

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

February 6, 2012

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

31-11-1325
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 2/7/12
Time 4:10 PM
Received by [Signature]

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 309-31 (LS) "AN ACT TO AMEND §§3102.1, 7160(e) AND 7161(f) OF TITLE 16; §51506(d) OF TITLE 10; AND §4104(b) OF TITLE 4, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO THE CONTINUING APPLICATION OF BENEFITS TO GUAM'S VETERANS", which I signed into law on February 3, 2012 as Public Law 31-177.

Senseramente,


EDDIE BAZA CALVO

Attachment: copy of Bill

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

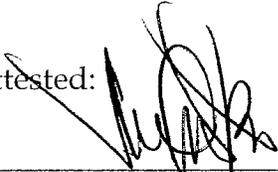
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 309-31 (LS), "AN ACT TO AMEND §§3102.1, 7160(e) AND 7161(f) OF TITLE 16; §51506(d) OF TITLE 10; AND §4104(b) OF TITLE 4, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO THE CONTINUING APPLICATION OF BENEFITS TO GUAM'S VETERANS", was on the 20th day of January, 2012, duly and regularly passed.



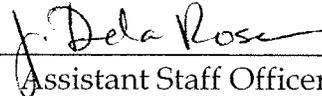
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 23rd day of Jan, 2012, at 12:45 o'clock P. M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: FEB 03 2012

Public Law No. 31-177

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

Bill No. 309-31 (LS)

As amended by the Committee on Appropriations, Taxation,
Public Debt, Banking, Insurance, Retirement, and Land;
and further amended on the Floor.

Introduced by:

T. C. Ada
R. J. Respicio
Adolpho B. Palacios, Sr.
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
v. c. pangelinan
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §§3102.1, 7160(e) AND 7161(f) OF
TITLE 16; §51506(d) OF TITLE 10; AND §4104(b) OF
TITLE 4, ALL OF THE GUAM CODE ANNOTATED,
RELATIVE TO THE CONTINUING APPLICATION OF
BENEFITS TO GUAM'S VETERANS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that further clarification is needed in order for Veterans to receive benefits
4 connected with military service. Current statutes provide Veterans with benefits

1 pertaining to the waiver of fees for a driver’s license (P.L. 28-79); the waiver of
2 fees for registration of a motor vehicle (which includes the annual License and
3 Registration Fee, Street Light Fund Fee, and Recycling Fee) for those rated 100%
4 Disabled or Individually Unemployable (P.L. 30-144); and preference points for
5 employment (P.L. 16-23).

6 *I Liheslaturan Guåhan* further finds that the current statutes must be
7 amended to clarify that the benefits provided by law are applicable upon initial
8 application and for subsequent renewals as in the case of a driver’s license and
9 vehicle registration, and the addition of a five (5)-point Preference Point for every
10 job application submitted by a Veteran for government of Guam positions.

11 **Section 2.** §3102.1. of Chapter 3 of Title 16, Guam Code Annotated, is
12 hereby *amended* to read:

13 “The fee for an operator’s, chauffeur’s, or motorcycle license is
14 waived upon initial issuance and subsequent renewal of a license for
15 Veterans of the United States Armed Forces. Veterans include persons who
16 served in the Guam Combat Patrol, the United States Navy Insular Forces,
17 Guam Militia or Civilian Scouts, Philippines Scouts and the United States
18 Armed Services.”

19 **Section 3.** §7160(e) of Chapter 7 of Title 16, Guam Code Annotated, is
20 hereby *amended* to read:

21 “(e) The annual license and registration fee in §7160 (a) *shall* be
22 waived upon initial issuance and subsequent renewal of vehicle license and
23 registration for any Veteran determined by the U.S. Department of Veterans
24 Affairs (USDVA) to be 100% Disabled or Individually Unemployable due
25 to military service connected injuries. The fee *shall* be waived for one (1)
26 non-commercial passenger vehicle, which includes sedans, coupes, pick-up

1 trucks, motorcycles, and station wagons manufactured primarily for the
2 purpose of carrying passengers, and including those passenger cars pulling
3 other light trailers, registered to the Veteran, or legal guardian applying for
4 benefits under this Section. A document issued by the USDVA or a U.S.
5 military ID card which certifies the disability rating, must be furnished to
6 the Department of Revenue and Taxation in order to waive the annual
7 Motor Vehicle License and Registration Assessment.”

8 **Section 4.** §7161(f) of Chapter 7 of Title 16, Guam Code Annotated, is
9 hereby *amended* to read:

10 “(f) The Street Light Fund Fee in this Section *shall* be waived upon
11 initial issuance and subsequent renewal of vehicle license and registration
12 for any Veteran determined by the U.S. Department of Veterans Affairs
13 (USDVA) to be 100% Disabled or Individually Unemployable due to
14 military service connected injuries. The fee *shall* be waived for one (1)
15 non-commercial passenger vehicle, which includes sedans, coupes, pick-up
16 trucks, motorcycles and station wagons manufactured primarily for the
17 purpose of carrying passengers, and including those passenger cars pulling
18 other light trailers, registered to the Veteran, or legal guardian applying for
19 benefits under this Section. A document issued by the USDVA or a U.S.
20 military ID card, which certifies the disability rating, must be furnished to
21 the Department of Revenue and Taxation in order to waive the annual Street
22 Light Fund Fee.”

23 **Section 5.** §51506(d) of Chapter 51 of Title 10, Guam Code Annotated is
24 hereby *amended* to read:

25 “(d) The Recycling Fee in Subsection (a) *shall* be waived upon
26 initial issuance and subsequent renewal of vehicle license and registration

1 for any Veteran determined by the U.S. Department of Veterans Affairs
2 (USDVA) to be 100% Disabled or Individually Unemployable due to
3 military service connected injuries. The fee *shall* be waived for one (1)
4 non-commercial passenger vehicle, which includes sedans, coupes, pick-up
5 trucks, motorcycles and station wagons manufactured primarily for the
6 purpose of carrying passengers, and including those passenger cars pulling
7 other light trailers, registered to the veteran, or legal guardian applying for
8 benefits under this Section. A document issued by the USDVA or a U.S.
9 military ID card, which certifies the disability rating, must be furnished to
10 the Department of Revenue and Taxation in order to waive the annual
11 Recycling Fee.”

12 **Section 6.** §4104(b) of Chapter 4 of Title 4, Guam Code Annotated, is
13 hereby *amended* to read:

14 “(b) The points added to an applicant’s passing score *shall* be added
15 upon if the applicant receives a minimum passing score or higher upon
16 initial and subsequent applications for employment.”

17 **Section 7. Effective Date.** This Act *shall* be effective upon its enactment
18 into law.

