



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

December 10, 2012

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

31-12-1973
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 12/10/12
Time 5:20 pm
Received by [Signature]

2012 DEC 11 AM 10:30 *[Signature]*

Dear Madame Speaker:

Transmitted herewith is Bill No. 462-31 (COR) "AN ACT TO ADD A NEW ARTICLE 1B TO CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED; TO ADD NEW SUBSECTION (d), (e), (f), (g) AND (h) TO §67101 OF CHAPTER 67, TITLE 10 GUAM CODE ANNOTATED; AND TO AMEND §3102.1 OF ARTICLE 1, CHAPTER 3, TITLE 16, GUAM ANNOTATED, RELATIVE TO DERIVED VETERANS BENEFITS FOR SPOUSES AND LEGAL GUARDIANS OF VETERANS RATED ONE HUNDRED PERCENT (100%) DISABLED OR INDIVIDUALLY ENEMPLOYABLE, AND THE PROCESS FOR RECEIVING SUCH BENEFITS", which I signed into law on December 6, 2012 as **Public Law 31-240**.

Senseramente,

[Signature]
EDDIE BAZA CALVO

1973

Attachment: copy of Bill

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

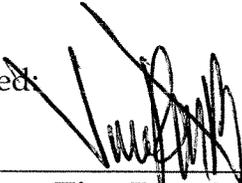
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 462-31 (COR), "AN ACT TO ADD A NEW ARTICLE 1B TO CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED; TO ADD NEW SUBSECTIONS (d), (e), (f), (g) AND (h) TO §67101 OF CHAPTER 67, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND §3102.1 OF ARTICLE 1, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO DERIVED VETERANS BENEFITS FOR SPOUSES AND LEGAL GUARDIANS OF VETERANS RATED ONE HUNDRED PERCENT (100%) DISABLED OR INDIVIDUALLY UNEMPLOYABLE, AND THE PROCESS FOR RECEIVING SUCH BENEFITS", was on the 26th day of November, 2012, duly and regularly passed.



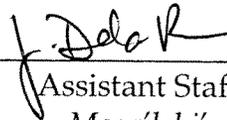
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 28th day of Nov., 2012, at 11:10 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: DEC 06 2012

Public Law No. 31-240

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

Bill No. 462-31 (COR)

As substituted by the Committee on Utilities, Transportation,
Public Works and Veterans Affairs.

Introduced by:

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

AN ACT TO ADD A NEW ARTICLE 1B TO CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED; TO ADD NEW SUBSECTIONS (d), (e), (f), (g) AND (h) TO §67101 OF CHAPTER 67, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND §3102.1 OF ARTICLE 1, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO DERIVED VETERANS BENEFITS FOR SPOUSES AND LEGAL GUARDIANS OF VETERANS RATED ONE HUNDRED PERCENT (100%) DISABLED OR INDIVIDUALLY UNEMPLOYABLE, AND THE PROCESS FOR RECEIVING SUCH BENEFITS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that some Veterans have returned with military service-connected injuries resulting in
4 one hundred percent (100%) Disability or Individually Unemployable ratings.
5 Current data shows there are approximately three hundred forty-nine (349) Veterans
6 from Guam who have been determined by the U.S. Department of Veterans Affairs
7 (USDVA) to be one hundred percent (100%) Disabled or Individually Unemployable.

8 *I Liheslatura* further finds that there are service members from Guam who
9 suffered service-related fatal injuries. Notwithstanding, the spouses or legal guardians
10 of these service members must continue sustaining the families that have been left
11 behind.

12 *I Liheslatura* finds that the spouses or designated legal guardians of Veterans
13 who have been rated as one hundred percent (100%) Disabled or Individually
14 Unemployable continue to play critical roles in the successful adjustment of these
15 Veterans or their survivors, and serve as steady and supportive partners. In many
16 cases, these spouses or legal guardians ensure their safety and well-being. Studies
17 have shown that Veterans who have supportive relationships are shown to better
18 manage and recover from some of the adverse impacts resulting from war.

19 *I Liheslatura* further finds that the surviving spouses, or the legal guardians of
20 service men and women who suffered fatal injuries must adjust to heal from their loss
21 and continue the support and sustainment of families that have been left behind.

22 *I Liheslaturan* further finds that spouses or legal guardians are the silent heroes
23 behind every Veteran. They maintain their composure under extreme conditions,
24 diligently continue to keep family unity in tact, and judiciously continue to support
25 our Veterans who were severely disabled while serving our nation. They enhance the

1 quality of life of our disabled Veterans, and the survivors of service members who
2 have made the ultimate sacrifice.

3 *I Liheslaturan Guåhan* honors the spouses and legal guardians of the affected
4 Veterans, and wishes to express its gratitude by extending the benefits currently
5 provided to Veterans who are one hundred percent (100%) Disabled or Individually
6 Unemployable. The extended benefits, referred to as "derived benefits", are based on
7 the service of the Veteran who is not otherwise able to use the benefits.

8 *I Liheslatura* further finds that P.L. 31-177:2 amended §3102.1, Chapter 3,
9 Title 16, Guam Code Annotated, to clarify that drivers license fees for Veterans
10 would be waived for both initial issuance and subsequent renewals. However, this
11 public law also unintentionally deleted important language within the same
12 Subsection relevant to improving the procedures by which Veterans obtain their fee
13 waiver. The deleted language was recently added by P.L. 31-107:2, and addressed the
14 challenges some Veterans experienced in verifying their status with the Department
15 of Revenue & Taxation.

