

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN
2021 (FIRST) Regular Session
VOTING RECORD

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes					✓	✓
Senator Telen Cruz Nelson	✓					
Senator Sabina Flores Perez	✓					
Senator Clynton E. Ridgell	✓					
Senator Joe S. San Agustin	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje	✓					
Speaker Therese M. Terlaje	✓					
Senator Mary Camacho Torres					✓	✓

TOTAL

13
Aye

0
Nay

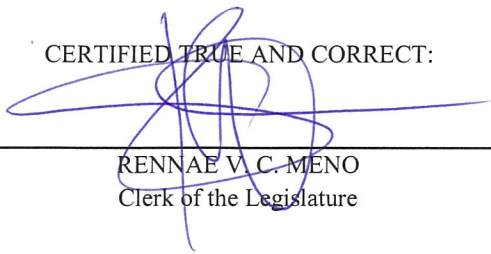
**Not
Voting/
Abstained**

**Out
During
Roll Call**

2
Absent

2
Excused

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 75-36 (COR)

As substituted by the Committee on
General Government Operations,
Appropriations, and Housing.

Introduced by:

James C. Moylan
V. Anthony Ada
Christopher M. Dueñas

AN ACT TO *AMEND* SECTIONS 2(c), 2(d)(1), 3, 4, 5, AND 6 OF PUBLIC LAW 35-136; AND SECTIONS 1(d), 2(a), 2(b), 4, 5, AND 6 OF THE “EXHIBIT A” OF PUBLIC LAW 35-136, AND TO REPEAL SECTION 2(d)(2) OF PUBLIC LAW 35-136, RELATIVE TO AMENDING PROVISIONS OF THE *RECOVERY INCOME SUPPORT AND EMPOWERMENT (RISE) PROGRAM OF 2021*, INCLUDING INCREASING THE AMOUNT OF THE BENEFIT, REMOVING CERTAIN REQUIREMENTS TO APPLY, AMENDING THE AUTHORIZED BUDGET, AND EXTENDING THE DEADLINE FOR THE PAYOUT BY SIX (6) MONTHS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Governor Lou Leon Guerrero allowed Bill 340-36 (The Recovery Income
4 Support and Empowerment Program of 2021, also known as the RISE Act) to lapse
5 into Public Law 35-136 on December 29, 2020. The measure proposed a one-time
6 payment of \$800 for eligible individuals and \$1,600 for those filing joint returns,
7 with specific eligibility requirements in place. While funding options were noted in

1 the legislation, no plan of action was provided by the administration on if, or even
2 when the payouts would take place as the new law stipulated.

3 Many qualified island residents have been awaiting the funds from the RISE
4 Act for months, and unfortunately have yet to hear back from the administration on
5 any timelines. Bill 340-36, introduced by former Senator Regine Biscoe-Lee, was
6 intended to help eligible families address critical needs. With a new federal relief
7 program providing adequate funding for Guam, the proceeds from PL 35-136 may
8 finally be paid. However, because of the governments failure to provide adequate
9 information and timelines for qualified recipients, it is only proper to provide a
10 moderate increase in the payout to provide families the additional support.

11 The payout from the RISE Act would provide a much-needed economic
12 infusion for the island, and even if 50% of the proceeds are expended at island
13 businesses, nearly \$19,000,000 would circulate within Guam's economy. This
14 would equate to a new tax base, along with additional displaced employees being
15 called back to work.

16 **Section 2.** Section 2(c) of Public Law 35-136 is hereby *amended* to read as
17 follows:

18 (c) In the case of an eligible individual, there *shall* be allowed a one-
19 time payment up to the sum of One Thousand Eight Hundred Dollars (\$1,000
20 ~~800~~). In the case of eligible individuals filing a joint return, there *shall be*
21 allowed a one-time payment up to the sum of Two One Thousand Six Hundred
22 Dollars (\$2,000 ~~1,600~~), subject to Section 2(d)(1) of this Act.

