

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

February 29, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Substitute Bill No. 399-31 (LS) "AN ACT TO REPEAL SECTION 2 OF PUBLIC LAW 26-10; AND TO AMEND SUBSECTIONS (1) AND (v) OF §8104, AND REPEAL AND RE-ENACT §8134, ALL OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO SURVIVOR ANNUITIES", which I signed into law on February 27, 2012 as Public Law 31-192.

Senseramente,

RAY TENORIO

I Maga'laken Guåhan para pa'go
Acting Governor of Guam

31-11-1378⁷
Office of the Speaker
Judith T. Won Pat, Ed. D.

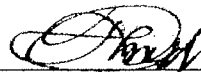
Date 2/29/12
Time 3:18
Received by 28

Attachment: copy of Bill

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

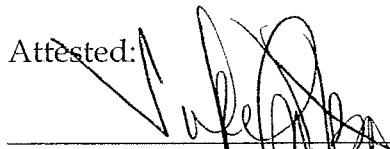
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 399-31 (LS), "AN ACT TO REPEAL SECTION 2 OF PUBLIC LAW 26-10; AND TO AMEND SUBSECTIONS (I) AND (v) OF §8104, AND REPEAL AND RE-ENACT §8134, ALL OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO SURVIVOR ANNUITIES", was on the 17th day of February, 2012, duly and regularly passed.



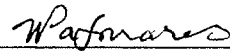
Judith T. Won Pat, Ed.D.
Speaker

Attested:



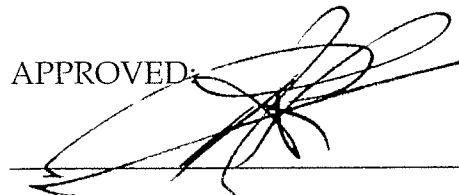
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 17 day of Febr., 2012, at
1:22 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date:

Febr. 27, 2012

Public Law No. 31-192

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

Bill No. 399-31 (LS)

As substituted by the Committee on Appropriations,
Taxation, Public Debt, Banking, Insurance,
Retirement and Land.

Introduced by:

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

AN ACT TO *REPEAL* SECTION 2 OF PUBLIC LAW 26-10; AND TO *AMEND* SUBSECTIONS (I) AND (v) OF §8104, AND *REPEAL* AND *RE-ENACT* §8134, ALL OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO SURVIVOR ANNUITIES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that numerous amendments to §8134, Chapter 8, Article 1 of Title 4, Guam Code Annotated, have resulted in confusion over the eligibility to receive survivor

benefits, and confusion over the time periods during which such benefits are to be paid.

I Liheslaturan Guåhan intends to consolidate and clarify the various sections of §§ 8104 and 8134 to conform to the prior intent underlying §8134 and amendments thereto.

Section 2. Section 2 of Public Law 26-10 is hereby *repealed*.

Section 3. Subsection (l) of §8104, Article 1 of Chapter 8, Title 4 of the Guam Code Annotated is hereby *amended* to read as follows:

“(l) **Child.** The term child for the purpose of § 8134(a)(2) *shall* mean a member’s unmarried child, by blood or adoption, (1) under the age of eighteen (18) years, who lived in the same principal residence as the member who provided more than one-half (1/2) of the child’s support; (2) eighteen (18) years of age or older, but under twenty-four (24) years of age, attending high school *or* an accredited undergraduate educational institution full-time; *or* (3) disabled prior to age eighteen (18) years. To establish a child’s disability, the Board must receive, *no later than* one (1) year following the death of a member, examination report(s) by two (2) licensed physicians pronouncing that prior to age eighteen (18) years the child was, and currently remains, physically, mentally and permanently disabled and incapable of self-support.”

Section 4. Subsection (v) of §8104 of Article 1, Chapter 8 Title 4 of the Guam Code Annotated is hereby *amended* to read as follows:

“(v) *Surviving Spouse* means a living spouse of a deceased, active *or* retired member of the Fund, *or* of a deceased COLA Awardee, in a marriage legally recognized by Title 19, Chapter 3 of the Guam Code Annotated, *or* in a marriage recognized by the laws of the jurisdiction where the marriage

1 was contracted. A domestic relations order may provide that a former
2 spouse *shall* be treated as the current spouse of a deceased member for
3 purposes of eligibility for surviving spouse benefits under §8134.”

4 **Section 5.** §8134 of Article 1, Chapter 8 of Title 4, Guam Code
5 Annotated, is *repealed* and *reenacted* to read as follows:

6 “§ 8134. **Survivor Annuities and Death Benefits.** Upon the
7 death of a member who has completed *at least* three (3) years of total
8 service, or upon the death of a member in the line of duty, survivor annuities
9 and death benefits *shall* be payable to eligible survivors described in
10 Subsection (a) for the applicable term set forth in Subsection (b).

11 (a) Eligible Survivors. The following persons *shall* be
12 eligible to receive the following survivor benefits or death benefits as set
13 forth in this Article. Eligibility *shall* be determined as of the date of death of
14 a member, whether in service, in the line of duty, or in retirement.

15 (1) Surviving Spouse Annuity. A surviving spouse, as
16 defined in §8104(v), *shall* be eligible to receive a surviving spouse
17 annuity upon the death of a member.

18 (2) Surviving Child Annuity. A member’s unmarried child,
19 by blood or adoption, who is:

20 (A) under the age of eighteen (18) years and lived in
21 the same principal residence as the member who provided more
22 than one-half (1/2) of the child’s support;

23 (B) eighteen (18) years of age or older, but under
24 twenty-four (24) years of age, and a full-time student in high
25 school, or an accredited undergraduate educational institution;
26 or

1 (C) disabled prior to age eighteen (18) years, *shall* be
2 eligible to receive a surviving child annuity upon the death of a
3 member based on the Rate Formula set forth in §8135.

4 To establish eligibility based on disability, the Board must receive, *no*
5 *later than* one (1) year following the death of a member, examination
6 report(s) by two (2) licensed physicians pronouncing that prior to age
7 eighteen (18) years the child was, and currently remains, permanently
8 physically or mentally disabled, and incapable of self-support.

9 (b) Term of Survivor Benefits.

10 (1) A surviving spouse annuity *shall* be payable as of the
11 death of the member, and *shall* terminate upon the earlier of:

12 (A) the death of the surviving spouse; or

13 (B) the remarriage of the surviving spouse before the age
14 of forty (40) years.

15 (2) A surviving child annuity *shall* be payable to each
16 eligible surviving child as of the death of the member, subject to the
17 aggregate basic surviving child annuities for five (5) or more children
18 under §8135. A surviving child annuity *shall* terminate upon a child's
19 death, marriage, attainment of age eighteen (18) years (*unless* the
20 child is disabled, or attends high school or an undergraduate
21 educational institution full-time), attainment of age twenty-five (25)
22 years (*unless* the child is disabled), or if a previously disabled child is
23 no longer disabled.

24 (c) Optional Provisions for Unmarried Employees. Upon
25 retirement for services, any unmarried employee, whether male or female, if
26 in good health as determined upon medical examination, may elect to

1 receive in lieu of his or her full service retirement annuity, on an actuarial
2 equivalent basis, a reduced annuity payable during his or her lifetime with
3 an annuity payable to his or her designated beneficiary at the same rate and
4 under the same conditions as are applicable to a surviving spouse of a
5 member. The reduced retirement annuity payable to the member under this
6 option *shall* be ninety percent (90%) of the full service retirement annuity if
7 the designated beneficiary is of the same age, or older, or less than five (5)
8 years younger than the retired employee. Such retirement annuity *shall* be
9 reduced to the extent of one percent (1%) for each additional year above
10 five (5) that the age of the member exceeds the age of the beneficiary;
11 provided, that the reduced retirement annuity for the member shall in no
12 event be less than sixty percent (60%) of the full service retirement annuity.

13 (d) Survivor Death Benefit. Upon the death of a member, while in
14 service or in receipt of a service retirement or disability retirement annuity,
15 if a surviving spouse or child survives the member, a single lump sum death
16 benefit payment in the amount of One Thousand Dollars (\$1,000) *shall* be
17 payable.”