19 **Section 8. Severability.** *If* any provision of this Law or its application to
20 any person or circumstance is found to be invalid or contrary to law, such
21 invalidity *shall* not affect other provisions or applications of this Law which can
22 be given effect without the invalid provisions or application, and to this end the
23 provisions of this Law are severable.

6

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

Date: 1/20/12

VOTING SHEET

ABill No. 309-31(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					EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Office of

the People

I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

OCT 27 2011

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

Speaker

I Mina'trentai Unu Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

Chairman

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

VIA: The Honorable Rory J. Respicio

Rory J. Respicio

Chairperson, Committee on Rules

2011 OCT 25 PM 3:16
BWA

RE: Committee Report on Bill No. 309-31 (LS), As Amended

Vice Chairman

Committee on Education

Dear Speaker Won Pat:

Member

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

Transmitted herewith is the Committee Report on Bill No. 309-31 (LS), As amended: "An act to amend §3102.1, §7160(e), §7161(f) of Title 16, Guam Code Annotated, and to amend §4104(b) of Title 4, Guam Code Annotated relative to the continuing application of benefits to Guam's veterans" and which was referred to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

Member

Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

5 TO PASS

0 TO NOT PASS

0 TO REPORT OUT ONLY

0 TO ABSTAIN

0 TO PLACE IN INACTIVE FILE

Member

Committee on the Guam
Military Buildup and
Homeland Security

Member

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

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

Committee
Report
On

Bill No. 309-31 (LS), As amended: “An act to amend §3102.1, §7160(e), §7161(f) of Title 16, Guam Code Annotated, and to amend §4104(b) of Title 4, Guam Code Annotated relative to the continuing application of benefits to Guam's veterans”



the People

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 Mina'trentai Unu Na Liheslaturan Guahan

OCT 27 2011

Senator Vicente (ben) Cabrera Pangelinan (D)

MEMORANDUM

To: All Members

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

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairman

Subject: **Committee Report on Bill No. 309-31 (LS), As amended**

Transmitted herewith for your consideration is the Committee Report on Bill No. 309-31 (LS), As amended: "An act to amend §3102.1, §7160(e), §7161(f) of Title 16, Guam Code Annotated, and to amend §4104(b) of Title 4, Guam Code Annotated relative to the continuing application of benefits to Guam's veterans" sponsored by Senator Tom C. Ada.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No.309-31 (LS), As Introduced
4. Copy of Bill No.309-31 (LS), As Amended
5. Public Hearing Sign-in Sheet
6. Copies of Submitted Testimony
7. Fiscal Note
8. Copy of COR Referral of Bill No.309-31 (LS), As Introduced
9. Notices of Public Hearing
10. Copy of the Public Hearing Agenda

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.

Si Yu'os Ma'åse',

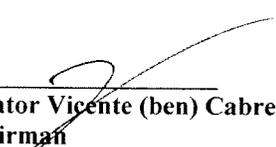
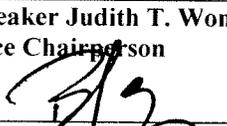
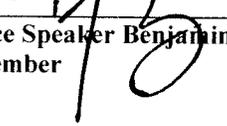
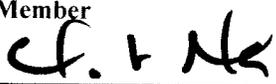
Vicente (ben) Cabrera Pangelinan
Chairman

I MINA TRENTAI UNU NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

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

Bill No. 309-31 (LS), As amended: "An act to amend §3102.1, §7160(e), §7161(f) of Title 16, Guam Code Annotated, and to amend §4104(b) of Title 4, Guam Code Annotated relative to the continuing application of benefits to Guam's veterans"

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	10/27/14 ✓				
 Vice Speaker Benjamin J.F Cruz Member					
Senator Tina R. Muña-Barnes Member					
 Senator Judith P. Guthertz, DPA Member					
Senator Dennis G. Rodriguez, Jr. Member					
 Senator V. Anthony Ada Member	11/27/14				
 Senator Christopher M. Dueñas Member	10/27/14				
Senator Mana Silva Taijeron Member					



the People

I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

Committee Report

Bill No. 309-31 (LS), As Introduced: "An act to amend §3102.1, §7160(e), §7161(f) of Title 16, Guam Code Annotated, and to amend §4104(b) of Title 4, Guam Code Annotated relative to the continuing application of benefits to Guam's veterans."

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 October 14, 2011 at 1:00 pm 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 October 7, 2011 (5-Day Notice), and again on October 12, 2011 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente (ben) Cabrera Pangelinan, Chairman
Senator V. Anthony Ada, Member
Senator Adolpho Palacios

(b) Appearing before the Committee

Tom Devlin, Commander, Chapter 1350 Military Order of the
Purple Heart
Bill Cundiff, President, US Air Force Veterans Organization
Art Mesa, Member, Veteran Advocate, Member, American Legion
and Guam Veteran's Motorcycle Club
John Unpingco, Administrator, Guam Veteran's Affairs Office

(c) Written Testimonies Submitted

NONE

II. COMMITTEE PROCEEDINGS

Chairman Pangelinan: The next item on the agenda is Bill Number 309 –31. Bill 309–31 is “An act to amend §3102.1, §7160(e), §7161(f) of Title 16, Guam Code Annotated, and to amend §4104(b) of Title 4, Guam Code Annotated relative to the continuing application of benefits to Guam's veterans.”.

We have Senator Palacios here with us who is one of the co-authors of the bill. We would like to have him to give us a summary. Let me call the panel up first. We have Mr. Tom Devlin, Mr. Bill Cundiff, Mr. Art Mesa and former Judge Unpingco, Director of Veteran’s Affairs. We will go ahead and ask Senator Palacios to present us with a synopsis of the bill.

(a) Bill Sponsor Summary

Senator Adolpho Palacios: Thank you Mr. Chairman. Mr. Chairman, at the request of the author Senator Tom Ada who is off island for official business, he asked me to make this presentation. This is just a brief overview. Bill 309–31 is an act to ensure that Guam’s veterans continue to receive benefits in recognition of their dedicated military service. Currently, veterans are granted a five point preference when being rated for employment in the government of Guam. And that is in Public Law 16-23. Veterans are also granted a waiver of fees associated with the obtaining of driver’s license; that's Public Law 28–79. In the case of veterans rated as 100% disabled who were individually unemployable, the fee for registration of motor vehicles are also in Public Law 30-144.

Bill 309-31 clarifies that these benefits are applicable as long as the veteran maintains their status as a veteran or a 100% disabled American veteran. The benefits are applicable upon initial application and for subsequent renewal, as in the case of a driver’s license and motor vehicle registration. The addition of a five point preference for every job application submitted by veterans for government of Guam positions is the understanding of the author that the five point preference is for initial employment within the government of Guam and subsequent promotions that do not apply anymore for that five point preference.