23 **Section 3.** Section 4 of Public Law 35-136 is hereby *amended* to read as
24 follows:

25 **Section 4. Delivery of Payments.** Notwithstanding any other provision of
26 law, or rule or regulation, the Director *shall may* certify and disburse payments

1 pursuant to this Act. No payment *shall be* made or allowed under this Act after June
2 30, 2022 ~~December 31, 2021~~.

3 **Section 4.** Section 5 of Public Law 35-136 is hereby *amended* to read as
4 follows:

5 **Section 5. Funding.** Notwithstanding any other provision of law, or rule or
6 regulation, *I Maga'hagan Guahan* is authorized to transfer up to the amount needed
7 to pay all qualified applicants pursuant to the requirements set forth in this Act
8 ~~Thirty Seven Million Five Hundred Dollars (\$370,5000,000)~~, plus any additional
9 amount needed for administrative costs, to the Department of Revenue and Taxation,
10 for the purposes of this Act, as *may* be available from the following:

- 11 (a) Fiscal Year 2021 General Funds appropriations; and
- 12 (b) any federal appropriations that can be used for the purposes of this
13 Act.

14 No local funds may be used for this program as long as federal funds that can
15 be used for the purposes of this Act are available to encumber, obligate, or expend.
16 Any funds transferred pursuant to this Act shall be required only if payments can be
17 funded under a federal coronavirus relief package or such other federal funds as are
18 appropriate and lawful.

19 **Section 5.** Section 3 of Public Law 35-136 is hereby *amended* to read as
20 follows:

21 **Section 3. Implementation.** Upon enactment of this Act, ~~the~~ Department
22 of Revenue and Taxation *shall have thirty (30) working days from the date of*
23 ~~identification of funds by *I Maga'hagan Guahan* for the purposes of this Act to~~
24 implement the Program.

25 **Section 6.** Section 6 of Public Law 35-136 is hereby *amended* to read as
26 follows:

1 **Section 6. Reporting.** ~~Upon the lifting of the public health emergency~~
2 ~~declaration for Guam, Sixty (60) days from the Implementation of the Program,~~ the
3 Department of Revenue and Taxation and the Department of Administration *shall*
4 submit a report to the Speaker of *I Liheslaturan Guåhan*, which *shall* include the
5 cumulative amount of payments made under the Recovery Income Support and
6 Empowerment (RISE) Program, the total administrative costs to facilitate this Act.
7 Following the initial report, the Department of Revenue and Taxation and the
8 Department of Administration shall continue to provide reports to the Speaker of I
9 *Liheslaturan Guåhan*, pursuant to this Section every thirty (30) days until June 30,
10 2022.

11 **Section 7.** Section 4 of the “Exhibit A” Rules and Regulations of Public Law
12 35-136 is hereby *amended* to read as follows:

13 **Section 4. Filing a Claim for Payment.** Eligible individuals must register at
14 the website specified by the Department of Revenue and Taxation to fill out and
15 submit the application online, along with the required documents pursuant to Section
16 5, or must file an application and submit the required documents in such other form
17 as prescribed by the Director. The Department of Revenue and Taxation shall
18 continue to accept applications for the Rise Act, pursuant to Public Law 35-136, for
19 up to six (6) months from the implementation date of the program.

20 **Section 8.** Section 5 of the “Exhibit A” Rules and Regulations of Public Law
21 35-136 is hereby amended to read as follows:

22 **Section 5. Required Documents.** The following documentation must be
23 submitted to qualify for payment under the Program. Additional documentation may
24 be required, as deemed necessary, upon verification of the documentation listed in
25 the Section. These documents shall be subject to review and verification.
26 Applications will be processed, on a first-in, first-out basis, only when they are
27 completed, including all required documents.

