

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session
VOTING RECORD

Bill No. 27-37 (COR) As amended by the Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building March 30, 2023					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓					
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin	✓					
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL

15

0

Aye

Nay

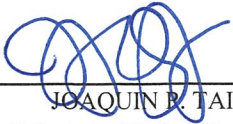
**Not
Voting/
Abstained**

**Out
During
Roll Call**

Absent

Excused

CERTIFIED TRUE AND CORRECT:



JOAQUIN B. TAITAGUE

Substitute Clerk of the Legislature

I = Pass

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUAHAN
2023 (FIRST) REGULAR SESSION

Bill No. 27-37 (COR)

As amended by the Committee on Human Resources,
Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and
Federal and Foreign Affairs

Introduced by:

Tina Rose Muña Barnes

**AN ACT TO ADD A NEW SUBSECTION (m) TO
SECTION 8501, ARTICLE 5, CHAPTER 8, TITLE
4 GUAM CODE ANNOTATED; AND, TO AMEND
§ 8503(c) OF ARTICLE 5, CHAPTER 8, TITLE 4,
GUAM CODE ANNOTATED, RELATIVE TO THE
RETIREMENT OF PUBLIC SAFETY AND LAW
ENFORCEMENT OFFICERS WHO ARE
MEMBERS OF THE DEFINED BENEFIT 1.75
RETIREMENT SYSTEM**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds that the Defined Benefit 1.75 Retirement System of the Government of Guam Retirement Fund (the DB 1.75 Plan) was established in 2016 to be comprised of membership under the Guam Retirement Fund established under Article 1, Chapter 8, Title 4, Guam Code Annotated (the DB Plan) and the Deferred Compensation Program established under Article 3, Chapter 8, Title 4, Guam Code Annotated. The DB 1.75 Plan, established under Article 5, Chapter 8, Title 4, Guam Code Annotated, became effective in 2018 as the retirement program, not a separate fund or trust, for government of Guam employees in the Defined Contribution Retirement System, established under Article 2, Chapter 8, Title 4, Guam Code Annotated (the DC Plan), to transfer to the DB 1.75 Plan upon timely election.

1 *I Liheslaturan Guahan* further finds that Public Law No. 36-130:7 amended
2 Section 8503(c), Title 4, Guam Code Annotated, to provide DB 1.75 Plan members
3 who are public safety and law enforcement officers, as defined in Chapter 51 of
4 Title 17 and Chapter 55 of Title 10, Guam Code Annotated, with the opportunity to
5 receive unreduced service retirement annuities, after written application to, and
6 approval by, the Retirement Fund Board of Trustees.

7 *I Liheslaturan Guahan* further finds that defining “public safety and law
8 enforcement” officers by reference to Chapter 51 of Title 17 (Peace Officer
9 Standards and Training Commission) and Chapter 55 of Title 10 (Health and
10 Safety General Provisions), Guam Code Annotated, has resulted in the unintended
11 consequences of (a) inadvertently omitting eligibility for positions with shorter life
12 expectancies, such as firefighters of the Antonio B. Won Pat International Airport
13 Authority; and (b) inadvertently expanding eligibility for positions without shorter
14 life expectancies, such as all employees in the Office of the Attorney General,
15 which is contrary to the oral and written testimony submitted in “qualified” support
16 of Bill No. 346-36 by the Office of the Attorney General, requesting only that its
17 investigators, as law enforcement officers, be included for eligibility.

18 Based on these findings, *I Liheslaturan Guahan* intends to add a new
19 subsection (m) to the definitions in the DB 1.75 Plan at Section 8501, Title 4,
20 Guam Code Annotated. The new definition of “Public safety and law enforcement
21 officers” in the DB 1.75 Plan is based on the existing definition of “Uniformed
22 Personnel” in the DB Plan, Section 8104(p), Title 4, Guam Code Annotated, but
23 expanded to include inspectors and investigators in the Office of the Attorney
24 General and in the Department of Revenue & Taxation, consistent with the
25 findings and intent of *I Liheslaturan Guahan* in passing Bill No. 346-36.

1 *I Liheslaturan Guahan* also intends to amend Section 8503(c) of Article 5,
2 Chapter 8, Title 4, Guam Code Annotated, to make it clear which positions are
3 included under the definition of Public safety and law enforcement officers.