This bill proposes that the five point preference follow you and to date, approximately 2,000 local veterans have taken advantage of the current fee waivers for driver’s license and motor vehicle registration. And that's actually the gist of this bill, Mr. Chairman. Thank you very much.

Chairman Pangelinan: Thank you very much Senator Palacios. We will go ahead and begin receiving testimony. Tom you're the first one to sign up.

(b) Testimony

1. Mr. Tom Devlin, Commander, Chapter 1350 Military Order of the Purple Heart

Mr. Tom Devlin: Good afternoon, everybody. My name is Tom Devlin. I'm the Commander of Chapter 1350 of the Military Order of the Purple Heart. We had a meeting last night and the consensus was that I'd be the spokesman for this afternoon. There wasn't any objections to the bill. The way they saw the bill, they agreed with the bill. It's an improvement over what we had. Also, there are certain things that have changed in the bill, which is good.

Now that I finished what I have said for the organization, I would like to say something as a veteran of the Vietnam War and a combat veteran. As we've had many wars in the past, military people have been killed or died in the service of their country. I would think maybe it would be fitting that in the future we could think about disabled veterans giving them a ten point preference and spouses and relatives of veterans that were killed or died in the service of the nation a ten point preference. You're not guaranteeing a job for them if they're not qualified for the job, but you're giving them something that they can rely on if they want to work for the government of Guam. It's not costing the government of Guam money as far as I know in the future, But, you're giving them something back if they listed what they were drafted for. Their family or their spouses that are surviving can maybe, if they qualify for a job in the government of Guam, if they pass the test then they would have a higher preference in the position. Not every state does that but because the states don't do it doesn't mean a small island like we can't do it. That's my own personal opinion as a Vietnam Veteran.

In a few weeks the Vietnam Veterans are going to dedicate a memorial to over 70 veterans who went to Vietnam and were killed in Vietnam. And sometimes when these individuals give their lives in combat or actions or whatever the first couple weeks they think about the families. And then after that the families are somewhat forgotten. Not deliberately, but everybody has to get on with their lives and maybe a 10 point preference for the family members. You can determine whose immediate family and things like that. Maybe that would help families by saying "yes my husband or my wife lost their lives in the military, the government of Guam is giving me something because I can get a job working for the government of Guam and maybe get a preference have a better chance of feeding my family.". Thank you.

Chairman Pangelinan: Si yu'us ma'ase' Mr. Devlin. Mr. Cundiff?

2. Mr. Bill Cundiff, President, US Air Force Veterans Organization

Mr. Bill Cundiff: Good afternoon my name is Bill Cundiff. I am the President of the US Air Force Veterans Organization. We surveyed our organization last week and we have whole heartedly concur with this Bill 309-31. Any small thing that would improve the quality of life for veterans and their families is important. Any small step that the legislature and the government does to improve our quality of life is truly appreciated. So our team is in full concurrence of this bill. There were a couple of comments from our team members that I think I should bring up.

In the act itself it says “continuing applications of benefit to Guam's veterans.” Continuing application is quite different from the intent of this bill. The intent of this bill is to clarify and it's already there. We don't need to continue anything. We need to clarify. So, technicality we should look at. I don't know what “continuing” may do in the future but I think that the word “clarification” should be replaced.

The other part is we all know that behind every military person is a spouse. It is so important that the spouse take care of the health and mental well-being of that military member. That military member can be free in their minds and physically go to and defend our nation. I did a lot of research looking at different organizations in the United States that gives driver's license to military members and none mentioned the spouses. In everything we do today, in every part of the military we even have staffers up the Pentagon and the White House working to improve the recognition of the military spouses as well.

So I would like to propose further amendment to this bill. I'd like to recommend that we amend section 1, section 2, section 3, section 4 and section 5 of this bill. We can insert or add an additional item to these sections. What I'd like to recommend is this: spouses of veterans killed in action and spouses of veterans rated 100% by USDVA who passed away as a direct result of the disability shall be afforded the same benefits. I think it's very important that we recognize our spouses in the fight against terrorism today. They sacrificed, they raise their children and do a lot of things. They are the unsung heroes. So, I recommend that they be added to this bill, as well. Thank you.

Chairman Pangelinan: Thank you and si yu'us ma'ase', Mr. Cundiff. Mr. Mesa?

3. Mr. Art Mesa, Member, Veteran Advocate, Member, American Legion and Guam Veteran's Motorcycle Club

Mr. Art Mesa: Senators, thank you for hearing us. My name is Art Mesa. I am a veteran advocate and also a member of the American Legion and Guam Veteran's Motorcycle Club. My general discussions with both organizations are in favor of these amendments. Senator Palacios and Senator Ada, I want to commend them for clarifying because there was some kind of confusion on this initial bill. I'd like to point out that the majority of this bill does not really impact the government financially. Veterans that are 100% disabled in the course of their duty to our country, a majority of those on Guam were combat related and I don't think that we give enough to those particular veterans. I'm just here to testify in favor and to say thank you.

Chairman Pangelinan: Thank you very much Mr. Mesa. Chief Judge?

4. Mr. John Unpingco, Administrator, Guam Veteran's Affairs Office

Mr. John Unpingco: Mr. Chairman and Senator Palacios and Senator Ada, thank you for this opportunity to speak on Bill 309-31. Section 3 (e), 4 (f) and 5 (d) call for the veteran percent in a copy of the decision letter issued by the United States Department of Veterans Affairs (USDVA) certifying the 100% disability rating. Gentlemen, it is against the federal privacy act to

disclose such confidential information on the veteran. There are confidential things in there, such as all the things wrong with the veteran, which is why he's getting the 100%. That is going to be noted on there.

Such information is extremely confidential, thus requiring the veteran to present the USDVA letter certifying the disability rating is not a good idea. What is in place now is simply the veteran goes down to Veterans Affairs office at the Reflections Center, the federal counterpart, and he gets a form that says he is 100% disabled. Then he goes back up to Department of Revenue and Taxation and he does his business, whatever he is to do. That has been working and as far as we know that has not failed to do the job. That's one way to do that.

Now, if the veteran has not retired from active duty and has been given 100% disability he gets what we call a brown colored ID card that says he's 100% disabled. Those group of veterans are not a problem. It is the veterans that have retired later on and get 100% disability that may be the problem because they only get light blue US Armed Forces identification card. But nowhere on card does it say that they are 100% disabled. It only says their rank. That is the quandary that we have. Some of the 100% disabled veterans will have an ID card saying they are disabled and some will not.