18 **Section 6. Severability.** *If* any provision of this Act or its application to
19 any person or circumstance is found to be invalid or contrary to law, such
20 invalidity *shall not* affect other provisions or applications of this Act which can be
21 given effect without the invalid provisions or application, and to this end the
22 provisions of the Act are severable.

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Date: 2/17/12

VOTING SHEET

LS
SBill No. 399-31(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

FEB 10 2012

2012 FEB 13 PM 4:05

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'trentai Una Na Liheslaturan Guahan

155 Hesler Place

Hagatña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 399-31 (COR), As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No 399-31 (COR), as Substituted, "An Act to repeal in its entirety Section 2 of Public Law No. 26-10, to Amend Subsection 8104(l), Subsection 8104(v) and to repeal and re-enact Section 8134 of Article 1, Chapter 8, Title 4 of the Guam Code Annotated relative to survivor annuities", sponsored by Senator Vicente (ben) Cabrera Pangelinan, which was referred to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

4 TO PASS

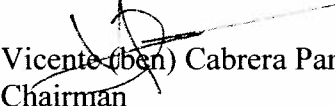
0 NOT TO PASS

1 TO REPORT OUT ONLY

0 TO ABSTAIN

0 TO PLACE IN INACTIVE FILE

Si Yu'os Ma'ase',


Vicente (ben) Cabrera Pangelinan
Chairman

324 W. Soledad Ave. Suite 100, Hagatña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net

Website: <http://senbenp.com>

**COMMITTEE REPORT
ON**

Bill No. 399-31 (COR), As Substituted

**Sponsored by Senator Vicente (ben) Cabrera
Pangelinan**

**An Act to repeal in its entirety Section 2 of Public
Law No. 26-10, to Amend Subsection 8104(l),
Subsection 8104(v) and to repeal and re-enact
Section 8134 of Article 1, Chapter 8, Title 4 of the
Guam Code Annotated relative to survivor
annuities**



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

FEB 10 2012
MEMORANDUM

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

To: All Members
Committee on Appropriations, Taxation, Public Debt, Banking,
Insurance, Retirement, and Land

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairperson

Subject: Committee Report on Bill No. 399-31 (COR), As Substituted

Vice Chairman
Committee on Education

Transmitted herewith for your consideration is the Committee Report on Bill No. 399-31 (COR), As Substituted, "An Act to repeal in its entirety Section 2 of Public Law No. 26-10, to Amend Subsection 8104(l), Subsection 8104(v) and to repeal and re-enact Section 8134 of Article 1, Chapter 8, Title 4 of the Guam Code Annotated relative to survivor annuities" sponsored by Senator Vicente (ben) Cabrera Pangelinan

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

This report includes the following:

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No.399-31 (COR), As Introduced
4. Copy of Bill No.399-31 (COR), As Substituted
5. Public Hearing Sign-in Sheet
6. Copies of Written Testimonies
7. Fiscal Note Request
8. Copy of COR referral Bill No. 399-31 (COR)
9. Notices of Public Hearing
10. Copy of the Public Hearing Agenda

Member
Committee on the Guam
Military Buildup and
Homeland Security

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

Si Yu'os Ma'åse',

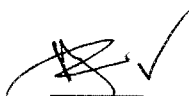
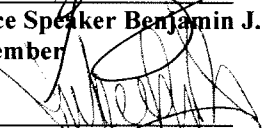
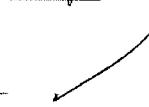
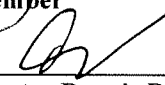
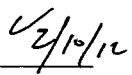

Vicente (ben) Cabrera Pangelinan
Chairman

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

**Committee on Appropriations, Taxation, Banking, Public Debt, Insurance,
Retirement, and Land**

Bill No. 399-31 (COR), as Substituted, An Act to repeal in its entirety Section 2 of
Public Law No. 26-10, to Amend Subsection 8104(l), Subsection 8104(v) and to
repeal and re-enact Section 8134 of Article 1, Chapter 8, Title 4 of the Guam Code
Annotated relative to survivor annuities

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Vicente (ben) Cabrera Pangelinan Chairman		_____	_____	_____	_____
Speaker Judith T. Won Pat, Ed.D Vice Chairperson	_____	_____	_____	_____	_____
 Vice Speaker Benjamin J. F. Cruz Member		_____	_____	_____	_____
 Senator Tina Rose Muña-Barnes Member		_____	_____	_____	_____
 Senator Judith P. Guthertz Member		_____	_____	_____	_____
 Senator Dennis Rodriguez, Jr. Member	_____	_____		_____	_____
Senator V. Anthony Ada Member	_____	_____	_____	_____	_____
Senator Christopher M. Duenas Member	_____	_____	_____	_____	_____
Senator Mana Silva Taijeron Member	_____	_____	_____	_____	_____



the People

I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

Committee Report

Bill No. 399-31 (COR), An Act to repeal Section 2 of Public Law 26-10 and to amend Section 8134(a) of Article 1, Chapter 8 of Title 4 Guam Code Annotated relative to minor or dependent children survivor annuities.

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I. OVERVIEW

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on January 11, 2012 at 9:00 am in *I Liheslatura's* public hearing room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on January 4, 2012 (5-Day Notice), and again on January 9, 2012 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente (ben) Cabrera Pangelinan, Chairman
Vice Speaker B.J. Cruz, Member
Senator V. Anthony Ada, Member
Senator Mana Silva Taijeron, Member
Senator Aline Yamashita

(b) Appearing before the Committee

None

(c) Written Testimonies Submitted

Position Statement from the Government of Guam Retirement Fund
Ms. Susan Dugan

Note: Both documents received after the public hearing

II. COMMITTEE PROCEEDINGS

Chairman Pangelinan: We will proceed with Bill No. 399. Bill No. 399, "An Act to repeal Section 2 of Public Law 26-10 and to amend Section 8134(a) of Article 1, Chapter 8 of Title 4 Guam Code Annotated relative to minor or dependent children survivor annuities".

Very briefly, I authored this bill in response to situations that were developing with regards to children whose parents pass away after turning 18 and were still enrolled in an institution of higher education. If the child were 18 and attending high school and the parent passes away, they would be eligible for survivor annuities. If the child is over 18, enrolled in an institute of higher education and the parent passes away, then they become ineligible for the survivor annuity. There was some opinion rendered by the Retirement Fund, which then disqualified these individuals from receiving the survivor annuity that would have normally been entitled to them.

The bill was introduced to correct that situation. We did send invitations and we received some communication from the Retirement Fund who indicated they are preparing testimony. They are having a board meeting to approve the testimony to be submitted and we will await that submission of that testimony.

For purposes of conducting a public hearing, Bill 399 will have been considered publicly heard.

This concludes the testimony on Bill No. 399-31. There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on Soledad Avenue, as well as the Guam Legislature or through any of the electronic processes either email at senbenp@guam.net or through our website at senbenp.com

This hearing is now adjourned.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriation, Taxation, Public Debt, Banking, Insurance, Retirement, and Land, hereby reports Bill No. 399-31 (COR), as substituted by the Committee, with the recommendation TO REPORT OUT ONLY.

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

Bill No. 399-31 (COR)

**As Substituted by the Committee on Appropriations,
Taxation, Public Debt, Banking, Insurance,
Retirement and Land**

Introduced by:

v.c. pangelinan

**AN ACT TO REPEAL IN ITS ENTIRETY SECTION
2 OF PUBLIC LAW NO. 26-10, TO AMEND
SUBSECTION 8104(I), SUBSECTION 8104(v) AND
TO REPEAL AND RE-ENACT SECTION 8134 OF
ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM
CODE ANNOTATED RELATIVE TO SURVIVOR
ANNUITIES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that
2 numerous amendments to Section 8134, Chapter 8, Article 1 Title 4 of the
3 Guam Code Annotated have resulted in confusion over eligibility to receive
4 survivor benefits, and confusion over the time periods during which such
5 benefits are to be paid.

