



Office of the Governor of Guam

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

FEB 06 2004

The Honorable Vicente C. Pangelinan
Speaker
I Mina'Bente Siete Na Liheslaturan Guåhan
Twenty-Seventh Guam Legislature
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 108 (COR), "AN ACT TO AMEND SECTION 8130, ARTICLE 1, CHAPTER 8 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO ELIGIBILITY FOR REFUNDS ON SEPARATION," which I signed into law on February 6, 2004 as **Public Law 27-68**.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kaleo S. Moylan".

KALEO S. MOYLAN
I Maga'låhen Guåhan Para Pa'go
Acting Governor of Guam

Attachment: copy attached of signed bill

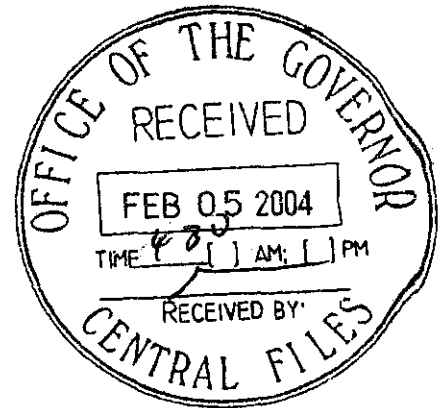
cc: The Honorable Tina Rose Muña-Barnes
Senator and Legislative Secretary



MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
TWENTY-SEVENTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

February 5, 2004

The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 108(COR), 207(COR), 221(COR) and 232(COR), and Substitute Bill Nos. 9(COR), 71(LS), 93(COR), 151(COR), 167(LS), 180(LS), 196(COR) and 210(COR) which were passed by *I Mina' Bente Siete Na Liheslaturan Guåhan* on February 4, 2004.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosures (12)

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

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

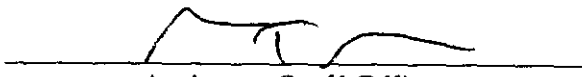
This is to certify that Bill No. 108 (COR), "AN ACT TO AMEND SECTION 8130, ARTICLE 1, CHAPTER 8 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO ELIGIBILITY FOR REFUNDS ON SEPARATION," was on the 4th day of February, 2004, duly and regularly passed.

Attested:


Tina Rose Muña Barnes
Senator and Legislative Secretary

vicente (ben) c. pangelinan
Speaker

This Act was received by I Maga'lahaen Guåhan this 5 day of February, 2004,
at 4³⁰ o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


KALEO S. MOYLAN
I Maga'lahaen Guåhan, Para Pa'go

Date: FEB 06, 2004

Public Law No. 27-68

1 beginning at the age of sixty (60) years, shall be mandatory
2 as to such member.

3 Any member receiving a refund of contributions shall
4 thereby forfeit, waive and relinquish all accrued rights and
5 benefits in the system, including all credited and creditable
6 service. The Board may, in its discretion regardless of cause,
7 withhold payment of a refund for a period not to exceed
8 three (3) months after receipt of an application from a
9 member.

10 (b) Any member who receives a refund of
11 contributions shall thereafter be ineligible for membership in
12 the Defined Benefit Plan.”

13 **Section 4. Severability.** *If* any of the provisions of this Act or the
14 application thereof to any person or circumstances are held invalid, such
15 invalidity shall *not* affect any other provision or application of this Act, which
16 can be given effect without the invalid provisions or application, and to this
17 end the provisions of this Act are severable.

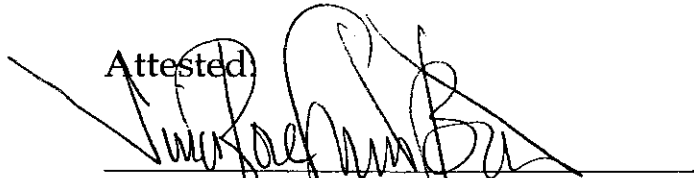
I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

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

FILE COPY

This is to certify that Bill No. 108 (COR), "AN ACT TO AMEND SECTION 8130, ARTICLE 1, CHAPTER 8 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO ELIGIBILITY FOR REFUNDS ON SEPARATION," was on the 4th day of February, 2004, duly and regularly passed.

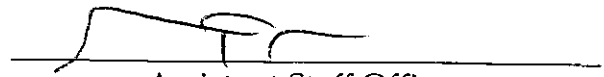
Attested



Tina Rose Muña Barnes
Senator and Legislative Secretary

vicente (ben) c. pangelinan
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 5 day of February, 2004,
at 4³⁰ o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 108 (COR)

As amended on the Floor.