1 (a) Completed Form 8821, *Tax information Authorization*, to authorize the
2 Department of Revenue and Taxation to inspect and receive Guam Form 1040
3 Individual Income Tax Return and return information for tax years 2020 and 2019
4 submitted by individuals, for the purpose of administering the Program;

5 (b) Copy of Form SSA-1099 or Form RRB-1099, *Social Security Benefit*
6 *Statement*, for calendar year 2020, if an individual is an SSB recipient who is not
7 required to file tax return for tax years 2020 or 2019;

8 (c) Social security card number(s) for individuals; and

9 ~~(d) Guam Mayor's verification;~~

10 ~~(de) Application for RISE Program;~~

11 ~~(f) Employment certification documentation; and~~

12 ~~(g) any additional documents required, as deemed necessary by the Director~~
13 ~~of the Department of Revenue and Taxation.~~

14 **Section 9.** Section 6 of the "Exhibit A" Rules and Regulations of Public Law
15 35-136 is hereby *amended* to read as follows:

16 **Section 6. Payment Amount.** A one-time payment of One Thousand Dollars
17 ~~(\$1,000) Eight Hundred Dollars (\$800)~~ shall be allowed for each eligible individual;
18 and Two Thousand Dollars (\$2,000) ~~One Thousand Six Hundred Dollars (\$1,600)~~
19 in the case of eligible individuals filing a joint return.

20 **Section 10.** Section 8 of the "Exhibit A" Rules and Regulations of Public Law
21 35-136 is hereby *amended* to read as follows:

22 **Section 8. Funding.** The maximum amount allowed to be paid under the
23 Program, not including administrative costs, shall be based on the total of all
24 qualified applicants who apply within the timelines pursuant to this Act ~~is Thirty~~
25 ~~Million Dollars (\$30,000,000).~~

26 **Section 11.** Section 2(d)(1) of Public Law 35-136 is hereby *amended* to read
27 as follows:

1 (d) Eligibility of RISE Program. Eligible individuals, to include eligible
2 individuals filing a joint return, are those Guam taxpayers who filed returns in the
3 tax year 2020. Such returns must be deemed validly filed and processed by the
4 Department of Revenue and Taxation.

5 (1) For purposes of this Section, the term eligible individual means any
6 individual other than:

7 ~~(A) an individual employed by the government of Guam or the~~
8 ~~federal government at any time during the tax year 2020;~~

9 ~~(B) any individual who retired from the government of Guam or~~
10 ~~the federal government and was employed by the government of Guam~~
11 ~~or the federal government an any time during the tax year 2020;~~

12 ~~(A) a nonresident alien individual;~~

13 ~~(B) a deceased individual; or~~

14 ~~(C) an estate or trust.~~

15 **Section 12.** Section 2(d)(2) of Public Law 35-136 is hereby *repealed* in its
16 entirety as follows:

17 ~~(2) Special Rule for Joint Return. In the case of a joint return where at least~~
18 ~~one (1) individual was an employee of the government of Guam or the federal~~
19 ~~government at any time during the tax year 2020, Subsection (c) of this Section shall~~
20 ~~apply only to the eligible individual, as determined in Subsection (d) of this Section;~~
21 ~~provided, that the eligible individual's adjusted gross income shall not exceed the~~
22 ~~amount prescribed in Subsection (f)(1) of this Section. For the purposes of this~~
23 ~~Subsection, payment shall be made to the eligible individual indicated on the~~
24 ~~corresponding tax return.~~

25 **Section 13.** Section 1(d) of the "Exhibit A" Rules and Regulations of Public
26 Law 35-136 is hereby *amended* to read as follows:

27 (d) an individual other than:

1 ~~(1) an individual employed by the government of Guam or the federal~~
2 ~~government at any time during the tax year 2020;~~

3 ~~(2) any individual who retired from the government of Guam or the~~
4 ~~federal government and was employed by the government of Guam or the~~
5 ~~federal government an any time during the tax year 2020;~~

6 (1) a nonresident alien individual;

7 (2) a deceased individual; or

8 (3) an estate or trust.

9 **Section 14. Severability.** If any provision of this Act or its application to any
10 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
11 *not* affect other provisions or applications of this Act that can be given effect without
12 the invalid provision or application, and to this end the provisions of this Act are
13 severable.

14 **Section 15. Effective Date.** The Act *shall* be effective upon enactment.