



Office of the Governor of Guahan

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

31-11-0017
Date: 1/5/11
Time: 9:45 AM
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JWW

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 498-30 (COR) "AN ACT TO AMEND SUBSECTION (a) OF §8121 OF CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE SUSPENSION OF ANNUITY PAYMENT", which I signed into law on December 30, 2010 as Public Law 30-233.

Sinseru yan Magâhet,

FELIX P. CAMACHO
I Maga'lâhen Guahan
Governor of Guahan

Attachment: copy of Bill

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

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

This is to certify that Bill No. 498-30 (COR), "AN ACT TO AMEND SUBSECTION (a) of §8121 OF CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE SUSPENSION OF ANNUITY PAYMENT," was on the 22nd day of December, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this _____ day of _____, 2010, at
_____ o'clock _____.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 12/30/2010

Public Law No. 30-233

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 498-30 (COR)

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

T. C. Ada

V. Anthony Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

T. R. Muña Barnes

Judith P. Guthertz, DPA

v. c. pangelinan

R. J. Respicio

Telo Taitague

Ray Tenorio

Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* SUBSECTION (a) of §8121 OF
CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED,
RELATIVE TO THE SUSPENSION OF ANNUITY
PAYMENT.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that highly experienced workers of the Government of Guam have retired after years
4 of successful service to the people of Guam. Some of these former employees have

1 expressed an interest in returning to government service to apply their talents and
2 expertise where there is exceptional demand for their professional employment.

3 *I Liheslaturan Guåhan* further finds that Subsection (c) of §8206, Chapter 8,
4 Title 4, Guam Code Annotated, provides that retirees may be re-employed, provided
5 that the retirement annuity is suspended. Many retirees view this as a disincentive to
6 return to government service.

7 Therefore, it is the intent of *I Liheslaturan Guåhan* to permit the re-employment
8 of a Government of Guam retiree and permit such a retiree to continue to receive his
9 or her regular retirement annuity payment.

10 **Section 2.** §8121(a) of Chapter 8, Title 4, Guam Code Annotated, is *amended*
11 to read:

12 “(a) A retired member who subsequently becomes an employee eligible
13 for membership under §8106 of this Title *prior* to January 1, 1999, *shall*, upon
14 becoming so employed, have that member’s right to receive payment of that
15 member’s annuity suspended for the duration of that member’s employment,
16 but all other rights pertaining to that member’s annuity provided by this Article,
17 including automatic increases therein, *shall* be retained by that member. The
18 provisions of this Section *shall not* be applicable to any retired Judge or Justice
19 designated and assigned by the Chief Justice to perform judicial duties in the
20 courts of Guam as provided for in §6115 of Title 7 GCA, or any person
21 employed by the Department of Education in Guam schools, as a substitute
22 teacher or as a Certified Augmentation Teaching Service (CATS) employee as
23 that term is defined by Title 17 GCA § 3127(b). Such employment *shall* be
24 subject to the provisions of Subsection (d) of this Section.

25 The provisions of this Section *shall not* be applicable to any certified,
26 registered or licensed health care professional, or ancillary service personnel,

1 employed by the Guam Memorial Hospital Authority, the Department of
2 Mental Health and Substance Abuse, the Department of Public Health and
3 Social Services, academic faculty positions at the University of Guam and the
4 Guam Community College, or a limited term police officer employed by the
5 Guam Police Department to include Police Officers I, II, III and Sergeant I & II,
6 performing duties such as patrol officers, narcotic officers, criminal
7 investigators and school resource officers; provided, that such person(s)
8 occupies such positions for which *no* other qualified/certified applicants was
9 available, and that such employment *shall* be on a fiscal year basis; subject to
10 the provisions of Subsection (d) of this Section.

11 The provisions of this Section *shall* be applicable to employee(s) of the
12 Office of the Governor, employee(s) of the Office of the Lieutenant Governor,
13 unclassified employee(s) appointed by the Governor of Guam, and heads of
14 autonomous agencies appointed by a governing board. An employee of the
15 Governor or Lieutenant Governor's office or unclassified employee appointed
16 by the Governor of Guam and heads of autonomous agencies appointed by a
17 governing board who has previously retired *shall* become a member of the
18 Defined Contribution Retirement System."


MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

2010 DEC - 3 PM 1:53

Bill No. 498-30(cov)

Introduced by:

Adolpho B. Palacios, Sr.



AN ACT TO AMEND SUBSECTION (c) OF §8206 OF
CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED,
RELATIVE TO PARTICIPATION IN GOVERNMENT OF
GUAM DEFINED CONTRIBUTION RETIREMENT
SYSTEM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that highly
3 experienced workers of the Government of Guam have retired after years of successful
4 service to the people of Guam. Some of these former employees have expressed an interest
5 in returning to government service to apply their talents and expertise where there is
6 exceptional demand for their professional employment.

7 *I Liheslaturan Guåhan* further finds that Subsection (c) of §8206, Chapter 8, Title 4
8 provides that retirees may be re-employed, provided that the retirement annuity is
9 suspended. Many retirees view this as a disincentive to return to government service.

10 Therefore, it is the intent of *I Liheslaturan Guåhan* to permit the re-employment of a
11 Government of Guam retiree and permit such a retiree to continue to receive his or her
12 regular retirement annuity payment.

13 Section 2. Subsection (c) of §8206 of Chapter 8, Title 4, Guam Code Annotated is
14 amended to read:

1 (c) Any employee who retires after September 30, 1995, and who later becomes re-
2 employed by the Government of Guam shall be entitled to readmission to the existing
3 retirement system and subject to suspension of annuity requirements pursuant to Title 4
4 GCA § 8121, as *amended*. If such re-employed retiree is prohibited from re-admission to the
5 existing retirement system and becomes a member of the Defined Contribution Retirement
6 System, his annuity under the existing plan shall be suspended in the same manner and to
7 the same extent applicable to similarly situated employees pursuant to Title 4 GCA § 8121,
8 as *amended*, provided that *no* employee of *I Liheslaturan Guåhan* or employee of the
9 Governor or Lieutenant Governor's office or unclassified employee appointed by the
10 Governor of Guam who has previously retired may become a member of the Defined
11 Contribution Retirement System.