

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

2011 JAN 19 PM 3:32  
EJSM

Bill No. 40-31 (COR)

Introduced by:

Adolpho B. Palacios, Sr. 

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

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

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

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

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

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

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

1 substitute teacher or as a Certified Augmentation Teaching Service (CATS) employee as that  
2 term is defined by Title 17 GCA § 3127(b). Such employment *shall* be subject to the provisions  
3 of Item (d) of this Section.

4 The provisions of this Section *shall not* be applicable to any certified, registered or  
5 licensed health care professional, or ancillary service personnel, employed by the Guam  
6 Memorial Hospital Authority, the Department of Mental Health and Substance Abuse, the  
7 Department of Public Health and Social Services, academic faculty positions at the University of  
8 Guam and the Guam Community College, or a limited term police officer employed by the  
9 Guam Police Department to include Police Officers I, II, III and Sergeant I & II, performing  
10 duties such as patrol officers, narcotic officers, criminal investigators and school resource  
11 officers; provided, that such person(s) occupies such positions for which no other  
12 qualified/certified applicants was available, and that such employment shall be on a fiscal year  
13 basis; subject to the provisions of Subsection (d) of this Section.

14 The provisions of this Section shall not be applicable to employee(s) of the Office of the  
15 Governor, employee(s) of the Office of the Lieutenant Governor, unclassified employee(s)  
16 appointed by the Governor of Guam, unclassified employees of the Judiciary of Guam as  
17 approved by the Judicial Council, and heads of autonomous agencies appointed by a governing  
18 board. An employee of the Governor or Lieutenant Governor's office or unclassified employee  
19 appointed by the Governor of Guam, unclassified employees of the Judiciary of Guam as  
20 approved by the Judicial Council, and heads of autonomous agencies appointed by a governing  
21 board who has previously retired shall become a member of the Defined Contribution Retirement  
22 System.”

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