6 *I Liheslaturan Guahan* intends to consolidate and clarify the various
7 sections of Section 8104 and Section 8134 to conform to prior intent
8 underlying Section 8134 and amendments thereto.

9 **SECTION 2.** Section 2 of Public Law No. 26-10 is hereby repealed
10 in its entirety.

1 “~~Section 2. Any child who survives a member who, as of the date of~~
2 ~~the death of the member is a full-time student, is under the age of twenty-four~~
3 ~~(24) years, and has been continuously enrolled as a full-time student since~~
4 ~~the death of the member shall be eligible for a survivor annuity until~~
5 ~~determined ineligible according to the provisions of this Act.”~~”

6 **SECTION 3.** Subsection 8104(l) of Article 1, Chapter 8 Title 4 of
7 the Guam Code Annotated is hereby amended to read as follows:

8 “§8104(l) *Child*. The term child for the purpose of § 8134(a)(2) ~~and~~
9 ~~(a)(3)~~ shall mean an a member’s unmarried child, including an adopted
10 ~~child, including recognized natural child by blood or adoption, (A) under the~~
11 age of eighteen years, who lived in the same principal residence as the
12 member who receives provided more than one-half (1/2) his of the child’s
13 ~~support and lives with the member or employee in a regular parent-child~~
14 ~~relationship, under the age of eighteen (18) years; or such unmarried child~~
15 ~~regardless of age who had been examined and pronounced by two (2)~~
16 ~~licensed physicians before attaining the age of eighteen years to be; (B)~~
17 eighteen (18) years or older, but under twenty-four (24) years, attending high
18 school or an accredited undergraduate institution full-time; or (C) disabled
19 prior to age eighteen (18) years. To establish a Child’s disability, the Board
20 must receive, no later than one (1) year following the death of a member,
21 examination report(s) by two (2) licensed physicians pronouncing that prior
22 to age eighteen (18) years the child was, and currently remains, physically,
23 ~~mentally and permanently disabled and incapable of self-support.”~~”

24 **SECTION 4.** Subsection 8104(v) of Article 1, Chapter 8 Title 4 of
25 the Guam Code Annotated is hereby amended to read as follows:

26 “§8104(v) *Surviving Spouse* means a living spouse of a deceased,
27 active *or* retired member of the Fund, *or* of a deceased COLA Awardee, in a

1 marriage legally recognized by Title 19, Chapter 3 of the Guam Code
2 Annotated, *or* in a marriage recognized by the laws of the jurisdiction where
3 the marriage was contracted. A domestic relations order may provide that a
4 former spouse shall be treated as the current spouse of a deceased member
5 for purposes of eligibility for Surviving Spouse benefits under Section
6 8134.”

7 **SECTION 5.** Section 8134 of Article 1, Chapter 8, Title 4 of the
8 Guam Code Annotated is repealed and reenacted to read as follows:

9 **~~“§ 8134. Survivor Annuities.~~**

10 ~~(a) Payment to Surviving Spouse and Minor Children of a Member.~~
11 ~~Upon death of a member, while in service, having completed at least three~~
12 ~~(3) years of total service, if a surviving spouse or minor children survive the~~
13 ~~member, the following annuities shall be payable:~~

14 ~~(1) If a spouse survives, an annuity shall begin as of the date of the~~
15 ~~death of the member. The annuity shall terminate upon the death of the~~
16 ~~surviving spouse or upon remarriage of a spouse under the age of forty (40)~~
17 ~~years, whichever event first occurs; provided, that if~~
18 ~~remarriage occurs at age forty (40) or over, this restriction shall not be~~
19 ~~applicable.~~

20 ~~(2) If both the surviving spouse and minor child or children under age~~
21 ~~eighteen (18), or child or children over age eighteen (18) attending high~~
22 ~~school as of the date of the death of the member, survive the member, an~~
23 ~~annuity shall begin immediately upon death of the member. Except as~~
24 ~~provided for in Paragraph (4) of this Subsection, the allowance for a minor~~
25 ~~child or children shall be payable until the child’s or children’s:~~

26 ~~(i) attainment of age eighteen (18) or graduation from high~~
27 ~~school, whichever occurs later;~~

1 (ii) marriage; or

2 (iii) death, ~~whichever first occurs. Except as provided for in~~
3 Paragraph (4) of this Subsection, in the case of a child or
4 children over age eighteen (18) attending high school as of the
5 date of the death of the member, the allowance shall be payable
6 until the child's or children's graduation from high school,
7 marriage or death, whichever occurs first. The annuity of the
8 surviving spouse shall terminate upon the death or upon
9 remarriage of a spouse under the age of forty (40) years,
10 whichever first occurs; provided, however, that if remarriage
11 occurs at age forty (40) or over, this restriction shall not be
12 applicable.

13 (3) ~~Except as provided for in Paragraph (4) of this Subsection, if a~~
14 minor child or children under age eighteen (18) survive a member and no
15 parent of such child or children is living, an annuity on account of any child
16 or children shall be payable until the child's:

17 (i) ~~attainment of age eighteen (18) or graduation from high~~
18 school, whichever occurs later;

19 (ii) marriage; or

20 (iii) death, whichever first occurs.

21 ~~Except as provided for in Paragraph (4) of this Subsection, in the case~~
22 of a child or children over age eighteen (18) attending high school as of the
23 date of the death of the member, the allowance shall be payable until the
24 child's or children's graduation from high school, marriage or death,
25 whichever occurs first.

26 (4) ~~Payment of the annuity or allowance for a minor child or children,~~
27 or child or children over age eighteen (18) attending high school provided

~~for under Paragraphs (2) and (3) of this Section may be continued up to twenty-four (24) years of age, if such minor child or children are full-time, undergraduate students in an accredited college or university, or educational institution.~~

~~(b) Payment to Surviving Spouse and Minor Children of Annuitant. Upon death of an annuitant, if a surviving spouse and/or children survive, annuities shall be payable to them at the same rate and under the same conditions as are applicable to survivors of a member whose death occurs while in service.~~

~~(c) Payment to Children Disabled Before Eighteen (18) Years. Upon death of an annuitant, or a member while in service having completed at least three (3) years of total service, if a surviving child or children is disabled, annuities shall be payable to them after age eighteen (18) at the same annual rate as if they were minor children under the age of eighteen (18); provided however, that such annuity shall be conditional upon the child being disabled prior to the child's eighteenth (18th) birthday and having been examined by two (2) licensed physicians before attaining the age of eighteen (18), or within one (1) year of the death of the annuitant or member, and found to be permanently physically or mentally disabled and incapable of self support. The results of such examination may be submitted to the Board at any time prior to the child's eighteenth (18th) birthday, or within one (1) year of the death of the annuitant or member. Such annuity shall continue until death or until such child loses his permanent disability and becomes capable of self support. The Retirement Fund shall notify all annuitants and members of the Fund the availability of such benefit and requirements within sixty (60) days of the enactment of this Act and again within thirty (30) days following receipt of notice of the death of such~~

1 ~~annuitant or member.~~

2 ~~(d) Optional Provisions for Unmarried Employees. Upon retirement for~~
3 ~~services, any unmarried employee, whether male or female, if in good health~~
4 ~~as determined upon medical examination, may elect to receive in lieu of his~~
5 ~~full service retirement annuity, on an actuarial equivalent basis, a reduced~~
6 ~~annuity payable during his or her life time with an annuity payable during~~
7 ~~his or her life time with an annuity payable to his or her designated~~
8 ~~beneficiary at the same rate and under the same conditions as are applicable~~
9 ~~to survivors of a married member whose death occurs while in service. The~~
10 ~~reduced retirement annuity payable to the member under this option shall be~~
11 ~~ninety percent (90%) of the full service retirement annuity if the designated~~
12 ~~beneficiary is of the same age, or older, or less than five (5) years younger~~
13 ~~than the retired employee. Such retirement annuity shall be reduced to the~~
14 ~~extent of one percent (1%) for each additional year above five (5) that the~~
15 ~~age of the member exceeds the age of the beneficiary; provided, that the~~
16 ~~reduced retirement annuity for the member shall in no event be less than~~
17 ~~sixty percent (60%) of the full service retirement annuity.~~

18 ~~(e) Upon death of a member, while in service or in receipt of a service~~
19 ~~retirement or disability retirement annuity, if a surviving spouse or minor~~
20 ~~children survive the member, a single sum death benefit payment in the~~
21 ~~amount of One Thousand Dollars (\$1,000) shall be payable.~~

22 ~~(f) Upon death of a member in the line of duty, as determined by the~~
23 ~~Board, if a surviving spouse or children survive, annuities shall be payable~~
24 ~~to them at the same rate and under the same conditions as are applicable to~~
25 ~~survivors of a member whose death occurs while in service having~~
26 ~~completed at least three (3) years of total service.~~

1 **“§8134. Survivor Annuities and Death Benefits.** Upon the death of
2 a member who has completed at least three (3) years of total service, or upon
3 the death of a member in the line of duty, survivor annuities and death
4 benefits shall be payable to eligible survivors described in subsection (a) for
5 the applicable term set forth in subsection (b).