Now let me put this into perspective for you. We estimate that there are about one hundred and fifty 100% disabled veterans on Guam. That puts the problem into perspective, if there is a cost analysis to be done. For some of them that are retired and are 100% disabled, we suggest that they go to the Reflections Center as I stated before. Now, I don't want to make things more complicated, but the fact is, it can get a bit more complicated. Not all 100% disability service designations are permanent. There are some that can be improved and some that are indeed permanent.

The question here is how do we monitor those that do not have permanent injuries. I'm not talking about the combat injuries like Tom Devlin. I'm talking about injuries that are not necessarily associated with combat. Do you want to give the waivers for driver's license for those people and the waivers for streetlight and recycling funds? Do you want to give it to them one shot and one shot does it? That is, take a snapshot of their status at that point of time and then go from there. Or do you want somebody to monitor them?

The right people to monitor them I submit to you would be the same federal VA at the Reflections Center. They're doing it and there's no reason why they can't do it again. The statute is really an improvement over what we now have. We are grateful to you for thinking of the veterans. It's just that in this point of time we have to give you these snowy details. They are the can be the source of much conflict for veterans in the future. Thank you.

Chairman Pangelinan: Thank you very much Judge Unpingco. Senator Palacios?

Panel Comments and Question

Senator Adolpho Palacios: Thank you very much Mr. Chairman. Upon reading the bill I would like to point out that these benefits now do apply; except that the law is not clear as to

whether it's just for the initial application for the driver's license. This bill clarifies that it continues. That's why the title states, "Relative to the continuing application". So, it continues to apply every time you renew your driver's license and registration and for the 5 point preference for any subsequent position within the government of Guam. If you're transferring from another department that's a different position, this bill proposes that you again be given that five point preference, provided you obtain a minimum score of 70 or above. The bill clarifies that "or above" you will still get the 5 points because the current law says you can if you attain a minimum of 70 or above.

But what if you get 75%, do you get the five to make it 80? Just want to make sure there's no question there. You get the five to make it 80 or you get the five to make it 85. With respect to the comments made by the judge, on page 2, line 23, I would think that this would be a one-page letter certification of disability and the percentage such as 60%, 100% and not the material upon which that decision is based on. I would think that was confidential. I guess the Department of Revenue and Taxation would need some kind of certification that indeed this member is 100% disabled. I'll clarify this with Senator Ada. They just limit it to one line certification and that would be enough to that point. So I want to clarify that, Mr. Chairman. Thank you very much.

Chairman Pangelinan: Thank you very much Senator Palacios. Senator Tony Ada? Thank you very much, gentlemen.

Si yu'us ma'ase' for your testimony I have no questions on the bill. Thank you very much. That concludes the hearing on Bill 309-31.

For those that are listening and wish to submit comments, we will continue to hold the record open for the submission of written comments and they may be dropped off here at the Legislature to my attention, Committee on Appropriations, and Land or they may be submitted to my e-mail address: senbenp@guam.net.

Gentlemen, ladies *Si yu'us ma'ase*.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriation, Taxation, Public Debt, Banking, Insurance, Retirement, and Land, hereby reports Bill No. 309-31 (LS), As amended, by the committee, with the recommendation TO PASS.

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

Bill No. 309-31 (LS)

Introduced by:

Bill
2011 FEB 19 PM 11:55
F.C. Ada
R.J. Respicio
A.B. Palacios, Sr.

AN ACT TO AMEND §3102.1, §7160(e), §7161(f) OF TITLE 16, GUAM CODE ANNOTATED, TO AMEND §51506(d) OF TITLE 10, GUAM CODE ANNOTATED, AND TO AMEND §4104(b) OF TITLE 4, GUAM CODE ANNOTATED RELATIVE TO THE CONTINUING APPLICATION OF BENEFITS TO GUAM'S VETERANS.

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

2 **Section 1. Legislative findings and intent.** *I Liheslaturan Guåhan*
3 finds that further clarification is needed in order for Veterans to receive
4 benefits connected with military service. Current statutes provide Veterans
5 with benefits pertaining to the waiver of fees for a driver's license (P.L. 28-
6 79), the waiver of fees for registration of a motor vehicle (which includes the
7 annual License and Registration fee, Street Light Fund fee, and Recycling
8 fee) for those rated 100% Disabled or Individually Unemployable (P.L. 30-
9 144), and preference points for employment (P.L. 16-23).

10 *I Liheslaturan Guåhan* further finds that the current statutes must be
11 amended to clarify that the benefits provided by law are applicable upon

1 initial application and for subsequent renewals as in the case of a driver's
2 license and vehicle registration, and the addition of 5-point Preference Point
3 for every job application submitted by a Veteran for Government of Guam
4 positions.

5 **Section 2.** § 3102.1. of Chapter 3 of Title 16, Guam Code Annotated,
6 is hereby *amended* to read:

7 “The fee for an operator’s or chauffeur’s license is waived upon initial
8 issuance and subsequent renewal of a license for veterans of the United
9 States Armed Forces. Veterans include persons who served in the Guam
10 Combat Patrol, the United States Navy Insular Forces, Guam Militia or
11 Civilian Scouts, Philippines Scouts and the United States Armed Service.”

12 **Section 3.** § 7160(e) of Chapter 7 of Title 16, Guam Code Annotated,
13 is hereby *amended* to read:

14 “(e) The annual license and registration fee in §7160 (a) *shall be*
15 waived upon initial issuance and subsequent renewal of vehicle license and
16 registration for any veteran determined by the U.S. Department of Veterans
17 Affairs (USDVA) to be 100% Disabled or Individually Unemployable due
18 to military service connected injuries. The fee *shall be* waived for one (1)
19 non-commercial passenger vehicle, which includes small sedans, coupes,
20 and station wagons manufactured primarily for the purpose of carrying
21 passengers and including those passenger cars pulling other light trailers,
22 registered to the veteran, or legal guardian applying for benefits under this
23 Section. A copy of the Decision Letter issued by the USDVA, which
24 certifies the disability rating, must be furnished to the Department of
25 Revenue and Taxation in order to waive the annual Motor Vehicle
26 Registration Assessment.”

1 **Section 4.** § 7161(f) of Chapter 7 of Title 16, Guam Code Annotated,
2 is hereby *amended* to read:

3 “(f) The Street Light Fund fee in this section *shall* be waived upon
4 initial issuance and subsequent renewal of vehicle license and registration
5 for any veteran determined by the U.S. Department of Veterans Affairs
6 (USDVA) to be 100% Disabled or Individually Unemployable due to
7 military service connected injuries. The fee *shall* be waived for one (1) non-
8 commercial passenger vehicle, which includes small sedans, coupes, and
9 station wagons manufactured primarily for the purpose of carrying
10 passengers and including those passenger cars pulling other light trailers,
11 registered to the veteran, or legal guardian applying for benefits under this
12 Section. A copy of the Decision Letter issued by the USDVA, which
13 certifies the disability rating, must be furnished to the Department of
14 Revenue and Taxation in order to waive the annual Street Light Fund Fee.”

