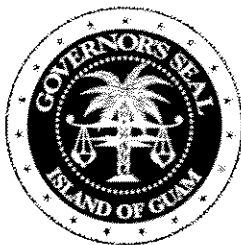


I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
228-32 (COR) P.L. 32-128	Michael F. Q. San Nicolas	AN ACT TO EXEMPT BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS AS SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS, BY AMENDING SUBSECTION (a) OF §8121, ARTICLE 1, CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED.	11/26/13 5:14 p.m.	11/27/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land	1/14/14 2:00 p.m.		Fiscal Note Requested 01/17/14
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	DATE SIGNED BY I MAGA'LAHEN GUAHAN	PUBLIC LAW NO.	NOTES
	2/3/2014	AN ACT TO AMEND SUBSECTION (a) OF §8121 OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS OF RETIRED SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS.	2/4/14	12:28 p.m.	2/15/2014	2/10/2014	32-128	

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

FEB 13 2014

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

32-14-1309
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date 2/14/14
Time 4:10 PM
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 228-32 (COR) "AN ACT TO AMEND SUBSECTION (a) OF §8121 OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS OF RETIRED SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS" which I signed into law on February 10, 2014 as **Public Law 32-128**.

Senseramente,


EDDIE BAZA CALVO

2014 FEB 14 PM 4:49 W

1309

Ricardo J. Bordallo Governor's Complex • Adelup, Guam 96910

Tel: (671) 472-8931 • Fax: (671) 477-4826 • governor.guam.gov • calendar.guam.gov



Eddie Baza Calvo



@eddiebazacalvo



@governorcalvo



governorofguam

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that Bill No. 228-32 (COR), "AN ACT TO AMEND SUBSECTION (a) OF §8121 OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS OF RETIRED SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS," was on the 3rd day of February, 2014, duly and regularly passed.



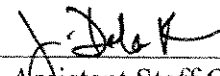
Judith T. Won Pat, Ed.D.
Speaker

Attested:




Rory J. Respicio
Acting Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 4th day of Feb., 2014, at 12:28 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: FEB 10 2014

Public Law No. 32-128

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 228-32 (COR)

Introduced by:

Michael F. Q. San Nicolas
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* SUBSECTION (a) OF §8121 OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS OF RETIRED SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act *shall* be cited as the “*Responsible Retired School Bus Driver and Automotive Mechanic Re-employment Act.*”

Section 2. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Department of Public Works currently has a fleet of one hundred thirty-eight (138) school buses. In the near future, it is expected that the fleet will expand

1 to approximately one hundred fifty (150) school buses. Currently, the Department
2 of Public Works has difficulty in maintaining sufficient bus drivers to operate the
3 full complement of buses owned by the government of Guam, and keeping much
4 of the bus fleet operational. Recently, the newly-expanded fleet has been operating
5 with around one hundred ten (110) school buses. The automotive mechanics
6 employed by the Department face a large workload, so unexpected mechanical
7 failures or damage to buses can have significant impacts on the transportation of
8 public and private school students.

9 *I Liheslaturan Guåhan* further finds that Subsection (a) of §8121, Chapter 8,
10 Title 4, Guam Code Annotated, provides that some retirees may be re-employed,
11 provided that the retirement annuity is suspended. Many retirees view this as a
12 disincentive to return to government service. Some exceptions to this include
13 certain judges, persons employed at Department of Education schools, certain
14 licensed health professionals, faculty of the University of Guam and Guam
15 Community College, limited term police officers, unclassified appointees of the
16 Governor, employees of the Office of the Governor and Lieutenant Governor, and
17 heads of autonomous agencies appointed by a governing board. School bus drivers
18 and automotive mechanics are *not* included in this exempt class, so if they return to
19 work for the Department of Public Works, they would be required to forgo their
20 regular retirement annuity payment, which would be a considerable barrier to re-
21 employment with the Department.

22 Therefore, it is the intent of *I Liheslaturan Guåhan* to permit the limited
23 term appointment of government of Guam retirees to work as school bus drivers or
24 automotive mechanics, and allow such retiree to continue to receive his or her
25 regular retirement annuity payment.