6 (a) Eligible Survivors. The following persons shall be
7 eligible to receive the following survivor benefits or death benefits as set
8 forth in this Article. Eligibility shall be determined as of the date of death of
9 a member, whether in service, in the line of duty, or in retirement.

10 (1) Surviving Spouse Annuity. A Surviving Spouse,
11 as defined in Section 8104(v), shall be eligible to receive a
12 Surviving Spouse annuity upon the death of a member.

13 (2) Surviving Child Annuity. A member’s unmarried
14 child, by blood or adoption, who is:

15 (i) under the age of eighteen years and lived in the
16 same principal residence as the member who provided
17 more than one-half (1/2) his of the child’s support;

18 (ii) eighteen (18) years or older, but under twenty-
19 four (24) years, and a full-time student in high school or
20 an accredited undergraduate institution; or

21 (iii) disabled prior to age eighteen (18), shall be
22 eligible to receive a Surviving Child annuity upon the
23 death of a member based on the Rate Formula set forth in
24 Section 8135.

1 To establish eligibility based on disability, the Board must receive, no later
2 than one (1) year following the death of a member, examination report(s) by
3 two (2) licensed physicians pronouncing that prior to age eighteen (18) the
4 child was, and currently remains, permanently physically or mentally
5 disabled and incapable of self-support.

6 (b) Term of Survivor Benefits

7 (1) A Surviving Spouse annuity shall be payable as of
8 the death of the member and shall terminate upon the earlier of

9 (i) the death of the Surviving Spouse; or

10 (ii) the remarriage of the Surviving Spouse before
11 age forty (40) years.

12 (2) A Surviving Child annuity shall be payable to each
13 eligible surviving Child as of the death of the member, subject
14 to the aggregate basic surviving child annuities for five (5) or
15 more children under Section 8135. A Surviving Child annuity
16 shall terminate upon a Child's death, marriage, attainment of
17 age eighteen (18) years (unless the Child is disabled, or attends
18 high school or an undergraduate educational institution full-
19 time), attainment of age twenty-five (25) years (unless the
20 Child is disabled), or if a previously disabled Child is no longer
21 disabled.

22 (c) Optional Provisions for Unmarried Employees. Upon
23 retirement for services, any unmarried employee, whether male or female, if
24 in good health as determined upon medical examination, may elect to

1 receive in lieu of his or her full service retirement annuity, on an actuarial
2 equivalent basis, a reduced annuity payable during his or her life time with
3 an annuity payable to his or her designated beneficiary at the same rate and
4 under the same conditions as are applicable to a Surviving Spouse of a
5 member. The reduced retirement annuity payable to the member under this
6 option shall be ninety percent (90%) of the full service retirement annuity if
7 the designated beneficiary is of the same age, or older, or less than five (5)
8 years younger than the retired employee. Such retirement annuity shall be
9 reduced to the extent of one percent (1%) for each additional year above five
10 (5) that the age of the member exceeds the age of the beneficiary; provided,
11 that the reduced retirement annuity for the member shall in no event be less
12 than sixty percent (60%) of the full service retirement annuity.

13 (d) Survivor Death Benefit. Upon the death of a member,
14 while in service or in receipt of a service retirement or disability retirement
15 annuity, if a Surviving Spouse or Child survive the member, a single sum
16 death benefit payment in the amount of One Thousand Dollars (\$1,000).

17 **SECTION 6. Severability.** If any provision of this Act or its
18 application to any person or circumstance is found to be invalid or contrary
19 to law, such invalidity shall not affect other provisions or applications of this
20 Act which can be given effect without the invalid provisions or application,
21 and to this end the provisions of the Act are severable.

2011 DEC 19 PM 3:11

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

Bill No. 399-31 (LS)

Introduced by:

v.c. pangelinan

AN ACT TO REPEAL SECTION 2 OF PUBLIC
LAW 26-10 AND TO AMEND SECTION 8134(a)
OF ARTICLE 1, CHAPTER 8 OF TITLE 4
GUAM CODE ANNOTATED RELATIVE TO
MINOR OR DEPENDENT CHILDREN
SURVIVOR ANNUITIES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1.** Section 2 of Public Law 26-10 is hereby repealed in its
2 entirety.

3 ~~"Section 2. Any child who survives a member who, as of the date of~~
4 ~~the death of the member is a full time student, is under the age of twenty four~~
5 ~~(24) years, and has been continuously enrolled as a full time student since~~
6 ~~the death of the member shall be eligible for a survivor annuity until~~
7 ~~determined ineligible according to the provisions of this Act."~~

8 **Section 2.** Section 8134(a) of Article 1, Chapter 8 of Title 4 Guam
9 Code Annotated is hereby amended to read:

10 **" Section 8134. Survivor Annuities.**

11 **(a) Payment to Surviving Spouse and Minor or Dependent**
12 **Children of a Member.** Upon death of a member, while in service, having
13 completed at least three (3) years of total service, if a surviving spouse or

1 minor or dependent children survive the member, the following annuities
2 shall be payable:

3 (1) If a spouse survives, an annuity shall begin as of the date of
4 the death of the member. The annuity shall terminate upon the death
5 of the surviving spouse or upon remarriage of a spouse under the age
6 of forty (40) years, whichever event first occurs; *provided*, that *if*
7 remarriage occurs at age forty (40) or over, this restriction shall *not* be
8 applicable.

9 (2) If both the surviving spouse and minor child or children
10 under age eighteen (18), or child or children over age eighteen (18)
11 attending high school as of the date of the death of the member,
12 survive the member, an annuity shall begin *immediately* upon death of
13 the member. *Except* as provided for in Paragraph (4) of this
14 Subsection, the allowance for a minor child or children shall be
15 payable until the child's or children's:

- 16 (i) attainment of age eighteen (18) or graduation from high
17 school, whichever occurs later;
18 (ii) marriage; *or*
19 (iii) death, whichever first occurs.

20 Except as provided for in Paragraph (4) of this Subsection, in the case
21 of a child or children over age of eighteen (18) attending high school as of
22 the date of the death of the member, the allowance shall be payable until the
23 child's or children's graduation from high school, marriage or death,
24 whichever occurs first. The annuity of the surviving spouse shall terminate
25 upon the death or upon remarriage of a spouse under the age of forty (40)
26 years, whichever first occurs; *provided*, however, that *if* remarriage occurs at
27 age forty (40) or over, this restriction shall *not* be applicable.

1
2 (3) ~~Except as provided for in Paragraph (4) of this Subsection,~~
3 ~~if~~ If a minor child or children under age eighteen (18), or child or
4 children over the age of eighteen (18) attending high school survive a
5 member and no parent of such child or children is living, an annuity
6 shall begin immediately upon death of the member. Except as
7 provided for in Paragraph (4), the allowance on account of any minor
8 child or children shall be payable until the child's:

- 9 (i) attainment of age eighteen (18) or graduation from high
10 school, whichever occurs later;
11 (ii) marriage; or
12 (iii) death, whichever first occurs.