16 The Committee Report and the Session debate on P.L. 31-177 confirm that
17 deletion of this crucial language was never intended. Because the deleted language
18 directly affects the implementation of the subject matter contained within this Bill,
19 and has already had a public hearing during the adoption of P.L. 31-107, *I Liheslatura*
20 finds it prudent and proper to include Section 5 to reinsert language providing
21 Veterans, and their spouses and legal guardians, with improved access to the benefits
22 they deserve.

23 **Section 2. Definitions.** New Subsections (d), (e), (f), (g) and (h) are hereby
24 *added* to §67101 of Chapter 67, Title 10, Guam Code Annotated, to read:

1 “(d) Spouse means a person who is legally married to the Veteran at the
2 time that Veteran was on active duty, or active duty for training, or inactive duty
3 for training and prior to the date when the service connected injuries occurred,
4 and subsequently rated by the U.S. Department of Veterans Affairs as being one
5 hundred percent (100%) Disabled due to service connected reasons or is rated as
6 being Individually Unemployable by the U.S. Department of Veterans Affairs.

7 (e) Surviving Spouse means a person who:

8 (1) was married to the service member who died from service-connected
9 injuries while on active duty, active duty for training, or inactive duty
10 training, and is not currently remarried; or

11 (2) was married to the Veteran, for at least one (1) year immediately
12 prior to death of a Veteran who is rated by the U.S. Veterans
13 Administration as being one hundred percent (100%) Disabled or
14 Individually Unemployable, and is not currently remarried.

15 (f) Legal Guardian for Minor Children of a Single Parent is a person lawfully
16 vested with the power, and charged with the obligation of taking care of and
17 managing the property and rights of a person who because of age,
18 understanding, or self-control, is considered incapable of administering his or
19 her own affairs, while the service member, who is a single parent, is deployed
20 to an area where dependents are not allowed to accompany the service member.
21 Said designation as Legal Guardian *shall* have been effected prior to the
22 deployment of the service member.

23 (g) Legal Guardian for Disabled Service Member is a person lawfully vested
24 with the power, and charged with the obligation, of taking care of and
25 managing the property and rights of a person who because of service-connected

1 **§ 4B102. Applying for Benefits.** (a) The Guam Office of Veterans Affairs
2 (OVA) *shall* be responsible for certifying eligibility of spouses, surviving spouses or
3 legal guardians applying for the derived benefits; and (b) the Department of Revenue
4 and Taxation, the Department of Administration, and the Human Resource Divisions
5 of autonomous agencies *shall* extend applicable benefits to spouses, surviving
6 spouses or legal guardians who have been certified by the Guam Veterans Affairs
7 Office as being eligible. The OVA *shall* be authorized to recruit and hire one (1) full-
8 time Administrative Clerk position to perform the duties associated with certification
9 and related OVA duties, provided funds are available.

10 **§ 4B103. Eligibility Period: Spouse.** Benefits extended to a spouse eligible
11 under this Article, *shall* continue for as long as that individual is legally married to
12 the Veteran who is eligible for the benefits. If the marriage is terminated by divorce,
13 eligibility for the benefits shall end on the date of the adjudicated Final Decree.

14 **§ 4B104. Eligibility Period: Surviving Spouse.** Benefits extended to a
15 Surviving Spouse eligible under this Article, *shall* continue for a period of ten (10)
16 years from the date of death of service member.

17 **§ 4B105. Eligibility Period: Legal Guardian.** Benefits extended to a Legal
18 Guardian eligible under this Article, *shall* continue for the periods as follows:

19 (a) until minor children for which the guardian is legally responsible for,
20 reach the age of eighteen (18) or until the age of twenty-three (23), if
21 enrolled as a full-time student in an accredited degree or certification
22 program; or

23 (b) the service member for whom the legal guardian is responsible for
24 becomes deceased.

1 § **4B106.** The extension of “derived benefits” *shall* be applicable to the
2 eligible spouses, surviving spouses, and legal guardians, as defined in §67101 of
3 Chapter 67, Title 10, Guam Code Annotated, of Veterans who served in the U.S.
4 Armed Forces during World War II, the Korean Conflict, Vietnam War and conflicts
5 associated with the War on Terror.”

6 **Section 4.** §3102.1 of Article 1, Chapter 3 of Title 16, Guam Code Annotated, is
7 hereby *amended* to read as follows:

8 “§ **3102.1. Waiver of Fees for Veterans.**

9 The fee for an operator’s or chauffeur’s license is waived for Veterans of
10 the United States Armed Forces. Veterans include persons who served in the
11 Guam Combat Patrol, the United States Navy Insular Forces, Guam Militia or
12 Civilian Scouts, Philippines Scouts and the United States Armed Services.

13 Any person listed above and whose character of military service was
14 honorable as verified by the applicant’s Report of Transfer or Discharge (DD
15 Form 214), or Military Identification Card Department of Defense Form 2
16 (Retired), or other accepted forms used to verify membership in the
17 organization listed and certified by the government of Guam Office of Veterans
18 Affairs (OVA) may apply to the License Division of the Department of
19 Revenue and Taxation for a Driver’s License. Certification by the OVA will be
20 based only upon records they have available. When requested by the OVA, the
21 Department of Revenue and Taxation *shall* provide a listing of Veterans
22 granted fee waivers.”

23 **Section 5. Effective Date.** This Act *shall* be effective upon its enactment into law.

24 **Section 6. Severability.** *If* any provision of this Law or its application to any
25 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*

1 not affect other provisions or applications of this Law which can be given effect
2 without the invalid provisions or application, and to this end the provisions of this
3 Law are severable.

