feel it would unnecessarily restart the process of critical habitat designation on Guam and would unduly favor the environmentalists at the expense of Guam landowners. Earthjustice's David Henkin has said his clients support the settlement.

NMI telecom bill now la

By Jojo Dass

Variety News Staff

SAIPAN – Acting Gov. Paul A. Manglona on Friday signed legislation creating a telecommunications regulatory body into law.

Manglona, in a phone interview yesterday, brushed aside allegations made by some quarters that he signed House Bill 12-6 to get back at Verizon for continuously charging inter-island calls despite a 1996 statute disallowing the practice.

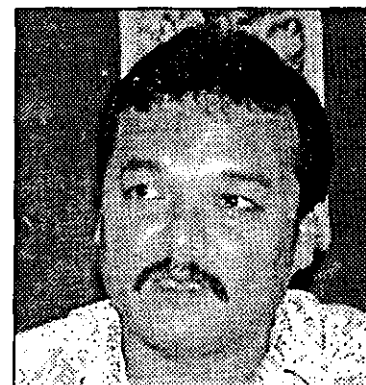
"Let them say what they want. I signed it because it's a long-overdue bill," said Manglona, adding that the bill has been under review since the 10th Legislature.

The Senate president said it would take several more years to work on the bill had it been vetoed instead.

"We have to move forward with a telecom commission," he said.

Manglona conceded that H.B. 12-6, which is now Public Law 12-39, is "absolutely not a perfect bill."

"There are some defects (in the bill) but we should lay the foundation and now work to amend and correct them and make it better. If we wait for a perfect bill, it will take another five years," said



Acting Gov. Paul A. Manglona

Manglona.

He said the government should now start working on possible amendments to the new law.

Attorney Thomas K. Crowe, the CNMI government's consultant in Washington, D.C. on telecommunications, had pushed for the passage of the bill over a range of reasons, including the need to protect consumers "from the undesirable effects of corporate acquisitions, unqualified market entrants, unjustified rate increases and unfair consumer practices."

Crowe said with a law creating a telecommunications body now in place, interested investors are finally given "predictable ground rules" in setting up telecommuni-

cations companies in monwealth.

"A predictable telecommunications regulatory structure tend to attract new entrants resulting in greater competition which would in turn lower prices and more service offerings to consumers," Crowe said.

Moreover, according to the recent acquisition of its subsidiary, the TFC Atlantic, which is now "stands to have a potent automatic effect on the CNMI communications market."

He added: "With a new rate parent, there could be changes in MTC's market objectives, priorities or commitment to serve the market."

The new law also mandates CNMI in compliance with 1996 federal telecommunications statute which requires states to create commissions that are tasked to regulate rates for inter-carrier communications.

Legislation creating a telecommunications commission first introduced in Feb. 1996 by Gov. Froilan C. Tenorio during the 10th Legislature to a

Jet fuel leak contaminated s

By Gemma Q. Casas

Variety News Staff

SAIPAN – The soil near the Saipan International Airport where the 6,000-gallon jet fuel possibly leaked showed positive signs of contamination, prompting authorities to race against time

face" or soil contamination in the form of fuel vapor.

Salas said when Allied Pacific Environmental Consulting drilled three separate holes on the ground, it found levels of fuel vapor in areas as deep as 130 feet.

"Though further testing is re-

Polevich said their first step is to identify the general shape of the contamination and figure out how to contain it.

"The holes that were drilled in the ground are now going to be connected to soil vapor extraction wells. How this works is

... Thompson.
... objects to the settlement because they
... unnecessarily restart the process of critical
... on Guam and would unduly favor the
... at the expense of Guam landowners.
... David Henkin has said his clients support
... ment.

...: Jess Herbert, German Ambassador to the Phil-
... with Acting Governor Madeleine Bordallo, to
... Germany is considering a consulate office on the
... Guam has been graced with many foreigners who
... the island their home; an office with a German
... will add to the list of foreign liaisons already
... and who purpose is to advise nationals of their
... s," Bordallo said.

...: By Speaker Tony Unpingco, R-Santa Rita,
... commending the Junior Achievement of Guam
... outstanding services in educating and inspiring
... ple to value free enterprise, business and eco-
... improve the quality of their lives," at a ceremony

...: The Department of Integrated Ser-
... Individuals with Disabilities, by Senator Lou
... rrero, about \$7 million in federal funding for
... rehabilitation that Guam has not requested in
... "I understand we are currently using local
... un the Division of Vocational Rehabilitation
... act if we met the federal requirement, we could
... ose local monies... I am amazed that we are not
... opportunity of this federal funding," Leon
... D-Tamuning, wrote Joseph Cameron, director

...: Bill 30, at the request of Governor Carl
... rrez, to enact privacy standards for consumer,
... and health information contained in insurance
... tandards must be adopted prior to July of this
... et requirements of the federal Gramm-Leach-
... of 1999, which include rules for privacy notices,
... of health and financial information and, limits
... sclosures.

...
... Variety News Staff

SAIPAN - The soil near the Saipan International Airport where the 6,000-gallon jet fuel possibly leaked showed positive signs of contamination, prompting authorities to race against time to clean it up before it pollutes nearby drinking water wells.