13 Except as provided for in Paragraph (4) of this Subsection, in the case
14 of a child or children over age eighteen (18) attending high school as of the
15 date of the death of the member, the allowance shall be payable until the
16 child's or children's graduation from high school, marriage or death,
17 whichever occurs first.

18 (4) Payment of the annuity or allowance for a minor child or children,
19 or child or children over age eighteen (18) attending high school provided
20 for under Paragraphs (2) and (3) of this Section may be continued *up* to
21 ~~twenty-four (24)~~ twenty-five (25) years of age, *if* such minor child or
22 children are full-time, undergraduate students in an accredited college or
23 university, or educational institution.

24 (5) Any child who survives a member who, as of the date of the death
25 of the member is a dependent of the member for the purposes of filing
26 income tax, is a full-time student, and is under the age of twenty-five (25)
27 years, and has been continuously enrolled as a full-time undergraduate

1 student in an accredited college or university or educational institution since
2 the death of the member shall be eligible for a survivor annuity until
3 marriage, death, receipt of an undergraduate degree, attainment of the age of
4 twenty five(25), or no longer enrolled full time as an undergraduate student,
5 whichever occurs first.”

6 **Section 3. Effective Date.** This Act shall become effective as on
7 August 1, 2011. Pursuant to this Act, The Government of Guam Retirement
8 Fund shall pay retroactively such annuity to eligible surviving children.



Mina'trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE
Senator Vicente “ben” Cabrera Pangelinan

**COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,
INSURANCE, RETIREMENT AND LAND**
Wednesday, January 11, 2012

Bill No. 399-31 (COR)

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No

GOVERNMENT OF GUAM RETIREMENT FUND POSITION STATEMENT REGARDING BILL 399-31

The Government of Guam Retirement Fund (the “Fund”) hereby submits testimony:

- (1) to express the Fund’s position on Bill 399-31, an act to amend 4 G.C.A. § 8134 concerning survivor benefits for children of members of the Government of Guam Retirement Fund by extending the time period for payment of such benefits by an additional one (1) year (up until age 25), so long as the child is a full-time student in an undergraduate institution.
- (2) to restate, clarify, and confirm the purpose and policy underlying Section 8134; and
- (3) to offer a revised version of Bill 399-31 and support the revised version of Section 8134 as attached hereto.

Upon the death of a member of the Fund, Section 8134 provided for benefits to survivors, including minor children who survived the deceased member. Section 8134 has been amended over the years. Amendments expanded the eligibility criteria so that surviving child benefits could be received by surviving children after they attained majority age, if, for example, they were under age twenty-four (24) years and still attended high school or an accredited undergraduate educational institution full-time; or if they were disabled during minority.

Bill 399-31 seeks to further extend, by one (1) year, the period of time in which surviving child benefits can be distributed to eligible, non-disabled children of deceased members. Because the one (1) year extension (up until age 25) remains conditioned on the child being enrolled full-time in an undergraduate educational institution, the Fund does not oppose this extension so long as the Legislature properly funds the additional benefits by enacting an appropriations act that reflects a contribution rate equal to one hundred percent (100%) of the sum of the contribution rates required under Section 8137(a) and adopted by the Board of Trustees of the Government of Guam under Section 8137(b).

The Fund also notes that amendments to Section 8134 over the years have resulted in confusion over eligibility of non-spouse survivors upon the death of a member (active, in the line of duty, or retired), married or unmarried. Accordingly, the Fund offers a substitute corrected version of Bill 399-31, which is drafted to preserve all of the **eligibility** provisions in the existing Section 8134 (consolidating subsections (a), (b), (c), and (f) applicable to non-spouse survivors); and to add Bill 399-31’s one-year extension to the **time period** during which such non-spouse survivors are entitled to receive survivor benefits.

Unlike Bill 399-31, the proposed substitute bill does not extend eligibility up until age twenty-five (25) because that age is inconsistent with the age limit (up to age twenty-four (24) years) for a “Qualifying Child” under the age test developed by the United States Department of the Treasury (see <http://www.irs.gov/newsroom/article/0,,id=133298,00.html>). However, portions of the remaining tests (relationship, residence, and support) are reflected in the revised definition of “Child” in Section 8104(v) and Section 8134.

I MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN

2011 (FIRST) REGULAR SESSION

Bill No. 399-31 (COR)

Introduced by: v.c. pangelinan

AN ACT TO AMEND SECTION 8134 OF ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED RELATIVE TO SURVIVOR ANNUITIES

BE IT ENACTED BY THE PEOPLE OF GUAM:

SECTION 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds that numerous amendments to Section 8134, Chapter 8, Article 1 of the Guam Code Annotated have resulted in confusion over eligibility to receive Survivor benefits, and confusion over the time periods during which such benefits are to be paid. *I Liheslaturan Guahan* intends to consolidate and clarify the various sections of Section 8134 to conform to prior intent underlying Section 8134 and amendments thereto. *I Liheslaturan Guahan* further intends that, subject to applicable appropriations in the budget bill for FY13, to increase, by one (1) year (up to age twenty-five (25) years), the period of time for which Surviving Child benefits are paid, in the event that undergraduate studies are not completed prior to age twenty-four (24) years.

SECTION 2. Section 2 of Public Law No. 26-10, which was not codified in Article 1, Chapter 8, Title 4 of the Guam Code Annotated, is hereby repealed in its entirety. A clarifying version of Section 2 of Public Law No. 26-10 shall be added to Section 8134 as amended by this Act.

SECTION 3. Subsection 8104(l) is amended to read as follows (deleted text is stricken; added text is underscored):

(l) *Child.* The term child for the purpose of § 8134(a)(2) ~~and (a)(3)~~ shall mean ~~an a~~ a member's unmarried child, including an adopted child, including recognized natural child by blood or adoption, (A) under the age of eighteen years, who lived in the same principal residence as the member who receives provided more than one-half (1/2) his of the child's support and lives with the member or employee in a regular parent-child relationship, under the age of eighteen (18) years; or such unmarried child regardless of age who had been examined and pronounced by two (2) licensed physicians before attaining the age of eighteen years to be; (B) eighteen (18) years or older, but under twenty-four (24) years, attending high school or an accredited undergraduate institution full-time; or (C) disabled prior to age eighteen (18) years. To establish a Child's disability, the Board must receive, no later than one (1) year following the death of a member, examination report(s) by two (2) licensed physicians pronouncing that prior to age eighteen (18) years the child was, and currently remains, permanently physically or mentally disabled and incapable of self-support.

SECTION 4. The following underscored text is hereby added to Subsection 8104(v) to read as follows:

(v) *Surviving Spouse* means a living spouse of a deceased, active *or* retired member of the Fund, *or* of a deceased COLA Awardee, in a marriage legally recognized by Title 19, Chapter 3 of the Guam Code Annotated, *or* in a marriage recognized by the laws of the jurisdiction where the marriage was contracted. A domestic relations order may provide that a former spouse shall be treated as the current spouse of a deceased member for purposes of eligibility for Surviving Spouse benefits under Section 8134.

SECTION 5. Section 8134, Article 1, Chapter 8, Title 4 of the Guam Code Annotated is repealed and reenacted to read as follows:

§ 8134. Survivor Annuities and Death Benefits. Upon the death of a member who has completed at least three (3) years of total service, or upon the death of a member in the line of duty, survivor annuities and death benefits shall be payable to eligible survivors described in subsection (a) for the applicable term set forth in subsection (b).

(a) **Eligible Survivors.** The following persons shall be eligible to receive the following survivor benefits or death benefits as set forth in this Article. Eligibility shall be determined as of the date of death of a member, whether in service, in the line of duty, or in retirement.

(1) **Surviving Spouse Annuity.** A Surviving Spouse, as defined in Section 8104(v), shall be eligible to receive a Surviving Spouse annuity upon the death of a member.