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2012 (SECOND) Regular Session

Date: 11/26/12

VOTING SHEET

SBill No. 462-31(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.					EA
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

13 0 0 0 2

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

August 10, 2012

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

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

2012 AUG 13 PM 2:54

RE: Committee Report on Bill No. 462-31 (COR) As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on **Bill No. 462-31 (COR), As Substituted – “An act to add a new Article 1B, to 4 GCA, Chapter 4 to read ‘Derived Veterans Benefits for Spouses and Legal Guardians of Veterans Rated 100% Disabled or Individually Unemployable’, and to add language to 3102.1 of Article 1, Chapter 3, Title 16, relative to the process for receiving such benefits.”**

Committee votes are as follows:

- 4 TO DO PASS
- _____ TO NOT PASS
- 4 TO REPORT OUT ONLY
- _____ TO ABSTAIN
- _____ TO PLACE IN INACTIVE FILE

Si Yu'os ma'åse',

Thomas C. Ada



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

COMMITTEE REPORT ON

BILL No. 462-31 (COR), As Substituted

**AN ACT TO ADD A NEW ARTICLE 1B,
TO 4 GCA, CHAPTER 4 TO READ
“DERIVED VETERANS BENEFITS FOR
SPOUSES AND LEGAL GUARDIANS OF
VETERANS RATED 100% DISABLED
OR INDIVIDUALLY UNEMPLOYABLE”
AND TO ADD LANGUAGE TO §3102.1
OF ARTICLE 1, CHAPTER 3, TITLE 16,
RELATIVE TO THE PROCESS FOR
RECEIVING SUCH BENEFITS.**

**As Substituted by the
Committee on Veterans Affairs,
Public Works, Utilities
and Transportation**



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

August 10, 2012

MEMORANDUM

To: **All Members**
Committee on Veterans Affairs, Public Works, Utilities and Transportation

From: **Senator Thomas C. Ada**
Committee Chairperson

Subject: **Committee Report on Bill No. 462-31 (COR) As Substituted**

Transmitted herewith for your consideration is the **Committee Report on Bill No. 462-31 (COR), As Substituted – “An act to add a new Article 1B, to 4 GCA, Chapter 4 to read ‘Derived Veterans Benefits for Spouses and Legal Guardians of Veterans Rated 100% Disabled or Individually Unemployable,’ and to add language to 3102.1 of Article 1, Chapter 3, Title 16, relative to the process for receiving such benefits.”**

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 462-31 (COR), As Introduced
- Copy of Bill No. 462-31 (COR), As Substituted
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 462-31 (COR)
- Notices of Public Hearing
- Public Hearing Agenda

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

Si Yu'os ma'åse'!



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
 31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

COMMITTEE VOTE SHEET

Bill 462-31 (COR), As Substituted – T. C. Ada – An act to add a new Article 1B, to 4 GCA, Chapter 4 to read “Derived Veterans Benefits for Spouses and Legal Guardians of Veterans Rated 100% Disabled or Individually Unemployable, and to add language to 3102.1 of Article 1, Chapter 3, Title 16, relative to the process for receiving such benefits.”

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR THOMAS C. ADA Chairperson		✓				
SENATOR ADOLPHO B. PALACIOS, SR. Vice Chairperson		8/13 ✓				
VICE SPEAKER BENJAMIN J.F. CRUZ Member				8/12/13 ✓		
SENATOR RORY J. RESPICIO Member		8/13/12 ✓				
SENATOR TINA ROSE MUÑA BARNES Member		✓				
SENATOR DENNIS G. RODRIGUEZ, JR. Member						
SENATOR V. ANTHONY ADA Minority Member				8/12		
SENATOR ALINE A. YAMASHITA, PH.D. Minority Member				8/13/12		
SENATOR MANA SILVA TAIJERON Minority Member				8/13/12		
SENATOR CHRISTOPHER M. DUEÑAS Minority Member						

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill 462-31 (COR) was introduced on May 22, 2012 by Senator Thomas C. Ada and was subsequently referred by the Committee on Rules to the Committee on Veterans Affairs, Public Works, Transportation and Utilities on May 22, 2012.

The Committee on Veterans Affairs, Public Works, Transportation and Utilities convened a public hearing on Bill 462-31 (COR) on June 5, 2012 at 6:30 pm in *I Liheslatura's* Public Hearing Room to receive public testimony on the measure.

Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on May 29, 2012 (5-Day Notice), and again on June 1, 2012 (48-Hour Notice).

Senators Present

Senator Thomas C. Ada

Committee Chairperson

Senator Adolpho B. Palacios, Sr.

Committee Vice Chairperson

Individuals Present

Mr. Bill Cundiff, Chair, VA Commission; President, AF Veterans Association (*oral testimony*)

Mrs. Rosie Cundiff (*oral testimony*)

Mr. John Unpingco, Administrator, Guam Office of Veteran Affairs (*oral testimony*)

Ms. Jackie Nguyen, Employment Specialist, US Dept. of VA, Guam CBOC (*oral testimony*)

Mr. Bobing Wolford (*oral testimony*)

Mr. Rick Cruz (*oral testimony*)

Mr. Victor Pangelinan Tabios (*oral testimony*)

The public hearing was Called-to-Order at 6:30 pm.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Chair Ada: Provides overview of bill, referring to the shortened title of Bill 462-31 as the Derived Veteran Benefits Bill for the spouses, surviving spouses and legal guardians of those veterans killed in the line of duty and of those veterans rated at 100% disability. The bill recognizes that oftentimes, due to the extent of the disability of the veteran, the veteran may not always be able to take advantage of the benefits available to the veteran. States, for example, in the case of applications for Government of Guam jobs, veterans may not be able to take advantage of benefits available to them due to the 100% disability rating.

