I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
THIRTY-FIRST GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

February 21, 2011

The Honorable Edward B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith is Bill No. 40-31(COR) which was passed by *I Mina' Trentai Unu Na Liheslaturan Guåhan* on February 21, 2011.

Sincerely,

TINA ROSE MUÑA BARNES
Senator and Legislative Secretary

Enclosure (1)

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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

This is to certify that **Bill No. 40-31 (COR), "AN ACT TO *AMEND* SECTION 2 OF PUBLIC LAW 30-233, RELATIVE TO THE SUSPENSION OF ANNUITY PAYMENT FROM THE DEFINED BENEFIT RETIREMENT PLAN,"** was on the 21st day of February, 2011, 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'lahen Guåhan* this 21ST day of FEBRUARY, 2011, at 7:20 o'clock P.M.

GOV, LEGAL CNSL.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURÅN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 40-31 (COR)
As amended by the Committee on Rules,
and further amended.

Introduced by: Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Duenas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* SECTION 2 OF PUBLIC LAW 30-233, RELATIVE TO THE SUSPENSION OF ANNUITY PAYMENT FROM THE DEFINED BENEFIT RETIREMENT PLAN.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the language of Public Law 30-233 is inadequate to its stated purpose. As the draft of the Bill changed to correct its deficiencies, a technical omission occurred which completely negates the intent of the legislation.

Therefore, it is the intent of *I Liheslaturan Guåhan* to correct the technical omission to fulfill the intent of the legislation. The corrected language will permit the re-employment of Government of Guam retirees and permit them to continue to receive the annuity to which they are entitled.

Section 2. Section 2 of Public Law 30-233 is hereby *amended* to read:

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

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

The provisions of this Section *shall not* be applicable to any certified, registered or licensed health care professional, or ancillary service personnel, employed by the Guam Memorial Hospital Authority, the Department of Mental Health and Substance Abuse, the Department of Public Health and Social Services, academic faculty positions at the University of Guam and the Guam Community College, or a limited term police officer employed by

the Guam Police Department to include Police Officers I, II, III and Sergeant I & II, performing duties such as patrol officers, narcotic officers, criminal investigators and school resource officers; provided, that such person(s) occupies such positions for which no other qualified/certified applicants was available, and that such employment shall be on a fiscal year basis; subject to the provisions of Subsection (d) of this Section.

The provisions of this Section *shall not* be applicable to employee(s) of the Office of the Governor, employee(s) of the Office of the Lieutenant Governor, unclassified employee(s) appointed by the Governor of Guam, and heads of autonomous agencies appointed by a governing board. An employee of the Governor or Lieutenant Governor's office or unclassified employee appointed by the Governor of Guam and heads of autonomous agencies appointed by a governing board who has previously retired *shall* become a member of the Defined Contribution Retirement System."

Section 3. Public Law 30-233, as amended by this act, *shall* be effective retroactively to January 3, 2011.

OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.
CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR
COMMITTEE ON TOURISM, MUNICIPAL AFFAIRS, HOUSING AND RECREATION

COMMITTEE ON TAXATION, APPROPRIATIONS, PUBLIC DEBT, BANKING, INSURANCE, RETIREMENT AND LAND

COMMISSIONER
GUAM COMMISSION ON DECOLONIZATION

GUAM FIRST COMMISSION

VICE PRESIDENT
ASSOCIATION OF PACIFIC ISLAND LEGISLATURES (APIL)

BOARD MEMBER
PACIFIC RESOURCES FOR EDUCATION AND LEARNING (PREL)

LEGISLATIVE REPRESENTATIVE
PACIFIC ISLAND DEVELOPMENT BANK (PIDB)

FESTIVAL OF THE PACIFIC ARTS (FESTPAC)

February 21, 2011

To: Honorable Rory Respicio
Chairperson, Committee on Rules

RE: Waiver of Public Hearing Request on Bill 40-31 (COR) as amended by the Committee on Rules on February 18, 2011

After careful evaluation for a request to waive the requirements for a public hearing on Bill No. 40-31 (COR)

Bill No. Bill No. 40-31(COR) – An act to amend Section 2 of Public Law 30-233, relative to the suspension of annuity payment from the defined benefit retirement plan.

I certify that Bill No. 40-31 (COR) meets a condition set forth in 2 GCA §2103(a), and that the requirements for a public hearing on Bill No. 40-31(COR).

Senseramente,

Judith T. Won Pat, Ed.D.
Speaker

cc: Clerk of the Legislature

RECEIVED
2-21-11