(2) **Surviving Child Annuity.** A member's unmarried child, by blood or adoption, who is: (A) under the age of eighteen years and lived in the same principal residence as the member who provided more than one-half (1/2) his of the child's support; (B) eighteen (18) years or older, but under twenty-four (24) years, and a full-time student in high school or an accredited undergraduate institution; or (C) disabled prior to age eighteen (18), shall be eligible to receive a Surviving Child annuity upon the death of a member based on the Rate Formula set forth in Section 8135. To establish eligibility based on disability, the Board must receive, no later than one (1) year following the death of a member, examination report(s) by two (2) licensed physicians pronouncing that prior to age eighteen (18) the child was, and currently remains, permanently physically or mentally disabled and incapable of self-support.

(b) **Term of Survivor Benefits**

(1) A Surviving Spouse annuity shall be payable as of the death of the member and shall terminate upon the earlier of (A) the death of the Surviving Spouse; or (B) the remarriage of the Surviving Spouse before age forty (40) years.

(2) A Surviving Child annuity shall be payable to each eligible surviving Child as of the death of the member, subject to the aggregate basic surviving child annuities for five (5) or more children under Section 8135. A Surviving Child annuity shall terminate upon a Child's death, marriage, attainment of age eighteen (18) years (unless the Child

is disabled, or attends high school or an undergraduate educational institution full-time), attainment of age twenty-five (25) years (unless the Child is disabled), or if a previously disabled Child is no longer disabled.

(c) **Optional Provisions for Unmarried Employees.** Upon retirement for services, any unmarried employee, whether male or female, if in good health as determined upon medical examination, may elect to receive in lieu of his or her full service retirement annuity, on an actuarial equivalent basis, a reduced annuity payable during his or her life time with an annuity payable to his or her designated beneficiary at the same rate and under the same conditions as are applicable to a Surviving Spouse of a member. The reduced retirement annuity payable to the member under this option shall be ninety percent (90%) of the full service retirement annuity if the designated beneficiary is of the same age, or older, or less than five (5) years younger than the retired employee. Such retirement annuity shall be reduced to the extent of one percent (1%) for each additional year above five (5) that the age of the member exceeds the age of the beneficiary; provided, that the reduced retirement annuity for the member shall in no event be less than sixty percent (60%) of the full service retirement annuity.

(d) **Survivor Death Benefit.** Upon the death of a member, while in service or in receipt of a service retirement or disability retirement annuity, if a Surviving Spouse or Child survive the member, a single sum death benefit payment in the amount of One Thousand Dollars (\$1,000).

SECTION 6. Effective Date. This Act shall become effective as of October 1, 2012 subject to the enactment of an appropriations bill that reflects full funding for the extension of benefits; specifically, a contribution rate equal to one hundred percent (100%) of the sum of the contribution rates required under Section 8137(a) and adopted by the Board of Trustees of the Government of Guam under Section 8137(b).

SECTION 7. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of the Act are severable.

To the Honorable Senator Vicente Pangelinan, Chairperson for the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land and Committee Members of the above mentioned Committee:

My name is Susan Rosario Dugan, wife of the late Martin J. Dugan, a retired GovGuam employee. My husband Marty passed on March 30, 2011. I am writing in support of Bill 399-31 Relative to Minor or Dependent Children Survivor Annuities.

Shortly after my husband's passing I was informed by the Retirement Fund Staff that our two youngest children, Justin (age 21) and Alea (age 20), who are attending post secondary education was eligible for the children's survivor's annuity because of their education status.

Although the annuity amount was not much, just knowing our children would receive something was appreciated, especially since Marty's passing was so sudden and unexpected. You can imagine the stressors I was going through trying to get our finances in order and more importantly making sure our children continued on with their goals.

Alea was able to submit the necessary documents within a short period of time and began receiving her survivor's annuity shortly thereafter. Justin however submitted his documents in late August and by mid-September I was informed by Retirement Fund that he was found eligible and would begin receiving the annuity effective October 1, 2011, to include the retroactive sum.

However, in late September 2011 I learned that all annuities for our children will cease effective October 1, 2011, because of a legal opinion rendered by the Retirement Fund Legal Counsel. Based on a change in the Retirement Law several years prior, if a Gov Guam employee or Retiree passes and their child/children are already over the age of 18, despite attending post secondary education continuously from high school, they are not eligible for survivor's annuity. However, if the employee or retiree passes prior to their children/dependent reaching the age of 18 and said children/dependent continuous onto post secondary education, that child is eligible for survivors' annuity. It did not matter that we were still carrying them as dependents in our Income Tax.

I was in total disbelief in learning of the revised law and eligibility requirement. Losing my husband, their father, continuous to be very difficult for my entire family and then to learn that our children were been penalized for losing their father after a certain age, this was incomprehensible.

Furthermore, what was even more disconcerting was the knowledge that even the health care laws allowed for parents to continue providing health care coverage for their adult children who are attending post secondary education up to the age of 24, provided there was proof of their continued full time education. As you know this health care law was revised to extend the age limit to 26. Post secondary education is no longer required.

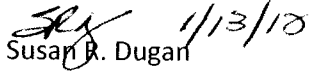
In reviewing Bill 399-91, I would however disagree with the retroactive date stated in the Bill. What is the significance of August 11, 2011? In my situation this is unfair to my son Justin. I strongly believe

that the retroactive date should be based on the date of the deceased member. Because the current law and interpretation was not discovered till late, other children/dependents have already benefitted from it.

I have no knowledge as to how many families are affected by the revised Retirement law, but as a single parent I only want what is fair for my children. Ironically, my husband Marty worked at Retirement Fund as the Administrative Service Officer for many years till his retirement in 1994. I know amongst the many job duties he had, was working with the Legislature to help develop laws pertaining to Retirement Fund and their beneficiaries. I know he too would have fought for the rights and benefits for children.

Senator Pangelinan and Committee Members thank you for taking the time to consider my plea and I hope and pray that you approve Bill 399-91 as well as changing the retroactive date to reflect that of the date the GovGuam member passed so that the children/dependants can receive the full benefit.

Respectfully Yours,

 1/13/10
Susan R. Dugan
Contact No.: 482-6420



COMMITTEE ON RULES

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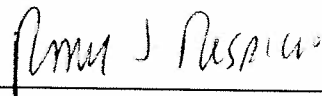
Senator
Christopher M. Duenas

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 399-31 (COR) – "AN ACT TO REPEAL SECTION 2 OF PUBLIC LAW 26-10 AND TO AMEND SECTION 8134(a) OF ARTICLE 1, CHAPTER 8 OF TITLE 4 GUAM CODE ANNOTATED RELATIVE TO MINOR OR DEPENDENT CHILDREN SURVIVOR ANNUITIES"** – on December 20, 2011. COR hereby certifies that BBMR confirmed receipt of this request on December 20, 2011.

COR further certifies that a response to this request was not received by 5:00 P.M. on January 9, 2011, the fourteenth day after the request was received by BBMR. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 399 to be included in the committee report on said bill, is hereby waived.**

Certified by:



Senator Rory J. Respicio

2-13-12

Date



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamilegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

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Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
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Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

December 20, 2011

VIA FACSIMILE

(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note -

Bill Nos. 396-31 (COR) to 397-31 (COR) & 398-31 (LS) to 399-31 (LS)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Unu na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Judith P. Guthertz, DPA
Acting Committee on Rules

Attachments

Cc: Clerk of the Legislature

2011 DEC 20 PM 4:53

MESSAGE CONFIRMATION

DEC-20-2011 02:47 PM TUE

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 2
START TIME : DEC-20-2011 02:46PM TUE
ELAPSED TIME : 00' 20"
MODE : STD ECM
RESULTS : [O.K]



COMMITTEE ON RULES

I Mina'trentat Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hefet Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Gurbertz
VICE CHAIRPERSON
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MAJORITY WHIP

Senator
D G. Rodriguez, Jr.
I MAJORITY WHIP

Senator
Thomas C. Ada

A oho B. Palacios, Sr.