States that the hope is to accomplish feedback that will make bill better than the form that it is currently in. Informs that bill was developed with input from the Air Force Retiree Association,

from the Administrator of the Guam Veterans Association, and staff research – through this collaboration, Bill 462-31 was introduced.

Feedback from public hearing will be incorporated and reported out for August session. States his optimism for bill to be passed. Asks that those providing testimony limit themselves to 5 minutes, and that a second round will be provided if additional discussion is needed.

Bill Cundiff: States he is the Chair of the Veterans Affairs Commission & President of the Air Force Veterans Association. Thanks senators for opportunity to present testimony, and for putting forward the bill they had suggested. States support of Bill 462 and acknowledges that the time is appropriate to recognize the spouses for serving alongside the veterans, especially those rated 100% disabled. Again, thanks the senators and states support for bill.

Rosie Cundiff: Thanks senators for opportunity to testify on Bill 462, and states her support. Requests amendment to bill allowing spouses of veterans not rated at 100% disability to access the fee waiver for the Driver's License. Explains that should the veteran be incapacitated and is no longer able to drive, the spouse would continue to support by driving the veteran around. States that while spouses are not military members, spouses have served alongside veterans, caring for them and their children while they served the country. States that these spouses are not asking for special treatment, but rather, fair treatment. Thanks the senators.

John Unpingco: Thanks senators for opportunity to present testimony in support of bill. States concern that Article 1B (b) does not provide funding for the Office of Veterans Affairs (OVA) as the office that would be responsible for certifying the eligibility of spouses and legal guardians applying for the derived benefits. Hopes that this concern will be rectified so that OVA will be able to provide this much needed service. States that an allocation for one (1) full-time clerical position to perform this function would be adequate, and would address a most troubling aspect of this bill.

Recommends 3 other areas of bill that require tweaking:

- 1) Definition of "legal guardian" of Section 67101 (d) appears to cover only the situation where the service member has children, but how about a legal guardian for the service member himself who, as a result of injuries occurred while on active duty, is in need of care. This is the legal situation of conservatorship, of an incompetent person who needs help. This assumes, of course, that the service member is divorced, never married, widowed or has no children. There are a number of such veterans who cannot now care for themselves or need assistance doing so.
- 2) The eligibility for surviving spouse in Article 1B (A) (3) gives rise to a question. How is anyone to know that a service member is to pass away in 10 years time? We cannot give credit if we do not know what is to happen?
- 3) Article 1B (D) (2) the eligibility provision appears to be in conflict with Article 1B (A) (3). Section (A) (3) should be "for 10 years after his death." Eliminate all the language after training.

States that with these minor changes, OVA recommends approval and passage of this bill. Emphasizes that it is time that spouses who keep the households operational, while the spouses

are off the trouble spots in the world. The spouses are serving just as the military spouse is serving, and the spouses who stay at home continue to serve long after their warrior comes home with his post-traumatic stress disorder problem or other problems he may be suffering. Thanks senators for keeping spouses in mind, and recommends passage of bill after some tweaking.

Jackie Nguyen: States that she is in concurrence with Mr. & Mrs. Cundiff as well as Judge Unpingco. Believes that spouses on the islands should get the benefits they deserve. States that Department of Defense is working to give spouses all the benefits and privileges alongside the veterans while the husband or wife is deployed. Asks why that shouldn't be done for spouses on the islands or anywhere, since technically the spouses are the ones who burden a lot of responsibility at home. Re-states support for Bill 462.

Bobing Wolford: Supports bill for the spouses and for the veterans. States that his spouse was not able to attend due to sickness, but that he would represent her. Re-states in Chamorro his support for the bill.

Rick Cruz: Shares similar concerns stated by Mr. Unpingco, namely the issue of funding to support this bill. States that money is needed to support the administrative processing of these benefits. This is an extra task that has not been projected as far as this budget is concerned. Believes that bill is much needed, but must take into account the funding needed to support this effort. Mentions that in Hawai'i Military Order of the Purple Heart receives additional benefits such as license plates. Recommends that veterans in Guam should also have access to such benefits. Congratulates spouses, and states that they may look forward to such benefits. Thanks senators.

Vic Tabios: States that he is rated as a 100% Disabled Veteran. Asks for clarification of bill, that it pertains to applicability of fee waiver for the registration of one (1) vehicle for veteran spouses once the veteran passes away.

Chair Ada: Clarifies that bill grants spouses of 100% Disabled Veterans benefits (e.g., fee waivers & preference points) after veteran passes away, and is eligible for ten (10) years after date of veteran's death.

Vic Tabios: Appreciates effort. Thanks spouses for their support; acknowledges his wife for taking care of him.

Question & Answer

Chair Ada: Clarifies that the bill does not benefit the 10,000+ veterans on-island, but rather is specific to the spouses of the current number of veterans, 349, rated at 100% Disabled/Individually Unemployable for the year 2012. Bill is not applicable to the spouses of the veterans who are rated at 10, 20 or 60% disability.

Further clarifies that benefit is extended to those spouses, surviving spouses, conservators and legal guardians (total is less than 10) of those service members who died in the line of duty. As

it is now, spouses, surviving spouses, conservators and legal guardians of those veterans do not get the 10-point preference or the fee waivers.

States that further analysis is needed to justify the need for additional clerical support at the OVA to do the processing, and staff will look into the matter. Points out that discussion is timely since budget hearings are forthcoming; it would be discussed during budget hearings, on the floor, that OVA needs an additional person to do the processing for this and other requirements needed. Request for additional support at OVA is duly noted.

Acknowledges that the points made by Mr. Unpingco are very good, and will consider them as the bill is revised (e.g., include conservator). Will give Veteran organizations opportunity to look over again once bill has been revised.