15 **Section 5.** § 51506(d) of Chapter 51 of Title 10, Guam Code
16 Annotated is hereby *amended* to read:

17 “(d) The Recycling fee in Subsection (a) *shall* be waived upon initial
18 issuance and subsequent renewal of vehicle license and registration for any
19 veteran determined by the U.S. Department of Veterans Affairs (USDVA) to
20 be 100% Disabled or Individually Unemployable due to military service
21 connected injuries. The fee *shall* be waived for one (1) non-commercial
22 passenger vehicle, which include small sedans, coupes, and station wagons
23 manufactured primarily for the purpose of carrying passengers and including
24 those passenger cars pulling other light trailers, registered to the veteran, or
25 legal guardian applying for benefits under this Section. A copy of the
26 Decision Letter issued by the USDVA, which certifies the disability rating,

1 must be furnished to the Department of Revenue and Taxation in order to
2 waive the annual Recycling Fee.”

3 **Section 6.** § 4104(b) of Chapter 4 of Title 4, Guam Code Annotated,
4 is hereby *amended* to read:

5 “(b) The points added to an applicant’s passing score shall be added
6 upon if the applicant receives a minimum passing score or higher ~~and~~ upon
7 initial and subsequent applications for employment only.”

8 **Section 7. Effective Date.** This Act shall be effective upon date of
9 enactment.

10 **Section 8. Severability.** *If* any provision of this Law or its
11 application to any person or circumstance is found to be invalid or contrary
12 to law, such invalidity *shall* not affect other provisions or applications of this
13 Law which can be given effect without the invalid provisions or application,
14 and to this end the provisions of this Law are severable.

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

Bill No. 309-31 (LS)As amended by the Committee
on Appropriations, Taxation,
Public Debt, Banking, Insurance,
Retirement, and Land

Introduced by:

T.C. Ada
R.J. Respicio
A.B. Palacios, Sr.

**AN ACT TO AMEND §3102.1, §7160(e), §7161(f) OF
TITLE 16, GUAM CODE ANNOTATED, TO AMEND
§51506(d) OF TITLE 10, GUAM CODE ANNOTATED,
AND TO AMEND §4104(b) OF TITLE 4, GUAM CODE
ANNOTATED RELATIVE TO THE CONTINUING
APPLICATION OF BENEFITS TO GUAM'S
VETERANS.**

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

2 **Section 1. Legislative findings and intent.** *I Liheslaturan Guåhan*
3 finds that further clarification is needed in order for Veterans to receive
4 benefits connected with military service. Current statutes provide Veterans
5 with benefits pertaining to the waiver of fees for a driver's license (P.L. 28-
6 79), the waiver of fees for registration of a motor vehicle (which includes the
7 annual License and Registration fee, Street Light Fund fee, and Recycling
8 fee) for those rated 100% Disabled or Individually Unemployable (P.L. 30-
9 144), and preference points for employment (P.L. 16-23).

1 *I Liheslaturan Guåhan* further finds that the current statutes must be
2 amended to clarify that the benefits provided by law are applicable upon
3 initial application and for subsequent renewals as in the case of a driver’s
4 license and vehicle registration, and the addition of 5-point Preference Point
5 for every job application submitted by a Veteran for Government of Guam
6 positions.

7 **Section 2.** § 3102.1. of Chapter 3 of Title 16, Guam Code Annotated,
8 is hereby *amended* to read:

9 “The fee for an operator’s or chauffeur’s license is waived upon initial
10 issuance and subsequent renewal of a license for veterans of the United
11 States Armed Forces. Veterans include persons who served in the Guam
12 Combat Patrol, the United States Navy Insular Forces, Guam Militia or
13 Civilian Scouts, Philippines Scouts and the United States Armed Service.”

14 **Section 3.** § 7160(e) of Chapter 7 of Title 16, Guam Code Annotated,
15 is hereby *amended* to read:

16 “(e) The annual license and registration fee in §7160 (a) *shall* be
17 waived upon initial issuance and subsequent renewal of vehicle license and
18 registration for any veteran determined by the U.S. Department of Veterans
19 Affairs (USDVA) to be 100% Disabled or Individually Unemployable due
20 to military service connected injuries. The fee *shall* be waived for one (1)
21 non-commercial passenger vehicle, which includes small sedans, coupes,
22 and station wagons manufactured primarily for the purpose of carrying
23 passengers and including those passenger cars pulling other light trailers,
24 registered to the veteran, or legal guardian applying for benefits under this
25 Section. ~~A copy of the Decision Letter~~ document issued by the USDVA or a
26 U.S. military ID card which certifies the disability rating, must be furnished

1 to the Department of Revenue and Taxation in order to waive the annual
2 Motor Vehicle Registration Assessment.”

3 **Section 4.** § 7161(f) of Chapter 7 of Title 16, Guam Code Annotated,
4 is hereby *amended* to read:

5 “(f) The Street Light Fund fee in this section *shall* be waived upon
6 initial issuance and subsequent renewal of vehicle license and registration
7 for any veteran determined by the U.S. Department of Veterans Affairs
8 (USDVA) to be 100% Disabled or Individually Unemployable due to
9 military service connected injuries. The fee *shall* be waived for one (1) non-
10 commercial passenger vehicle, which includes small sedans, coupes, and
11 station wagons manufactured primarily for the purpose of carrying
12 passengers and including those passenger cars pulling other light trailers,
13 registered to the veteran, or legal guardian applying for benefits under this
14 Section. ~~A copy of the Decision Letter~~ document issued by the USDVA or a
15 U.S. military ID card, which certifies the disability rating, must be furnished
16 to the Department of Revenue and Taxation in order to waive the annual
17 Street Light Fund Fee.”

18 **Section 5.** § 51506(d) of Chapter 51 of Title 10, Guam Code
19 Annotated is hereby *amended* to read:

20 “(d) The Recycling fee in Subsection (a) *shall* be waived upon initial
21 issuance and subsequent renewal of vehicle license and registration for any
22 veteran determined by the U.S. Department of Veterans Affairs (USDVA) to
23 be 100% Disabled or Individually Unemployable due to military service
24 connected injuries. The fee *shall* be waived for one (1) non-commercial
25 passenger vehicle, which include small sedans, coupes, and station wagons
26 manufactured primarily for the purpose of carrying passengers and including
27 those passenger cars pulling other light trailers, registered to the veteran, or

1 legal guardian applying for benefits under this Section. A ~~copy of the~~
2 ~~Decision Letter~~ document issued by the USDVA or a U.S. military ID card,
3 which certifies the disability rating, must be furnished to the Department of
4 Revenue and Taxation in order to waive the annual Recycling Fee.”

