

*I Mina'trentai Siette Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
27-37 (COR)	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	2/3/23 8:06 a.m.						

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

**Bill No. 27-37 (COR)**

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**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds  
3 that the Defined Benefit 1.75 Retirement System of the Government of Guam  
4 Retirement Fund (the DB 1.75 Plan) was established in 2016 to be comprised of  
5 membership under the Guam Retirement Fund established under Article 1, Chapter  
6 8, Title 4, Guam Code Annotated (the DB Plan) and the Deferred Compensation  
7 Program established under Article 3, Chapter 8, Title 4, Guam Code Annotated. The  
8 DB 1.75 Plan, established under Article 5, Chapter 8, Title 4, Guam Code Annotated,  
9 became effective in 2018 as the retirement program, not a separate fund or trust, for  
10 government of Guam employees in the Defined Contribution Retirement System,  
11 established under Article 2, Chapter 8, Title 4, Guam Code Annotated (the DC Plan),  
12 to transfer to the DB 1.75 Plan upon timely election.

13 *I Liheslaturan Guahan* further finds that Public Law No. 36-130:7 amended  
14 Section 8503(c), Title 4, Guam Code Annotated, to provide DB 1.75 Plan members

1 who are public safety and law enforcement officers, as defined in Chapter 51 of Title  
2 17 and Chapter 55 of Title 10, Guam Code Annotated, with the opportunity to  
3 receive unreduced service retirement annuities, after written application to, and  
4 approval by, the Retirement Fund Board of Trustees.

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

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

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

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

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

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

20           “(c) Retirement. Notwithstanding the otherwise applicable retirement  
21 requirements under §§ 8119 through 8120.1 or other successor provisions, a Defined  
22 Benefit 1.75 Plan member may retire on a service retirement annuity under the  
23 Retirement Fund, upon written application to and approval by the Board; provided  
24 that such member shall have attained at least sixty-two (62) years of age and has  
25 completed five (5) years of service. However, at the option of the Defined Benefit  
26 1.75 Plan member, whether active or inactive, such member may retire after (1)  
27 attaining at least fifty-five (55) years of age and (2) completing twenty-five (25)

1 years of service, in which case the retirement annuity for such member shall be  
2 reduced one half (1/2) of one percent (1%) for each month such member is under the  
3 age of sixty-two (62) years at such time of retirement, from the amount of the  
4 retirement annuity determined for such member as of his attainment of age sixty-  
5 two (62).

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

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

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