Rick Cruz: References Section 2 (f), asks for clarification regarding rating for Individually Unemployable.

Senator Tom Ada: Clarifies that bill is applicable to those who are 100% Disabled or rated as Individually Unemployable as defined by the Veterans Administration.

Vic Tabios: Asks if it's possible for bill to be applicable to the spouses of those veterans who have passed on.

Chair Ada: Agrees that Mr. Tabios raises a valid point. It'll be important to take a look at how far back bill would go and analyze such an impact. Clarifies that bill is only applicable either to the veteran or the spouse.

Bill Cundiff: Reiterates what his wife stated, suggesting that all spouses of veterans should receive fee waiver for driver's license, once veteran is incapacitated and can no longer drive due to illness.

Chair Ada: States that suggestion is duly noted, and that the impact of this will be further examined.

Rosie Cundiff: Thanks senators for opportunity to testify. States that her father was a veteran, his leg was amputated and thus his family had to drive him around. The bill would address those who continue to care for veterans.

Female Testifier [name unknown]: States that "Individually Unemployable" should be clarified from the start in Section 1, Legislative Findings and Intent. Appreciates intent of the bill and the acknowledgement of the spouses as provided by the bill.

Chair Ada: States that suggestion is duly noted.

Mr. Victoriano: States in Chamorro his support for the bill.

Chair Ada: Concludes hearing. The public hearing was adjourned at 7:10 pm.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Veterans Affairs, Public Works, Transportation and Utilities has substituted Bill 462-31 (COR) with some minor grammatical improvements and the following significant changes:

- Section 2.d.ii was removed in its entirety.
- In Section 2, “Legal Guardian” is separated into two definitions—“Legal Guardian for Minor Children of a Single Parent” and “Legal Guardian for Disabled Service Member”—to address veterans who may or may not have children, and are in need of care and guardianship.
- In Section 3 (B), language was added requirement the Dept. of Administration and the Human Resource Divisions of autonomous agencies to also extend applicable benefits to spouses, surviving spouses or legal guardians.
- Also in Section 3 (B), a new clause is added to authorize the Guam Office of Veterans Affairs to recruit and hire one full-time Administrative Clerk position to certify eligibility of spouses, surviving spouses or legal guardians, provided that funds are available.
- In Section 3 (D), the term “Permanent and Total” was removed from the sentence reading “Service Member had 100% Permanent and Total Service-Connected Disability or...”.
- In Section 3 (E), a new section is added to specify the eligibility period of a Legal Guardian.
- In Section 4, a new section is added to extend applicability of “derived benefits” to spouses, surviving spouses and legal guardians of veterans who served in the U.S. Armed Forces during World War II, the Korean Conflict, Vietnam War and conflicts associated with the War on Terror.
- A new Section 5 was added to reinsert language into GCA that was unintentionally deleted by P.L. 31-177:2. This language was originally added by P.L. 31-177, and clarifies the process by which Veterans prove their status when applying for benefits with the Dept. of Revenue and Taxation. Two additional paragraphs were added to the end of the Legislative Intent explaining this addition.

The Committee on Veterans Affairs, Public Works, Transportation and Utilities hereby reports out Bill 462-31 (COR), As Substituted by the Committee, with the recommendation

TO PASS.

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

2012 MAY 22 PM 3:15 *em*

Bill No. 462-31(COR)

Introduced by:

T. C. Ada *[Signature]*
R. J. Respicio *[Signature]*

**AN ACT TO ADD A NEW ARTICLE 1B, TO 4 GCA,
CHAPTER 4 TO READ “DERIVED VETERANS
BENEFITS FOR SPOUSES, SURVIVING SPOUSES AND
LEGAL GUARDIANS”.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that some Veterans have returned with military service connected injuries resulting in 100% Disability or Individually Unemployable ratings. Current data shows there are approximately 349 veterans from Guam who have been determined by the U.S. Department of Veterans Affairs (USDVA) to be 100% Disabled or Individually Unemployable.

I Liheslatura further finds that there are Guam Sons who suffered fatal injuries. Notwithstanding, the spouses or legal guardians of these service men and women must continue sustaining the families that have been left behind.

I Liheslatura finds that the spouses, or legal guardians in the case of Veterans who are single parents, of 100% Disabled or Individually Unemployable Veterans play critical roles in the successful adjustment to the delayed stresses of combat, serve as steady and supportive partners. In many

1 cases, these spouses or legal guardians ensure that the veteran is safe and well
2 taken care of. Thus, Veterans who have supportive relationships are shown to
3 better manage and recover from some of the adverse impacts resulting from war.

4 *I Liheslatura* further finds that the spouses, or the legal guardians, who are
5 the survivors of service men and women who suffered fatal injuries must adjust
6 to heal from their loss and continue their lives or the lives of the minor
7 dependents they are responsible for as the deceased service member would have
8 wanted.

9 *I Liheslatura* further finds that the spouses or legal guardians were left to
10 worry that the veteran would be put in harm's way, that the spouses or legal
11 guardians were left with running households while the veterans were deployed,
12 and that the spouses or legal guardians usually had to endure the consequences
13 of whatever physical or mental injuries the veterans receive.

14 *I Liheslaturan* further finds that Spouses or legal guardians are the silent
15 heroes behind every veteran. They maintain their composure under extreme
16 conditions, diligently continue to keep family unity in tact, and judiciously
17 continue to support our veterans who were severely disabled while serving our
18 nation. They enhance the quality of life of our disabled Veterans and the
19 survivors of members of the armed services who made the ultimate sacrifice. It
20 is for this reason that *I Liheslaturan Guåhan* honors the spouses and legal
21 guardians of our veterans by actively showing our gratitude. One way to
22 demonstrate this gratitude is by extending the benefits currently provided to
23 100% Disabled or Individually Unemployable Veterans, as "derived benefits" to
24 these spouses, surviving spouses, or Legal Guardians who continue to serve and
25 care for our disabled Veterans, or who are the survivors of service members who
26 died in the line of duty. This extension is based on the service of a veteran who

1 is not able to use the benefits.