5 **Section 6.** § 4104(b) of Chapter 4 of Title 4, Guam Code Annotated,
6 is hereby *amended* to read:

7 “(b) The points added to an applicant’s passing score shall be added
8 upon if the applicant receives a minimum passing score or higher ~~and~~ upon
9 initial and subsequent applications for employment only.”

10 **Section 7. Effective Date.** This Act shall be effective upon date of
11 enactment.

12 **Section 8. Severability.** *If* any provision of this Law or its
13 application to any person or circumstance is found to be invalid or contrary
14 to law, such invalidity *shall* not affect other provisions or applications of this
15 Law which can be given effect without the invalid provisions or application,
16 and to this end the provisions of this Law are severable.



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**

Friday, October 14, 2011

Bill No. 309-31 (COR)

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
Tom Dievlin	P.O. Box 24824 Hagatña	722-1495	MORTIMER@ie		✓	Yes
Bill Cundiff	Hagatña	5652150				—
Art Alspa	Dededo	483-6372	art@ssasiguan.com		✓	✓
John Warming	HITI	4838545		✓	✓	✓

324 W. Soledad Ave. Hagatña, Guam 96910

Ph. 473-4236 Fax. 473-4238

Email: senbenp@guam.net



COMMITTEE ON RULES

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CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

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Senator
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Senator
vicente c. pangelinan

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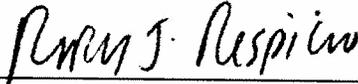
Senator
Christopher M. Duenas

Certification of Waiver of Fiscal Note Requirement

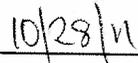
This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 309-31 (LS) – “AN ACT to amend §3102.1, §7160(e), §7161(f) of Title 16, Guam code annotated, to amend §51506(d) of title 10, guam code annotated, and to amend §4104(b) of Title 4, Guam code annotated relative to the continuing application of benefits to Guam’s Veterans.”** – on September 21, 2011. COR hereby certifies that BBMR confirmed receipt of this request on September 21, 2011.

COR further certifies that a response to this request was not received by 5:00 P.M. on October 11, 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 309 to be included in the committee report on said bill, is hereby waived.**

Certified by:



Senator Rory J. Respicio



Date



COMMITTEE ON RULES

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

Handwritten notes: 2011-09-21 11:11-03

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

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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

September 20, 2011

VIA FACSIMILE

(671) 472-2825

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

RE: Request for Fiscal Note -
Bill Nos. 307-31 (LS) through 309-31 (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,

Rory J. Respicio

Attachments

Cc: Clerk of the Legislature

I Mima Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

September 19, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
309-31 (LS)	T.C. Ada, R.J. Respicio, A. B. Palacios, Sr.	AN ACT TO AMEND §3102.1, §7160(e), §7161(f) OF TITLE 16, GUAM CODE ANNOTATED, TO AMEND §51506(d) OF TITLE 10, GUAM CODE ANNOTATED, AND TO AMEND §4104(b) OF TITLE 4, GUAM CODE ANNOTATED RELATIVE TO THE CONTINUING APPLICATION OF BENEFITS TO GUAM'S VETERANS	09/19/11 4:52 p.m.	9/20/11		Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			



COMMITTEE ON RULES

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2011 SEP 21 11:45:59

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

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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

September 20, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio

Subject: Referral of Bill Nos. 309-31 (LS) & 310-31 (LS)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 309-31 (LS) and 310-31 (LS).

Please ensure that the subject bills are 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 Unu na Liheslaturan Guåhan*.

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

Si Yu'os Ma'åse!

(2) Attachment

I Mina'Trenai Unu Na Liheslaturan Guåhan

Bill Log Sheet

September 19, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
309-31 (LS)	T.C. Ada, R.J. Respicio, A. B. Palacios, Sr.	AN ACT TO AMEND §3102.1, §7160(e), §7161(f) OF TITLE 16, GUAM CODE ANNOTATED, TO AMEND §51506(d) OF TITLE 10, GUAM CODE ANNOTATED, AND TO AMEND §4104(b) OF TITLE 4, GUAM CODE ANNOTATED RELATIVE TO THE CONTINUING APPLICATION OF BENEFITS TO GUAM'S VETERANS	09/19/11 4:52 p.m.	9/20/11		Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			

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Listserv: phnotice@guamlegislature.org

As of Oct. 17, 2011

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wilcastro671@gmail.com



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

October 7, 2011

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 **1:00pm, Friday, October 14, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

Komfitmasion Siha:
(Confirmation Hearing)

Mr. John R. Ilaó, Member Alcoholic Beverage Control Board
Ms. Conchita D. Bathán, Member Guam Land Use Commission

Priniponi Siha
(Bills)

Bill No. 334-31 (COR): An Act to Rezone Lot No. 3261-R4 in the Municipality of Chalan Pago from Residential "R-1" to Light Industrial "M1" Zone.

Bill No. 335-31 (COR): An Act to Rezone Lot No. 3261-1-R3 in the Municipality of Chalan Pago from Residential "R-1" to Light Industrial "M1" Zone.

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Memo to Senators
October 7, 2011
Page 2

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Hafa Adai,
 Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing beginning at 1:00pm on Friday, October 14, 2011. The agenda is as follows:

(PUBLIC HEARING)

gi Betnes, gi diha 14 gi Oktubre, 2011
 (Friday, October 14, 2011)

Kuåtton Inekungok Pubpleko gi I Liheslaturan Guåhan
 (Guam Legislature Public Hearing Room)

TAREHA
(AGENDA)

ala una gi despues di talo'ani
 (1:00 PM)

Komfitmasion Siha:
 (Confirmation Hearing)

Mr. John R. Ilaos, Member Alcoholic Beverage Control Board
 Ms. Conchita D. Bathan, Member Guam Land Use Commission

Priniponi Siha
 (Bills)

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I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

October 12, 2011

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

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **1:00pm, Friday, October 14, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

Komfitmasion Siha:
(Confirmation Hearing)

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Ms. Conchita D. Bathan, Member Guam Land Use Commission

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Memo to Senators
October 12, 2011
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Hafa Adai,
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INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Betnes, gi diha 14 gi Oktubre, 2011 (Friday, October 14, 2011)

Kuáttion Inekungok Pupbleko gi I Liheslaturan Guáhan (Guam Legislature Public Hearing Room)

TAREHA (AGENDA)

ala una gi despues di talo'áni (1:00 PM)

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**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

***gi Betnes, gi diha 14 gi Oktubre, 2011
(Friday, October 14, 2011)***

***Kuàtton Inekungok Pubbleko gi I Liheslaturan Guahan
(Guam Legislature Public Hearing Room)***

**TAREHA
(AGENDA)**

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(1:00 PM)***

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

Bill No. 305-31 (LS)

Introduced by:

V.C. Pangelinan

2011 SEP - 7
PHI 44-417 600

AN ACT TO ADD A NEW SECTION 1512.3 TO ARTICLE 5 OF CHAPTER 1 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GOVERNMENT OF GUAM TO ISSUE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PAYING INCOME TAX REFUNDS, OBLIGATIONS TO THE GOVERNMENT OF GUAM RETIREMENT FUND PURSUANT TO PUBLIC LAW 28-38 AS AMENDED, AND TO ESTABLISH A WORKING CAPITAL FUND.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new §1512.3 is *added* to Article 5 of Chapter 1, Title 5, Guam Code Annotated, to read as follows:

“§1512.3. Authorization to Issue Bonds for Deficit Financing.