26 **Section 3. Suspension of Annuity Payment.** Subsection (a) of §8121,
27 Article 1, Chapter 8, Title 4, Guam Code Annotated, is hereby *amended* to read:

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

15 The provisions of this Section *shall not* be applicable to any certified,
16 registered or licensed health care professional, or ancillary service personnel,
17 employed by the Guam Memorial Hospital Authority, the Department of
18 Mental Health and Substance Abuse, the Department of Public Health and
19 Social Services; academic faculty positions at the University of Guam and
20 the Guam Community College; a limited term police officer employed by
21 the Guam Police Department, to include Police Officers I, II, III and
22 Sergeant I & II, performing duties such as patrol officers, narcotic officers,
23 criminal investigators and school resource officers; or limited term school
24 bus drivers or automotive mechanics employed by the Department of Public
25 Works; provided, that such person(s) occupies such positions for which *no*
26 other qualified/certified applicants was available, and that such employment

1 *shall* be on a fiscal year basis; subject to the provisions of Subsection (d) of
2 this Section.

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



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN

THIRTY-SECOND GUAM LEGISLATURE

155 Hesler Place, Hagåtña, Guam 96910

February 3, 2014

The Honorable Edward J.B. Calvo

I Maga'lahaen Guåhan

Ufisinan I Maga'lahi

Hagåtña, Guam 96910

12:28 PM
Delia K
2/4/14

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill Nos. 228-32(COR), 234-32(COR), 241-32(COR), 257-32(COR) and 258-32(COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on February 3, 2014.

Sincerely,

Rory J. Respicio
Acting Legislative Secretary

Enclosure (5)

11303

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

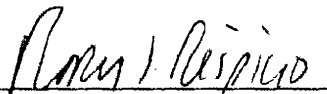
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 228-32 (COR), "AN ACT TO AMEND SUBSECTION (a) OF §8121 OF ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS OF RETIRED SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS,"** was on the 3rd day of February, 2014, duly and regularly passed.



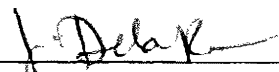
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Rory J. Respicio
Acting Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 4th day of Feb., 2014, at
12:28 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 228-32 (COR)

Introduced by:

Michael F. Q. San Nicolas
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* SUBSECTION (a) OF §8121 OF
ARTICLE 1, CHAPTER 8 OF TITLE 4, GUAM CODE
ANNOTATED, RELATIVE TO EXEMPTING
BENEFICIARIES OF THE DEFINED BENEFIT
RETIREMENT PLAN FROM THE SUSPENSION OF
THEIR ANNUITY PAYMENTS FOR LIMITED TERM
APPOINTMENTS OF RETIRED SCHOOL BUS
DRIVERS OR AUTOMOTIVE MECHANICS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act *shall* be cited as the “*Responsible
Retired School Bus Driver and Automotive Mechanic Re-employment Act.*”

Section 2. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
that the Department of Public Works currently has a fleet of one hundred thirty-
eight (138) school buses. In the near future, it is expected that the fleet will expand

1 to approximately one hundred fifty (150) school buses. Currently, the Department
2 of Public Works has difficulty in maintaining sufficient bus drivers to operate the
3 full complement of buses owned by the government of Guam, and keeping much
4 of the bus fleet operational. Recently, the newly-expanded fleet has been operating
5 with around one hundred ten (110) school buses. The automotive mechanics
6 employed by the Department face a large workload, so unexpected mechanical
7 failures or damage to buses can have significant impacts on the transportation of
8 public and private school students.

9 *I Liheslaturan Guåhan* further finds that Subsection (a) of §8121, Chapter 8,
10 Title 4, Guam Code Annotated, provides that some retirees may be re-employed,
11 provided that the retirement annuity is suspended. Many retirees view this as a
12 disincentive to return to government service. Some exceptions to this include
13 certain judges, persons employed at Department of Education schools, certain
14 licensed health professionals, faculty of the University of Guam and Guam
15 Community College, limited term police officers, unclassified appointees of the
16 Governor, employees of the Office of the Governor and Lieutenant Governor, and
17 heads of autonomous agencies appointed by a governing board. School bus drivers
18 and automotive mechanics are *not* included in this exempt class, so if they return to
19 work for the Department of Public Works, they would be required to forgo their
20 regular retirement annuity payment, which would be a considerable barrier to re-
21 employment with the Department.