2 **Section 2. Definitions. A new §67101 (c), (d), (e), and (f) of Chapter 67,**
3 **Title 10, Guam Code Annotated, are added as follows:**

4 **c. Spouse.** The term as used in this Chapter means a person who is
5 legally married to the Veteran at the time that veteran was on active
6 duty, or active duty for training, or inactive duty for training and prior
7 to the date when the service connected injuries occurred, and
8 subsequently rated by the U.S. Department of Veterans Affairs as
9 being 100% Disabled due to service connected reasons or is rated as
10 being Individually Unemployable by the U.S. Department of Veterans
11 Affairs.

12 **d. Legal Guardian.** A person lawfully invested with the power, and
13 charged with the obligation, of taking care of and managing the
14 property and rights of a person who because of age, understanding, or
15 self-control, is considered incapable of administering his or her own
16 affairs, while the service member, who is a single parent, is deployed
17 to an area where dependents are not allowed to accompany the service
18 member. Said designation as Legal Guardian shall have been effected
19 prior to the deployment of the service member

20 **e. Surviving Spouse.** The term as used in this chapter means a person who:
21 i. was married to the service member who died on active duty, active
22 duty for training, or inactive duty training, and is not currently
23 remarried, OR
24 ii. married the Veteran within fifteen (15) years of discharge from the
25 period of military service in which the disease or injury that caused

1 the Veteran's death began or was aggravated, and is not currently
2 remarried, OR

3 iii. was married to the Veteran, for at least one (1) year immediately
4 prior to death of a Veteran who is rated by the U.S. Veterans
5 Administration as being 100% Disabled or Individually
6 Unemployable, and is not currently remarried.

7 f. **Individually Unemployable.** As defined by the U.S. Department of
8 Veterans Affairs, a veteran must be unable to maintain substantially
9 gainful employment as a result of his/her service-connected disabilities.
10 Additionally, a veteran must have:

- 11 i. One service-connected disability ratable at **60** percent or more, *OR*
12 ii. Two or more service-connected disabilities, at least one disability
13 ratable at **40** percent or more with a combined rating of **70** percent
14 or more.

15 **Section 3. A new Article 1B, is added to Title 4 GCA, Chapter 4 to read:**

16 **Derived Veterans Benefits For Spouses, Surviving Spouses and Legal**
17 **Guardians.**

18 **A. Eligibility.** Benefits under 16GCA, Chapter 3, §3102.1 (Waiver of
19 Driver's License Fee *provided to all Veterans*), and 16GCA, Chapter 7,
20 §7160(e) and §7161(f), and 10GCA, Chapter 51, §51506(d) (Waiver of Annual
21 Vehicle License and Registration Fees *provided to Veterans with 100%*
22 *Disability or Individually Unemployable*), and 4GCA, Chapter 4, §4104
23 (Preferences *provided to Veterans with 100% Disability or Individually*
24 *Unemployable*) are hereby extended as "derived benefits" to the spouse, legal
25 guardian, or surviving spouse of a:

- 1 1. Veteran who is rated by the U.S. Veterans Administration as 100%
2 Disabled or Individually Unemployable and is unable to make use of
3 the benefits provided because of his or her disability, or
- 4 2. A Veteran who died from any cause while such 100% Disability or
5 Individual Unemployability was in existence, or
- 6 3. Military service member who died in the line of duty, while on active
7 duty, active duty for training, or inactive duty training
 - 8 i. for at least ten (10) years immediately before death, or
 - 9 ii. since the Veteran's release from active duty and for at least five
10 (5) years immediately preceding death, or
- 11 4. Military service member who is hospitalized or receiving outpatient
12 treatment for a service connected injury and is likely to be discharged
13 from the service after treatment is substantially completed.

14 For purposes of this chapter, the ten (10) point preference provided under
15 4GCA, Chapter 4, §4104 shall be applicable.

16 **B. Applying for Benefits.** (1) The Guam Veterans Affairs Office shall be
17 responsible for certifying eligibility of spouses, surviving spouses or legal
18 guardians applying for the derived benefits, and (2) The Department of Revenue
19 and Taxation shall extend benefits to spouses, surviving spouses or legal
20 guardians who have been certified by the Guam Veterans Affairs Office as being
21 eligible.

22 **C. Eligibility Period: Spouse.** Benefits extended to a spouse eligible
23 under Section 2 of this Chapter, shall continue for as long as that individual is
24 legally married to the Veteran who is eligible for the benefits. If the marriage is
25 terminated by divorce, eligibility for the benefits shall end on the date of the
26 adjudicated Final Decree.

1 **D. Eligibility Period: Surviving Spouse or Legal Guardian.** Benefits
2 extended to a Surviving Spouse or Legal Guardian eligible under Section 2 of
3 this Chapter, shall continue for periods as follows:

4 1. Service Member had 100% Permanent and Total Service-Connected
5 Disability or Individually Unemployable at Time of Death. Eligibility shall
6 terminate ten (10) years from the date of death.

7 2. Service Member Died on Active Duty. Eligibility shall terminate
8 ten (10) years from date of death.

9 **Section 4. Effective Date.** This Act *shall* be effective upon its enactment into
10 law.