(a) **Authorization of Issuance of Bonds.** *I Maga'lahen Guåhan* is authorized to issue one *or* more series of bonds of the government of Guam as provided in this Section, in an aggregate principal amount *not to exceed* the amount necessary to provide One Hundred Eighty Million Dollars (\$180,000,000) for the payment of authorized expenses listed in Subsection (j) hereof, to fund necessary reserves and to pay expenses incurred in connection with the issuance of such bonds *not* already included in an existing appropriation for *or* the regular budget of any government agency *or* instrumentality *or* public corporation providing any service in connection

with the issuance of such bonds; *provided, however*, that bonds *may not* be issued in an amount that would cause a violation of the debt limitation provisions of 48 USC 1423a (§ 11 of the Organic Act of Guam).

(b) **Terms and Conditions Determined by Certificate or Indenture.** The terms and conditions of the bonds *shall* be as determined by *I Maga'lahaen Guåhan*, and approved by *I Liheslaturan Guahan*, by the execution of a certificate *or* indenture authorizing the issuance of the bonds *prior* to the issuance of the bonds; *provided, however*, that such terms and conditions *shall* be consistent with this Section, and that the bonds *shall* mature *not later than* the date thirty (30) years after their date of issuance and *shall* bear interest at such rates and be sold for such price *or* prices as *shall* result in a yield to the bondholders that does *not exceed* eight percent (8%) per annum. The indenture *shall* be subject to the approval of *I Liheslaturan Guåhan*.

(c) **Valid and Binding.** The bonds authorized by this Section *shall* constitute the valid and binding general obligations of the government of Guam. The government of Guam pledges its full faith and credit for the punctual payment of both principal of and interest on the bonds and covenants that there *shall* be collected annually in the same manner and at the same time as government revenue for other purposes is collected, such sum as is required to pay the principal of and interest on the bonds. There are hereby appropriated from the General Fund such sums as may be necessary in each year to equal the amount of money necessary to pay the principal and interest on such bonds. The certificate *or* indenture *shall* require interest only payments for Fiscal Year 2012 and *shall not* require bond principal payments until after such Fiscal Year. All officers charged by law with any duty in the collection of the revenues of the government

from which debt service on the bonds will be payable *shall* do every lawful thing necessary to collect such sum. The validity of any such bonds *shall not* be affected by the validity *or* regularity of any proceedings for the payment of the General Fund expenses paid *or* to be paid with the proceeds of the bonds.

(d) *I Maga 'lahi* (the **Governor**) **Authorized to Pledge Revenues.** *I Maga 'lahi* (the Governor) *shall* perform or cause to be performed expert financial analysis to calculate the most favorable and least costly financing cost to the government using the pledge, either Section 30 revenues or the business privilege tax revenues, for the repayment of the bond of which he is authorized to pledge.

(1) *If* and to the extent determined by *I Maga 'lahen Guahan*, all *or* any part of the revenues derived by the government of Guam under Section 30 of the Organic Act (Section 30 revenue) may be pledged to secure the payment of any bonds issued pursuant to this Article, subject to any previously created lien on *or* pledge of such Section 30 revenue and to any parity lien created pursuant to Article 9 of this Chapter. Any such pledge *shall* be valid and binding against all parties in accordance with its terms and have priority against all parties in accordance with its terms from the time the pledge is made, and property so pledged *shall* immediately be subject to the lien of the pledge without the need for physical delivery, recordation, filing, *or* other further act. The pledge *shall not* be subject to Division 9 of Title 13 of the Guam Code Annotated *or* any successor statute. The Section 30 revenue pledged and thereafter received by the government of Guam *or* by any trustee, depository *or* custodian *shall* be deposited in accordance with the provisions of the applicable indenture. The

indenture by which such pledge is created need *not* be recorded. All Section 30 revenue so pledged is hereby appropriated for the purpose for which it has been pledged. Pledged Section 30 revenue released from the lien of the indenture *or* certificate pursuant to which the bonds are issued *shall* be available for appropriation for any other lawful purpose of the government. Indebtedness issued by the government pursuant to this Article and that is payable from Section 30 revenue may *not* be issued in an amount that would cause a violation of the debt limitation provisions of Section 11 of the Organic Act.

(2) Pledge of Business Privilege Tax Revenues. The certificate or indenture pursuant to which the bonds authorized by this Section are issued *may* provide that the tax revenues derived from the levy of up to two (2) percentage points, out of the total number of percentage points levied from time to time, of the business privilege tax levied pursuant to Article 2 of Chapter 26 of Title 11 of the Guam Code Annotated, or any successor thereto, are pledged to secure the repayment of any bonds issued under this Section and to pay costs incurred in the issuance or administration of the bonds and any required reserves. Any such pledge made to secure the bonds *shall* be valid and binding from the time the pledge is made. The revenues pledged and thereafter received by the government of Guam or by any trustee, depository or custodian *shall* be deposited in a separate account entitled the “BPT Debt Service Fund” and *shall* be immediately subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of such pledge *shall* be valid and binding against all parties having claims of any kind in tort,

contract or otherwise against the government of Guam or such trustee, depository or custodian, irrespective of whether the parties have notice thereof. The certificate or indenture by which such pledge is created need *not* be recorded, and *shall* direct the distribution and disbursement of revenues from the BPT Debt Service Fund following their deposit therein. All such taxes to the extent so pledged are hereby continuously appropriated for such purpose. So long as any bonds issued pursuant to §1512.3, Title 5 Guam Code Annotated remain outstanding, the government of Guam may *not* reduce the rate of levy and collection of the pledged business privilege tax below two percent (2%), *nor* may the government of Guam reduce the services, products or activities to which the pledged business privilege tax applies, nor may the government of Guam upwardly adjust any exception or exclusion to, *or* otherwise impair, the pledged business privilege tax.