4 **Section 2.** A new subsection (m) is hereby added to Section 8501, Article 5,
5 Chapter 8, Title 4, Guam Code Annotated, to read:

6 “(m) Public safety and law enforcement officers means Guam Police
7 Department Officers; Guam Fire Department Firemen; Customs and Quarantine
8 Officers of the Customs and Quarantine Agency; Conservation Officers,
9 Commodity Inspectors, and Entomologists of the Department of Agriculture;
10 Territorial Park Patrol Officers of the Department of Parks and Recreation;
11 Corrections Officers and Parole Officers of the Department of Corrections; Airport
12 Police Officers and Security Personnel at the Antonio B. Won Pat International
13 Airport Authority, Guam; Jose D. Leon Guerrero Commercial Port Security
14 personnel; Marshals of the Supreme Court of Guam and the Superior Court of
15 Guam; Probation Officers of the Judiciary of Guam; and Firefighters of the
16 Antonio B. Won Pat International Airport Authority, Guam; Youth Service
17 Workers of the Department of Youth Affairs engaged in juvenile detention and
18 rehabilitation; Inspectors and Investigators in the Office of the Attorney General;
19 and Inspectors and Investigators in the Department of Revenue & Taxation.”

20 **Section 3.** Section 8503(c) of Article 5, Chapter 8, Title 4, Guam Code
21 Annotated, as amended by Public Law No. 36-130:7, is hereby further amended to
22 read:

23 “(c) Retirement. Notwithstanding the otherwise applicable retirement
24 requirements under §§ 8119 through 8120.1 or other successor provisions, a
25 Defined Benefit 1.75 Plan member may retire on a service retirement annuity
26 under the Retirement Fund, upon written application to and approval by the Board;
27 provided that such member shall have attained at least sixty-two (62) years of age

1 and has completed five (5) years of service. However, at the option of the Defined
2 Benefit 1.75 Plan member, whether active or inactive, such member may retire
3 after (1) attaining at least fifty-five (55) years of age and (2) completing twenty-
4 five (25) years of service, in which case the retirement annuity for such member
5 shall be reduced one half (1/2) of one percent (1%) for each month such member is
6 under the age of sixty-two (62) years at such time of retirement, from the amount
7 of the retirement annuity determined for such member as of his attainment of age
8 sixty-two (62).

9 Notwithstanding the foregoing portion of this § 8503(c), and
10 notwithstanding the otherwise applicable retirement requirements under §§ 8119
11 through 8120.1 or other successor provisions, a Defined Benefit 1.75 Plan member
12 who is a public safety and law enforcement officer as defined in § 8501(m) of this
13 Chapter~~51101(b) of Chapter 51, Title 17, GCA, and identified in § 55102(g)(1)~~
14 ~~through (7) of Chapter 55, Title 10 GCA,~~ and who is an active employee on or
15 after January 1, 2024, may retire on a service retirement annuity under the
16 Retirement Fund, upon written application to and approval by the Board; provided
17 that such member shall have either (1) attained at least fifty-five (55) years of age
18 and completed twenty-five (25) years of service or (2) attained at least fifty-seven
19 (57) years of age and completed five (5) years of service. The retirement annuity
20 for such member shall not be subject to the reduction which is described in the
21 preceding paragraph.”

22 **Section 4. Severability.** If any provision of this Act or its application to
23 any person or circumstance is held invalid, the invalidity shall not affect any other
24 provision or applications of this Act which can be given effect without the invalid
25 provision or application, and to this end the provisions of this Act are severable.

1 **Section 5. Effective Date.** Except as expressly provided herein, this Act
2 upon enactment shall be effective retroactively as of December 27, 2022, the
3 effective date of Public Law No. 36-130.

Passed FA No. 1
Date: 3/30/23 Time: 2:43 p.m.

FILE NAME

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session
FLOOR AMENDMENT

ABill No. 27-37 (COR)

TMB
Senator Proposing Amendment

LINE _____ PAGE 1

To *add* co-sponsors to the Bill to read:

“ Joe S. San Agustin
Roy A. B. Quinata
Dwayne T. D. San Nicolas
Amanda L. Shelton
William A. Parkinson
Chris Barnett”

Commented [61]: 3/30/23 2:43 p.m.
FA1 TMB. To add co-sponsors. N/O. Passed

(Below only for Clerk of Legislature's use and processing)

Date: 3/30/23 Floor Amendment No. 1

AMENDMENT PASSED: / N/O Votes For: _____ Votes Against: _____ Failed: _____ Withdrawn: _____

APPROVED AS TO FORM PASSED _____ Concur (initial) _____
AUTHOR OF AMENDMENT CLERK OF THE LEGISLATURE

____ Engrossment Staff