11 **Section 5. Severability.** *If* any provision of this Law or its application to any
12 person or circumstance is found to be invalid or contrary to law, such invalidity
13 *shall* not affect other provisions or applications of this Law which can be given
14 effect without the invalid provisions or application, and to this end the
15 provisions of this Law are severable.

16

17

18

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

Bill No. 462-31 (COR)

As Substituted by the Committee on Veterans Affairs,
Public Works, Utilities, and Transportation

Introduced by:

T. C. Ada
R. J. Respicio

**AN ACT TO ADD A NEW ARTICLE 1B, TO 4 GCA,
CHAPTER 4 TO READ “DERIVED VETERANS
BENEFITS FOR SPOUSES AND LEGAL GUARDIANS
OF VETERANS RATED 100% DISABLED OR
INDIVIDUALLY UNEMPLOYABLE”, AND TO ADD
LANGUAGE TO §3102.1 OF ARTICLE 1, CHAPTER 3,
TITLE 16, RELATIVE TO THE PROCESS FOR
RECEIVING SUCH BENEFITS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that some Veterans have returned with military service connected injuries resulting in 100% Disability or Individually Unemployable ratings. Current data shows there are approximately 349 veterans from Guam who have been determined by the U.S. Department of Veterans Affairs (USDVA) to be 100% Disabled or Individually Unemployable.

I Liheslatura further finds that there are service members from Guam who suffered service-related fatal injuries. Notwithstanding, the spouses or legal guardians of these service members must continue sustaining the families that have been left behind.

1 *I Liheslatura* finds that the spouses or designated legal guardians of
2 Veterans who have been rated as 100% Disabled or Individually Unemployable
3 continue to play critical roles in the successful adjustment of these Veterans or
4 their survivors, and serve as steady and supportive partners. In many cases, these
5 spouses or legal guardians ensure their safety and well-being. Studies have
6 shown that Veterans who have supportive relationships are shown to better
7 manage and recover from some of the adverse impacts resulting from war.

8 *I Liheslatura* further finds that the surviving spouses, or the legal guardians
9 of service men and women who suffered fatal injuries must adjust to heal from
10 their loss and continue the support and sustainment of families that have been left
11 behind.

12 *I Liheslaturan* further finds that Spouses or legal guardians are the silent
13 heroes behind every veteran. They maintain their composure under extreme
14 conditions, diligently continue to keep family unity in tact, and judiciously
15 continue to support our veterans who were severely disabled while serving our
16 nation. They enhance the quality of life of our disabled Veterans and the
17 survivors of service members who made the ultimate sacrifice.

18 *I Liheslaturan Guåhan* honors the spouses and legal guardians of the
19 affected veterans and wishes to express its gratitude by extending the benefits
20 currently provided to Veterans who are 100% Disabled or Individually
21 Unemployable. The extended benefits, referred to as "derived benefits", is based
22 on the service of the veteran who is not otherwise able to use the benefits.

23 *I Liheslatura* further finds that P.L. 31-177:2 amended §3102.1, Chapter 3,
24 Title 16 of GCA to clarify that drivers license fees for Veterans would be waived
25 for both initial issuance and subsequent renewals. However, this public law also
26 unintentionally deleted important language within the same subsection relevant to

1 improving procedures by which Veterans obtain their fee waiver. The deleted
2 language was recently added by P.L. 31-107:2, and addressed the challenges
3 some Veterans experienced in verifying their status with the Department of
4 Revenue & Taxation.

5 The Committee Report and Session debate on P.L. 31-177 confirm that
6 deletion of this crucial language was never intended. Because the deleted
7 language directly affects the implementation of the subject matter contained
8 within this Bill, and has already had a public hearing during the adoption of P.L.
9 31-107, *I Liheslatura* finds it prudent and proper to include Section 5 to reinsert
10 language providing Veterans, and their Spouses and Legal Guardians, with
11 improved access to the benefits they deserve.

12 **Section 2. Definitions. A new §67101 (d), (e), (f), (g) and (h) of Chapter 67,**
13 **Title 10, Guam Code Annotated, are added as follows:**

14 **d. Spouse.** The term as used in this Chapter means a person who is
15 legally married to the Veteran at the time that veteran was on active
16 duty, or active duty for training, or inactive duty for training and prior
17 to the date when the service connected injuries occurred, and
18 subsequently rated by the U.S. Department of Veterans Affairs as
19 being 100% Disabled due to service connected reasons or is rated as
20 being Individually Unemployable by the U.S. Department of Veterans
21 Affairs.

22 **e. Surviving Spouse.** The term as used in this chapter means a person who:

- 23 i. was married to the service member who died from service-connected
24 injuries while on active duty, active duty for training, or inactive
25 duty training, and is not currently remarried, OR
26 ii. was married to the Veteran, for at least one (1) year

1 immediately prior to death of a Veteran who is rated by the
2 U.S. Veterans Administration as being 100% Disabled or
3 Individually Unemployable, and is not currently remarried.

4 **f. Legal Guardian for Minor Children of a Single Parent.** A
5 person lawfully vested with the power, and charged with the obligation
6 of taking care of and managing the property and rights of a person who
7 because of age, understanding, or self-control, is considered incapable
8 of administering his or her own affairs, while the service member, who
9 is a single parent, is deployed to an area where dependents are not
10 allowed to accompany the service member. Said designation as Legal
11 Guardian shall have been effected prior to the deployment of the
12 service member.

13 **g. Legal Guardian for Disabled Service Member.** A person lawfully
14 vested with the power, and charged with the obligation, of taking care
15 of and managing the property and rights of a person who because of
16 service-connected disabling injuries is in need of care, and provided
17 that the service member is divorced, never married, widowed, or has no
18 children.