(e) **Additional Bonds.** This Section *does not* prohibit the government of Guam from issuing, after appropriate enabling legislation, other obligations of the government secured by the general obligation of the government on a parity with *or* subordinate to the bonds authorized by this Section on such terms as are created by the indenture *or* certificate pursuant to which the bonds are issued.

(f) **Waiver of Immunity; Submission to Jurisdiction.** Notwithstanding any substantive *or* procedural provision of Chapter 6 of Title 5, Guam Code Annotated, the government of Guam waives immunity from any suit *or* action in contract on the bonds, but *does not* waive immunity as to the personal liability of elected officials and employees of

the government of Guam. Any such suit *or* action *shall* be brought in the District Court of Guam.

(g) **No Personal Liability.** *No* employee *or* elected official of the government of Guam *shall* be individually *or* personally liable for the payment of any amounts due on any bonds issued under this Section, *or* for any other liability arising in connection with the bonds; *provided, however,* that nothing in this Section *shall* relieve any employee *or* elected official from the performance of a ministerial duty required by law.

(h) **Form of Bonds; Covenants; Appointment of Fiduciaries.** The technical form and language of the bonds, including provisions for execution, exchange, transfer, registration, paying agency, lost *or* mutilated bonds, negotiability, cancellation and other terms *or* conditions *not* inconsistent with this Section, including covenants relating to the collection of revenues, *shall* be as specified in the certificate *or* indenture executed by *I Maga'lahaen Guåhan* authorizing issuance of the bonds. Said certificate *or* indenture *shall* appoint one (1) *or* more trustees, co-trustees *or* other fiduciaries authorized to receive and hold in trust the proceeds of the bonds with local depository accounts and administrative service capabilities, the revenues and other moneys relating thereto, to protect the rights of bondholders and to perform such other duties as may be specified in the indenture. *I Maga'lahaen Guåhan* is also authorized to execute any appropriate agreements, certificates *or* other instruments relating to the bonds and the sale of bonds. The indenture *shall* be subject to the approval of *I Liheslaturan Guåhan*.

(i) **Authorization for Credit Enhancement.** *I Maga'lahaen Guåhan* is authorized to enter into such contracts *or* agreements with such banks, insurance companies *or* other financial institutions as he determines

are necessary *or* desirable to improve the security and marketability of the bonds issued under this Section. Such contracts *or* agreements may obligate the government to reimburse, with interest, any such banks, insurance companies *or* other financial institutions for advances they make to pay principal of *or* interest on the bonds and to indemnify any such banks, insurance companies *or* other financial institutions for costs and expenses incurred in connection with any such advance. Any such reimbursement obligation and any other obligations of the government under such contracts *or* agreements *shall* be general obligations of the government of Guam. Any such reimbursement obligation and any other obligations of the government under such contracts *or* agreements *shall* be treated, under §11 of the Organic Act, as creating an obligation issued to refund the bonds.

(j) **Use of Proceeds from the Sale of the Bonds.** The proceeds from the sale of the bonds *shall* be used and are hereby appropriated to (i) pay the General Fund expenses described below in this Subsection; (ii) establish necessary reserves; (iii) pay expenses relating to the authorization, sale and issuance of the bonds, including, without limitation, printing costs, costs of reproducing documents, credit enhancement fees, underwriting, legal, financial advisory and accounting fees and charges, fees paid to banks *or* other financial institutions providing credit enhancement, costs of credit ratings and other costs, charges and fees in connection with the issuance, sale and delivery of the bonds; and (iv) fund capitalized interest on the bonds for a period ending *not later than* thirty (30) months after their issuance. The General Fund expenses authorized to be paid with the proceeds of the bonds are as follows and *shall* be paid in the following order of priority:

(1) 2010 and prior year individual income tax refunds, including interest, *if* any, thereon paying the refunds owed on the tax

returns with the oldest filing date first: One Hundred Twenty Million Dollars (\$120,000,000);

(2) Guam Department of Education and Guam Memorial Hospital Authority principal and interest deficiency to the Government of Guam Retirement Fund pursuant to PL 28-38, as amended by PL 31-74. Payments *shall* be applied to principal and interest: Twenty-Six Million Dollars (\$26,000,000);

(3) Working Capital Fund: All remaining bond proceeds after the payment of the above *shall* be deposited into the Working Capital Fund. Payments made pursuant to this Subsection *shall* only apply to Section 5, Part I of Chapter XIV of this Act and to Section 7, Part I of Chapter XIV of this Act should the GWA Reimbursement *or* the Section 2718 Fund funds *not* be sufficient. This *shall not* constitute a double appropriation. *Any* other use of the Working Capital Fund funds *shall* be subject to legislative appropriation.

(k) **Permitted Investments.** The bond proceeds and any revenues generated by said bonds *shall* be invested only in those investments permitted by the certificate *or* indenture pursuant to which such bonds are issued.

(l) **Approval by Guam Economic Development Authority.** *No* bonds authorized by this Section *shall* be sold until the Board of Directors of GEDA has approved the sale by resolution.

(m) **Approval of Voters *Not* Required.** The issuance of bonds pursuant to this Section *shall not* be subject to the approval of the voters of Guam.

(n) **Approval of Bonds.** *I Liheslaturan Guåhan*, pursuant to §50103(k), Title 12 Guam Code Annotated, *hereby* approves the issuance

and sale by the government of Guam of bonds for the purposes and in the principal amounts mandated by §1512.3(a), Title 5 Guam Code Annotated; *provided* that the bonds are issued and sold subject to the terms, conditions, requirements and limitations mandated therein.

(o) **Approval of Form of Certificate of Issuance.** The certificate of issuance *shall* be presented to and subject to approval of *I Liheslatura* (the Legislature), subject to such modifications to and changes in such certificate of issuance as *I Maga'lahaen Guåhan* may approve consistent with §1512.3, Title 5, Guam Code Annotated, and subject to the terms, conditions, requirements and limitations therein.”

Section 2. A new §1512.4 is *added* to Chapter 1 of Title 5, Guam Code Annotated, to read:

“**§1512.4. Redemption of Bonds *Prior* to Maturity.** An indenture may provide that bonds may be redeemed prior to maturity upon such terms, conditions and upon such notice as are stated in the indenture and upon the payment of such premium as may be fixed by the indenture.”

Section 3. Uses of Fees. The Guam Economic Development Authority *shall* remit all of the fees earned on any bond issue authorized in §1512.3 of Article 5 of Chapter 1 of Title 5, Guam Code Annotated to be deposited into the cash account that disburses income tax refunds. GEDA *shall* issue a *new* Request for Proposal for underwriter services for the bond issued pursuant to §1512.3 of Title 5 of the Guam Code Annotated.

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