22 Therefore, it is the intent of *I Liheslaturan Guåhan* to permit the limited
23 term appointment of government of Guam retirees to work as school bus drivers or
24 automotive mechanics, and allow such retiree to continue to receive his or her
25 regular retirement annuity payment.

26 **Section 3. Suspension of Annuity Payment.** Subsection (a) of §8121,
27 Article 1, Chapter 8, Title 4, Guam Code Annotated, is hereby *amended* to read:

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

15 The provisions of this Section *shall not* be applicable to any certified,
16 registered or licensed health care professional, or ancillary service personnel,
17 employed by the Guam Memorial Hospital Authority, the Department of
18 Mental Health and Substance Abuse, the Department of Public Health and
19 Social Services; academic faculty positions at the University of Guam and
20 the Guam Community College; a limited term police officer employed by
21 the Guam Police Department, to include Police Officers I, II, III and
22 Sergeant I & II, performing duties such as patrol officers, narcotic officers,
23 criminal investigators and school resource officers; or limited term school
24 bus drivers or automotive mechanics employed by the Department of Public
25 Works; provided, that such person(s) occupies such positions for which *no*
26 other qualified/certified applicants was available, and that such employment

1 *shall* be on a fiscal year basis; subject to the provisions of Subsection (d) of
2 this Section.

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

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Speaker Antonio R. Unipingo Legislative Session Hall

February 3, 2014

Bill No. 228-32 (COR)

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE					✓ Ex.
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES					✓ Ex.
Senator Vicente (ben) Cabrera PANGELINAN		✓			
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

12
Yea

1
Nay

Not Voting/
Abstained

Out During
Roll Call

2 Ex.
Absent

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

I = Pass



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

January 17, 2014

VIA E-MAIL

john.rios@bbmr.guam.gov

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

RE: Request for Fiscal Notes– Bill Nos. 228-32 (LS), 229-32(COR), 230-32(COR); 262-32(COR) & 263-32(COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos 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 Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
228-32 (LS)	Michael F. Q. San Nicolas	AN ACT TO EXEMPT BENEFICIARIES OF THE DEFINED BENEFIT RETIREMENT PLAN FROM THE SUSPENSION OF THEIR ANNUITY PAYMENTS FOR LIMITED TERM APPOINTMENTS AS SCHOOL BUS DRIVERS OR AUTOMOTIVE MECHANICS, BY AMENDING SUBSECTION (a) OF §8121, ARTICLE 1, CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED.
229-32 (COR)	Michael F. Q. San Nicolas	AN ACT TO REQUIRE THAT THE OFFICE OF TECHNOLOGY ESTABLISH A WEB-BASED MEETING PROTOCOL TO ALLOW AGENCIES TO HOLD NON-PUBLIC MEETINGS REMOTELY BY ADDING A NEW SUBSECTION (k) TO §20204.1 OF ARTICLE 2, CHAPTER 20, TITLE 5, GUAM CODE ANNOTATED.
230-32 (COR)	Michael F. Q. San Nicolas	AN ACT TO REQUIRE THAT THE OFFICE OF TECHNOLOGY ESTABLISH A SECURE WEB- BASED COMMUNICATIONS PROTOCOL TO ALLOW AGENCIES TO SECURELY SHARE INFORMATION WITH AUTHORIZED RECIPIENTS BY ADDING A NEW SUBSECTION (j) TO §20204.1 OF ARTICLE 2, CHAPTER 20, TITLE 5, GUAM CODE ANNOTATED.