Commonwealth Ports Authority Executive Director Carlos H. Salas said that while water sampling and analysis of water wells near the airport continues to show no proof of jet fuel contamination, the consultants it hired have uncovered evidence of "sub sur-

... of soil contamination in the form of fuel vapor.

Salas said when Allied Pacific Environmental Consulting drilled three separate holes on the ground, it found levels of fuel vapor in areas as deep as 130 feet.

"Though further testing is required to absolutely determine the nature of the contaminant, CPA consultant APEC says cleanup can now be implemented and has already begun with the construction of special extraction wells to pull the contaminant to the surface," he said in a press statement.

APEC hydrogeologist C. Tom

Polevich said their first assignment is to identify the plume or shape of the contaminated area and figure out how to contain it.

"The holes that we drilled in the ground are now going to be converted to soil vapor extraction wells. How this works is that each well will act sort of like a vacuum pulling the soil vapor to the surface," Polevich said.

"Because of the way we drilled the wells around the contamination area, it will also create a kind of underground vacuum, which should keep the vapor from spreading out any further than it already has," he added.



MINA'BENTE SAIS NA LIHESLATURAN GUAHAN
SENATOR KALEO S. MOYLAN, CHAIRMAN
Committee on Ways and Means

Public Hearing
9:30 a.m., Monday, February 26, 2001
AGENDA

Bill No. 7 (COR) AN ACT REPEAL, REPEAL AND REENACT CERTAIN SECTIONS OF ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GOVERNMENT OF GUAM RETIREMENT FUND ADOPTING MODERN INVESTMENT PRACTICES INCORPORATED IN THE UNIFORM MANAGEMENT OF PUBLIC EMPLOYEE RETIREMENT SYSTEMS ACT.

Bill No. 17 (COR) AN ACT TO AUTHORIZE THE GOVERNOR TO TRANSFER FUNDS TO THE DEPARTMENT OF PUBLIC WORKS TO PROVIDE WATER STORAGE TANKS AT SCHOOL DESIGNATED BY THE DEPARTMENT OF EDUCATION.

Bill No. 20 (COR) AN ACT TO REPEAL AND REENACT §8121 OF CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO THE RE-EMPLOYMENT OF RETIRED TEACHERS AND HEALTH CARE PROFESSIONALS.

The Hearing will take place at the Guam Legislature Public Hearing Room located at Hagåtña. Individuals requiring special accommodations, auxiliary aids or services are asked to contact the office of Senator Kaleo S. Moylan at 472-3342.

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BETTER TOMMORROW

MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 20(COR)

Introduced by:

L.F. Kasperbauer *LK*
J.T. WONPAT *JTW*

**AN ACT TO REPEAL AND RE-ENACT §8121 OF CHAPTER 8,
TITLE 4, GUAM CODE ANNOTATED RELATIVE TO THE
RE-EMPLOYMENT OF RETIRED TEACHERS AND HEALTH
CARE PROFESSIONALS.**

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

2

3 **Section 1. Legislative Findings and Intent.** I Liheslaturan Guåhan finds that
4 the statutory requirement for re-employment under contractual arrangement of
5 retired classroom teachers, guidance and health counselors and employees of the
6 Chamorro Language and Culture Program has proven to be cumbersome and
7 inefficient. Quite often, work is performed for weeks before contracts are routed
8 through multiple agencies, duly signed and implemented. Both history and
9 projections show that Guam will continue to employ retirees to fill these critical
10 positions.

11 Due to the continuing nature of shortages in these areas of employment, I
12 Liheslatura intends that an employment practice other than *employment contracts* be
13 effected and that such employment practice include both full-time and part-time
14 employment.

15

16 **Section 2.** Section 8121 of Chapter 8, Title 4, Guam Code Annotated is
17 hereby repealed and re-enacted to read:

1 **"§8121. Same. Suspension of Annuity Payment. (a)** A retired member who
2 subsequently becomes an employee not ineligible for membership under Section
3 8106 of this Title shall upon becoming so employed, have his right to receive
4 payment of his annuity suspended for the duration of his employment, but all other
5 rights pertaining to his annuity provided by the Chapter, including automatic
6 increases therein, shall be retained by him.

7 **(b)** The provisions of this Section shall not be applicable:

8 (1) to any person employed by the Department of Education in order to
9 implement the Chamorro Language and Culture Program in Guam schools as
10 mandated by 17 Guam Code Annotated Section 8103 provided that such
11 person occupies a position for which no other qualified applicants were
12 available, *or*

13 (2) to any person employed by the Department of Education any
14 qualified person employed as a classroom teacher, guidance or health
15 counselor when such critical need arises for such positions inclusive of
16 substitute teaching . Such employment shall be on a school semester basis
17 provided that such person occupies a position for which no other qualified
18 applicants were available, *or*

19 (3) any certified, registered, or licensed health care professional or
20 ancillary service personnel employed by the Guam Memorial Hospital
21 Authority provided that such person occupies a position for which no other
22 qualified applicants were available, or for which a critical need exists.

23 **(c)** Any person re-employed as authorized by item (b) of this Section shall be
24 hired as a regular employee of the government of Guam, however, shall not be
25 entitled to benefits such as medical, dental, and life insurance covered through the
26 Retirement Fund nor shall such employees be entitled to employer Retirement Fund

1 contributions on the wages earned from such re-employment. Such employment
2 may be on a full-time or part-time basis."