Senator
eute c. pangolinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
A MINORITY LEADER

Senator
C ropher M. Duenas

December 20, 2011

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

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Very Truly Yours,

Senator Judith P. Gurbertz, DPA
Acting Committee on Rules

Attachments

Cc: Clerk of the Legislature

Rec'd by. Analyn
date. 12/20/11
time. 4:02pm

I Mina'Trentai Unu Na Liheslaturan Guahan
Bill Log Sheet

INSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	
ingelinan	AN ACT TO REPEAL SECTION 2 OF PUBLIC LAW 26-10 AND TO AMEND SECTION 8134(a) OF ARTICLE 1, CHAPTER 8 OF TITLE 4 GUAM CODE ANNOTATED RELATIVE TO MINOR OR DEPENDENT CHILDREN SURVIVOR ANNUITIES	12/19/11 3:11 p.m.	12/20/2011	4/17/2012	Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land			12/20/11 -



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

January 4, 2012

Memorandum

To: Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – FIRST NOTICE

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am, Wednesday, January 11, 2012** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

Bill No. 368-31 (LS): An Act to Add a New §3123 to Article 1 and to Add a New §3436 and §3437 to Article 4 of Chapter 3 of Title 11 Guam Code Annotated Relative to Intoxication of Persons Under the Age of Twenty-One.

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Bill No. 373-31 (COR): An Act to add a New §22438 to Title 5 Guam Code Annotated and to Reenact §31115 of Title 17 Guam Code Annotated, Relative to the expansion and renovation of the facilities of the Guam Community College

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73 of 8078



COMPOSE

Quote of the Day - Thomas Fuller - "There is a scarcity of friendship, but not of friends."

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Calvo (18)
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Public Hearing - First Notice

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People (4)

Lisa Dames

Jan 4 (8 days ago)

to phnotice >

Hafa Adai,

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Wednesday, January 11, 2012 beginning at 9:00am at the Guam Legislature Public Hearing Room. Please see attached memo for more details on the hearing.

Thank you

...

Adam Bearce

adam@guamlegislature.org

[Show details](#)

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edpocaigue@judiwonpat.com

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...

Lisa Dames

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olivia

Scott Me...

...

Adam Be...

Anjelica ...

Ariana Vi

Memo to Senators
January 4, 2012
Page 2

Yanggen un nisisita espesiât na setbision, put fabot âgang i Ifisinin Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hâlom gi i uepsait i Liheslaturan Guåhan gi www.guamlegislature.com. Yanggen para un na'hâlom testigu-mu, chule' para i ifisinin-mâmi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuation Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisiu inapâsi nu i fendon gubetnamento.

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com. Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at senbenp@guam.net

Listserv: phnotice@guamlegislature.org

As of Nov. 23, 2011

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aline4families@gmail.com	lou4families@gmail.com
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audrey@judiwonpat.com	markaflague@gmail.com
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carlo@tinamunabarnes.com	mtorres.senatordrodriguez@gmail.com
chechsantos@gmail.com	miracle.m@senatormabini.com
chelsa@tinamunabarnes.com	nsantos@senatorada.org
cherbert.senatordrodriguez@gmail.com	office@senatorada.org
cipo@guamlegislature.org	oliviampalacios@gmail.com
clerks@guamlegislature.org	peterlg@gmail.com
colleen@judiwonpat.com	phillipsguam@gmail.com
cor@guamlegislature.org	pris@senatorpalacios.com
cyrus@senatorada.org	rfteehan@yahoo.com
doc.wyttenbachsantos@gmail.com	richard@tinamunabarnes.com
duenasenator@gmail.com	rob.tupaz@gmail.com
edleonguerrero@gmail.com	roryforguam@gmail.com
edpocague@judiwonpat.com	Santos.duenas@gmail.com
edwardglee671@yahoo.com	sem@guamlegislature.org
elaine@tinamunabarnes.com	senator@senatorbjcruz.com
etajalle@guamlegislature.org	senator@senatorpalacios.com
evelyn4families@gmail.com	senator@tinamunabarnes.com
faith.r@senatormabini.com	senatordrodriguez@gmail.com
faith.r@senatormabini.com	senatormabini@senatormabini.com
fbtorres@judiwonpat.com	senatorsam@senatormabini.com
floterlaje@gmail.com	senatortonyada@guamlegislature.org
frank.blasjr@gmail.com	senbenp@guam.net
gavin@tinamunabarnes.com	sgrarmes@guamlegislature.org
guamnativesun@yahoo.com	speaker@judiwonpat.com
jamespcastro@gmail.com	tanya4families@gmail.com
jane@tinamunabarnes.com	tcastro@guam.net
jason@senatorpalacios.com	telo.taitague@guam.gov
jcamacho@senatorada.com	tinaokada@gmail.com
jean@tinamunabarnes.com	tom@senatorada.org
jeff.m@senatormabini.com	tterlaje@guam.net
jennifer@senatorpalacios.com	uriah@tinamunabarnes.com
jimespaldon@yahoo.com	val.g@senatormabini.com
jmesngon.senatordrodriguez@gmail.com	victoria@senatorpalacios.com
john.calvo@noaa.gov	vkomiya.senatordrodriguez@gmail.com
jtenorio@guamcourts.org	wilcastro671@gmail.com
judiguthertz@gmail.com	



Lisa Dames <cipo@guamlegislature.org>

Public Hearing - First Notice

2 messages

Lisa Dames <cipo@guamlegislature.org>

Wed, Jan 4, 2012 at 5:01 PM

To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, Ken Quintanilla <kenq@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, gerry@mvguam.com, Therese Hart <therese.hart.writer@gmail.com>, zita@mvguam.com, Janela <janela@gmail.com>, marvic.cagurangan@yahoo.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, bmkelman@guampdn.com, Erin Thompson <egthompson@guampdn.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, "Alladi, Amritha" <aalladi@guam.gannett.com>, "Melyan, Catriona" <cmelyan@guam.gannett.com>

INEKUNGOK PUPBLEKO

(PUBLIC HEARING)

gi Metkoles, gi diha 11 gi Ineru, 2012

(Wednesday, January 11, 2012)

Kuátton Inekungok Pupbleko gi I Liheslaturan Guåhan

(Guam Legislature Public Hearing Room)

Alas nuebi gi egga'an despu

(9:00 AM)

TAREHA

(AGENDA)

Priniponi Siha**(Bills)****Bill No. 368-31 (LS): An Act to Add a New §3123 to Article 1 and to Add a New §3436 and §3437 to Article 4**

of Chapter 3 of Title 11 Guam Code Annotated Relative to Intoxication of Persons Under the Age of Twenty-One.

Bill No. 372-31 (COR): An Act to add a New §22437 to Title 5 Guam Code Annotated and to add a New §16316 to Title 17 Guam Code Annotated; Relative to the expansion and renovation of the facilities of the University of Guam.

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Yanggen un nisisita espesiât na setbisio put fabot âgang i lfinan Senadot ben pangelinan gi 473-4236/7, i-mel si senbenp@guam.net , patsino hâlom gi i uepsait gi www.senbenp.com. Este na nutisiu inapâsi nu i fendon gubetnamento.

If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236 , email at senbenp@guam.net or log onto www.senbenp.com

Lisa Dames
Chief of Staff
Office of Senator ben pangelinan
(671) 473-4236
cipo@guamlegislature.org

 **Agenda_Jan 11.pdf**
92K

Lisa Dames <cipo@guamlegislature.org>

Mon, Jan 9, 2012 at 12:01 PM

To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, Ken Quintanilla <kenq@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, gerry@mvguam.com, Therese Hart <therese.hart.writer@gmail.com>, zita@mvguam.com, Janela <janela@gmail.com>, marvic.cagurangan@yahoo.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gduamat-ol@guampdn.com>, slimtiaco@guampdn.com, bmkelman@guampdn.com, Erin Thompson <egthompson@guampdn.com>, Oyaol Ngirairiki



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

January 9, 2012

Memorandum

To: Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – SECOND NOTICE

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

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Memo to Senators
January 9, 2012
Page 2

Yanggen un nisisita espesiât na setbision, put fabot âgang i Ifisinin Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hâlom gi i uepsait i Liheslaturan Guåhan gi www.guamlegislature.com. Yanggen para un na'hâlom testigu-mu, chule' para i ifisinin-mâmi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuation Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisiu inapâsi nu i fendon gubetnamento.