262-32 (COR)	Brant T. McCreadie	AN ACT TO AMEND §77107 AND TO ADD A NEW §77135 TO CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING A PUBLIC-PRIVATE PARTNERSHIP FOR VEHICLE IMPOUNDMENT.
263-32 (COR)	Brant T. McCreadie	AN ACT TO ADD A NEW §77113.1 TO CHAPTER 77, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING AN ANNUAL POLICE RECRUITMENT CYCLE, STARTING IN FISCAL YEAR 2015 FOR A FIVE YEAR PERIOD.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER


Senator
Aline Yamashita
Member

November 27, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Thomas C. Ada 
Acting Chairperson of the Committee on Rules

Subject: Referral of Bill No. 228-32(LS)

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 228-32(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.


Si Yu'os Ma'åse!

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 228-32 (LS)

Introduced by:

Michael F.Q. San Nicolas 

**AN ACT TO EXEMPT BENEFICIARIES OF THE
DEFINED BENEFIT RETIREMENT PLAN FROM THE
SUSPENSION OF THEIR ANNUITY PAYMENTS FOR
LIMITED TERM APPOINTMENTS AS SCHOOL BUS
DRIVERS OR AUTOMOTIVE MECHANICS, BY
AMENDING SUBSECTION (a) OF §8121, ARTICLE 1,
CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED.**

2013 NOV 26 PM 5:14

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act *shall* be cited as the “Responsible Retired School Bus Driver and Automotive Mechanic Re-employment Act.”

Section 2. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Department of Public Works currently has a fleet of one hundred thirty-eight (138) school buses. In the near future, it is expected that the fleet will expand to approximately one hundred fifty (150) school buses. Currently, the Department of Public Works has difficulty in maintaining sufficient bus drivers to operate the full complement of buses owned by the Territory and keeping much of the bus fleet operational. Recently, the newly-expanded fleet has been operating with around one hundred ten school buses. The automotive mechanics employed by the Department face a large workload, so unexpected mechanical failures or damage to buses can have significant impacts on the transportation of public and private school students.

I Liheslaturan Guåhan further finds that Subsection (a) of §8206, Chapter 8,

1 Title 4, Guam Code Annotated, provides that some retirees may be re-employed,
2 provided that the retirement annuity is suspended. Many retirees view this as a
3 disincentive to return to government service. Some exceptions to this include
4 certain Judges, persons employed at Department of Education schools, certain
5 licensed health professionals, faculty of the University of Guam and Guam
6 Community College, limited term police officers, unclassified appointees of the
7 Governor, employees of the Office of the Governor and Lieutenant Governor and
8 heads of autonomous agencies appointed by a governing board. School Bus
9 Drivers and Automotive Mechanics are not included in this exempt class, so if they
10 return to work for the Department of Public Works, they would be required to
11 forgo their regular retirement annuity payment, which would be a considerable
12 barrier to re-employment with the Department.

13 Therefore, it is the intent of *I Liheslaturan Guåhan* to permit the limited
14 term appointment of government of Guam retirees to work as School Bus Drivers
15 or Automotive Mechanics and allow such retiree to continue to receive his or her
16 regular retirement annuity payment.

17 **Section 3. Suspension of Annuity Payment.** Subsection (a) of §8121,
18 Article 1, Chapter 8, Title 4, Guam Code Annotated is hereby *amended*, to read:

19 “(a) A retired member who subsequently becomes an employee
20 eligible for membership under §8106 of this Title prior to January 1, 1999,
21 *shall*, upon becoming so employed, have that member’s right to receive
22 payment of that member’s annuity suspended for the duration of that
23 member’s employment, but all other rights pertaining to that member’s
24 annuity provided by this Article, including automatic increases therein, *shall*
25 be retained by that member. The provisions of this Section *shall* not be
26 applicable to any retired Judge or Justice designated and assigned by the
27 Chief Justice to perform judicial duties in the courts of Guam as provided for

1 in §6115 of Title 7 GCA, or any person employed by the Department of
2 Education in Guam schools, as a substitute teacher or as a Certified
3 Augmentation Teaching Service (CATS) employee as that term is defined
4 by Title 17 GCA § 3127(b). Such employment *shall* be subject to the
5 provisions of Subsection (d) of this Section.

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

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