Introduced by:

L. A. Leon Guerrero

v. c. pangelinan

Toni Sanford

F. B. Aguon, Jr.

J. M.S. Brown

C. Fernandez

F. R. Cunliffe

Mark Forbes

L. F. Kasperbauer

R. Klitzkie

J. A. Lujan

T. R. Muña Barnes

J. M. Quinata

R. J. Respicio

Ray Tenorio

**AN ACT TO AMEND SECTION 8130, ARTICLE 1, CHAPTER
8 OF TITLE 4 OF THE GUAM CODE ANNOTATED,
RELATIVE TO ELIGIBILITY FOR REFUNDS ON
SEPARATION.**

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that prior
3 to the passage of Public Law No. 16-9 in 1981, Government Code §4213 (now
4 codified at 4 G.C.A. §8130) provided that members of the Government of
5 Guam Retirement Fund were not eligible to withdraw their contributions on
6 separation once they have more than twenty (20) years of service credit. At

1 that time, members were eligible to retire after twenty (20) years of service,
2 pursuant to Government Code §4210 (now codified at 4 G.C.A. §8119).

3 *I Liheslaturan Guåhan* further finds that Public Law No. 16-9 *added* a new
4 Section 4210.1 to the Government Code (now codified at 4 G.C.A. §8120),
5 which increased the minimum number of years of service required for
6 eligibility for retirement from twenty (20) years to twenty-five (25) years,
7 applicable to members joining the Retirement Fund after 1981. However,
8 Public Law No. 16-9 and subsequent public laws regarding retirement did not
9 amend Government Code §4213 or its successor Section 8130 of the Guam
10 Code Annotated to allow members to withdraw their contributions upon
11 separation from service if they had less than twenty-five (25) years of service.
12 Public Law No. 16-9 thus allowed a member to retire after twenty-five (25)
13 years of service, but would allow a refund upon separation only during the
14 first twenty (20) years of service. Accordingly, a member with more than
15 twenty (20), but less than twenty-five (25) years of service could neither retire
16 nor be eligible for a refund upon separation.

17 **Section 2. Legislative Intent.** *I Liheslaturan Guåhan* concurs with the
18 Memorandum (Opinion) of the Attorney General, Acting, in RF 02-0250 that
19 the Sixteenth Guam Legislature should have changed the time before which a
20 refund on separation was allowed to be consistent with the comparable
21 statutory provisions regarding retirement eligibility. *I Liheslaturan Guåhan*
22 intends that the minimum service requirements for withdrawing
23 contributions on separation should be consistent with the minimum service
24 requirements for retirement.

1 Section 3. Section 8130, Article 1, Chapter 8, Title 4 of the Guam Code
2 Annotated, is *amended* as follows:

3 **“§8130. Refund on Separation.**

4 (a) Upon complete separation from service before a
5 member shall have completed at least twenty-five (25) years
6 of total service, the member shall be entitled to receive a
7 refund of his or her total contributions, including regular
8 interest, but no payment of interest shall be made in any case
9 in which total service is less than one (1) year. Total
10 contributions shall include all contributions made by a
11 member to obtain various types of credit authorized by this
12 Chapter.

13 Any member who withdraws after having completed
14 at least five (5) years total service shall have the option of
15 leaving his or her contributions in the Fund and receiving a
16 service retirement annuity upon attainment of the age of
17 sixty (60) years without choice of any of the optional
18 survivors' benefits hereinunder described.

19 If such member has less than twenty-five (25) years of
20 total service, he/she may elect to receive his or her
21 contributions, with regular interest, as herein above
22 provided, in lieu of the service retirement annuity. If his or
23 her total service is twenty-five (25) years or more, the
24 acceptance of such deferred retirement annuity payment

1 beginning at the age of sixty (60) years, shall be mandatory
2 as to such member.

3 Any member receiving a refund of contributions shall
4 thereby forfeit, waive and relinquish all accrued rights and
5 benefits in the system, including all credited and creditable
6 service. The Board may, in its discretion regardless of cause,
7 withhold payment of a refund for a period not to exceed
8 three (3) months after receipt of an application from a
9 member.

10 (b) Any member who receives a refund of
11 contributions shall thereafter be ineligible for membership in
12 the Defined Benefit Plan."

13 **Section 4. Severability.** *If* any of the provisions of this Act or the
14 application thereof to any person or circumstances are held invalid, such
15 invalidity shall *not* affect any other provision or application of this Act, which
16 can be given effect without the invalid provisions or application, and to this
17 end the provisions of this Act are severable.