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com. Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at senbenp@guam.net

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Re: Public Hearing - Second Notice

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People (3)

Lisa Dames

Jan 9 (3 days ago)



Adam Bearce

adam@guamlegislature.org

[Show details](#)

to phnotice -

Hafa Adai,

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Wednesday, January 11, 2012 beginning at 9:00am at the Guam Legislature Public Hearing Room. Please see attached memo for more details on the hearing.

Thank you

Lisa Dames

111 344-1234

Call phone

Elaine T...

olivia

Scott Me...

Adam Be...

Anjelica ...

Ariana Vi

Lisa Dames
Chief of Staff
Office of Senator benito pangalanan
(671) 473-4236
cipo@guamlegislature.org

SecondNoticeSens_JAN1112-1.pdf
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Adam Bearce adam@guamlegislature.org
to yong me -

Jan 9 (3 days ago)



Hi Confirmed posted To

of Chapter 3 of Title 11 Guam Code Annotated Relative to Intoxication of Persons Under the Age of Twenty-One.

Bill No. 372-31 (COR): An Act to add a New §22437 to Title 5 Guam Code Annotated and to add a New §16316 to Title 17 Guam Code Annotated; Relative to the expansion and renovation of the facilities of the University of Guam.

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If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236 , email at senbenp@guam.net or log onto www.senbenp.com

Lisa Dames
Chief of Staff
Office of Senator ben c. pangelinan
(671) 473-4236
cipo@guamlegislature.org

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Lisa Dames <cipo@guamlegislature.org>

Mon, Jan 9, 2012 at 12:01 PM

To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, Ken Quintanilla <kenq@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, gerry@mvguam.com, Therese Hart <therese.hart.writer@gmail.com>, zita@mvguam.com, Janela <janela@gmail.com>, marvic.cagurangan@yahoo.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, bmkelman@guampdn.com, Erin Thompson <egthompson@guampdn.com>, Oyaol Ngirairiki

<odngirairikl@guampdn.com>, "Alladi, Amritha" <aalladi@guam.gannett.com>, "Melyan, Catriona"
<cmelyan@guam.gannett.com>

INEKUNGOK PUPBLEKO

(PUBLIC HEARING)

gi Metkoles, gi diha 11 gi Ineru, 2012

(Wednesday, January 11, 2012)

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan

(Guam Legislature Public Hearing Room)

Alas nuebi gi egga'an despu

(9:00 AM)

TAREHA

(AGENDA)

Priniponi Siha

(Bills)

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I Mina Trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE
Senator Vicente "ben" Cabrera Pangelinan
Office of the People

155 Hesler St., Hagåtña, Guam 96910 • Ph: 473-4236 Fax: 473-4238
Email: senbenp@guam.net • Website: www.senbenp.com

INEKUNGOK PUPBLEKO
(PUBLIC HEARING)

gi Metkoles, gi diha 11 gi Ineru 2012
(Wednesday, January 11, 2012)

Kuattan Inekungok Pupbleko gi Liheslaturan Guahan
(Guam Legislature Public Hearing Room)

Alas nuebl gi egga'an despues
(9:00 AM)

TAREHA
(AGENDA)

Priniponi Siha
(BILLS)

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

Bill No. 399-31 (LS)

Introduced by:

v.c. pangelinan

**AN ACT TO REPEAL SECTION 2 OF PUBLIC
LAW 26-10 AND TO AMEND SECTION 8134(a)
OF ARTICLE 1, CHAPTER 8 OF TITLE 4
GUAM CODE ANNOTATED RELATIVE TO
MINOR OR DEPENDENT CHILDREN
SURVIVOR ANNUITIES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1.** Section 2 of Public Law 26-10 is hereby repealed in its
2 entirety.

3 ~~“Section 2. Any child who survives a member who, as of the date of~~
4 ~~the death of the member is a full-time student, is under the age of twenty-four~~
5 ~~(24) years, and has been continuously enrolled as a full-time student since~~
6 ~~the death of the member shall be eligible for a survivor annuity until~~
7 ~~determined ineligible according to the provisions of this Act.”~~

8 **Section 2.** Section 8134(a) of Article 1, Chapter 8 of Title 4 Guam
9 Code Annotated is hereby amended to read:

10 **“ Section 8134. Survivor Annuities.**

11 **(a) Payment to Surviving Spouse and Minor or Dependent**
12 **Children of a Member.** Upon death of a member, while in service, having
13 completed at least three (3) years of total service, if a surviving spouse or

1 minor or dependent children survive the member, the following annuities
2 shall be payable:

3 (1) If a spouse survives, an annuity shall begin as of the date of
4 the death of the member. The annuity shall terminate upon the death
5 of the surviving spouse or upon remarriage of a spouse under the age
6 of forty (40) years, whichever event first occurs; *provided*, that *if*
7 remarriage occurs at age forty (40) or over, this restriction shall *not* be
8 applicable.

9 (2) If both the surviving spouse and minor child or children
10 under age eighteen (18), or child or children over age eighteen (18)
11 attending high school as of the date of the death of the member,
12 survive the member, an annuity shall begin *immediately* upon death of
13 the member. *Except* as provided for in Paragraph (4) of this
14 Subsection, the allowance for a minor child or children shall be
15 payable until the child's or children's:

- 16 (i) attainment of age eighteen (18) or graduation from high
17 school, whichever occurs later;
18 (ii) marriage; *or*
19 (iii) death, whichever first occurs.

20 Except as provided for in Paragraph (4) of this Subsection, in the case
21 of a child or children over age of eighteen (18) attending high school as of
22 the date of the death of the member, the allowance shall be payable until the
23 child's or children's graduation from high school, marriage or death,
24 whichever occurs first. The annuity of the surviving spouse shall terminate
25 upon the death or upon remarriage of a spouse under the age of forty (40)
26 years, whichever first occurs; *provided*, however, that *if* remarriage occurs at
27 age forty (40) or over, this restriction shall *not* be applicable.

1
2 (3) ~~Except as provided for in Paragraph (4) of this Subsection,~~
3 if If a minor child or children under age eighteen (18), or child or
4 children over the age of eighteen (18) attending high school survive a
5 member and no parent of such child or children is living, an annuity
6 shall begin immediately upon death of the member. Except as
7 provided for in Paragraph (4), the allowance on account of any minor
8 child or children shall be payable until the child's:

- 9 (i) attainment of age eighteen (18) or graduation from high
10 school, whichever occurs later;
11 (ii) marriage; or
12 (iii) death, whichever first occurs.

13 Except as provided for in Paragraph (4) of this Subsection, in the case
14 of a child or children over age eighteen (18) attending high school as of the
15 date of the death of the member, the allowance shall be payable until the
16 child's or children's graduation from high school, marriage or death,
17 whichever occurs first.

18 (4) Payment of the annuity or allowance for a minor child or children,
19 or child or children over age eighteen (18) attending high school provided
20 for under Paragraphs (2) and (3) of this Section may be continued *up* to
21 ~~twenty-four (24)~~ twenty-five (25) years of age, *if* such minor child or
22 children are full-time, undergraduate students in an accredited college or
23 university, or educational institution.

24 (5) Any child who survives a member who, as of the date of the death
25 of the member is a dependent of the member for the purposes of filing
26 income tax, is a full-time student, and is under the age of twenty-five (25)
27 years, and has been continuously enrolled as a full-time undergraduate

1 student in an accredited college or university or educational institution since
2 the death of the member shall be eligible for a survivor annuity until
3 marriage, death, receipt of an undergraduate degree, attainment of the age of
4 twenty five(25), or no longer enrolled full time as an undergraduate student,
5 whichever occurs first.”

6 **Section 3. Effective Date.** This Act shall become effective as on
7 August 1, 2011. Pursuant to this Act, The Government of Guam Retirement
8 Fund shall pay retroactively such annuity to eligible surviving children.