19 **h. Individually Unemployable.** As defined by the U.S. Department of
20 Veterans Affairs, a veteran must be unable to maintain substantially gainful
21 employment as a result of his/her service-connected disabilities. Additionally,
22 a veteran must have:

- 23 i. One service-connected disability ratable at **60** percent or more, *OR*
24 ii. Two or more service-connected disabilities, at least one disability
25 ratable at **40** percent or more with a combined rating of **70** percent or
26 more.

27 **Section 3. A new Article 1B, is added to Title 4 GCA, Chapter 4 to read:**

1 **Derived Veterans Benefits For Spouses, Surviving Spouses, or Legal**
2 **Guardians.**

3 **A. Eligibility.** Benefits under 16GCA, Chapter 3, §3102.1 (Waiver of
4 Driver’s License Fee *provided to all Veterans*), and 16GCA, Chapter 7,
5 §7160(e) and §7161(f), and 10GCA, Chapter 51, §51506(d) (Waiver of Annual
6 Vehicle License and Registration Fees *provided to Veterans with 100%*
7 *Disability or Individually Unemployable*), and 4GCA, Chapter 4, §4104
8 (Preferences *provided to Veterans with 100% Disability or Individually*
9 *Unemployable*) are hereby extended as "derived benefits" to the spouse, legal
10 guardian, or surviving spouse as defined in this chapter. For purposes of this
11 chapter, the ten (10) point preference provided under 4GCA, Chapter 4, §4104
12 shall be applicable as a “derived benefit”.

13 **B. Applying for Benefits.** (1) The Guam Office of Veterans Affairs
14 (OVA) shall be responsible for certifying eligibility of spouses, surviving spouses
15 or legal guardians applying for the derived benefits, and (2) The Department of
16 Revenue and Taxation, The Department of Administration, and the Human
17 Resource Divisions of autonomous agencies shall extend applicable benefits to
18 spouses, surviving spouses or legal guardians who have been certified by the
19 Guam Veterans Affairs Office as being eligible. The OVA shall be authorized to
20 recruit and hire one full-time Administrative Clerk position to perform the duties
21 associated with certification and related OVA duties, provided funds are
22 available.

23 **C. Eligibility Period: Spouse.** Benefits extended to a spouse eligible
24 under Section 2 of this Chapter, shall continue for as long as that individual is
25 legally married to the Veteran who is eligible for the benefits. If the marriage is
26 terminated by divorce, eligibility for the benefits shall end on the date of the

1 adjudicated Final Decree.

2 **D. Eligibility Period: Surviving Spouse .** Benefits extended to a
3 Surviving Spouse eligible under Section 2 of this Chapter, shall continue for a
4 period of ten (10) years from the date of death.of service member.

5 **E. Eligibility Period: Legal Guardian.** Benefits extended to a Legal
6 Guardian eligible under Section 2 of this Chapter, shall continue for periods as
7 follows:

- 8 1. Until minor children for which the guardian is legally responsible for,
9 reach the age of 18 or until the age of 23, if enrolled as a full-time
10 student in an accredited degree or certification program, or
- 11 2. The service member for which the legal guardian is responsible for
12 becomes deceased.

13 **Section 4. Applicability.** The extension of “derived benefits” shall be
14 applicable to the eligible spouses, surviving spouses, and legal guardians, as
15 defined in this Chapter, of veterans who served in the U.S. Armed Forces during
16 World War II, the Korean Conflict, Vietnam War and conflicts associated with
17 the War on Terror.

18
19 **Section 5.** §3102.1 of Article 1, Chapter 3 of Title 16, Guam Code Annotated,
20 is hereby *amended* to read as follows:

21 **“§ 3102.1. Waiver of Fees for Veterans.**

22 The fee for an operator’s or chauffeur’s license is waived for
23 Veterans of the United States Armed Forces. Veterans include persons who
24 served in the Guam Combat Patrol, the United States Navy Insular Forces,
25 Guam Militia or Civilian Scouts, Philippines Scouts and the United States
26 Armed Services.

1 Any person listed above and whose character of military service was
2 honorable as verified by the applicant's Report of Transfer or Discharge
3 (DD Form 214), or Military Identification Card Department of Defense
4 Form 2 (Retired), or other accepted forms used to verify membership in the
5 organization listed and certified by the government of Guam Office of
6 Veterans Affairs (OVA) may apply to the License Division of the
7 Department of Revenue and Taxation for a Driver's License. Certification
8 by the OVA will be based only upon records they have available. When
9 requested by the OVA, the Department of Revenue and Taxation shall
10 provide a listing of Veterans granted fee waivers."

11 **Section 6. Effective Date.** This Act *shall* be effective upon its enactment into
12 law.

13 **Section 7. Severability.** *If* any provision of this Law or its application to any
14 person or circumstance is found to be invalid or contrary to law, such invalidity
15 *shall* not affect other provisions or applications of this Law which can be given
16 effect without the invalid provisions or application, and to this end the provisions
17 of this Law are severable.

Committee on Public Works, Utilities, Transportation and Veterans Affairs

June 5, 2012

6:30 pm

1 Liheslaruran Gudhan, Hagaiña

Bill No. 462-31 (COR) - T.C. Ada / R.J. Respicio

An act to add a new Article 1B, to 4 GCA, Chapter 4 to read "Derived Veterans Benefits for Spouses, Surviving Spouses, and Legal Guardians"

NAME (please print)	AGENCY/ ORGANIZATION	CONTACT NUMBER
Bill Cundiff	U.S. Air Force Veterans	505 4501 "
Rosie Cundiff	Veteran - spouse	"
John Umplingco	DVA	
Victor Tabios	100% Disabled Veteran	037 8229
Jackie Nguyen	U.S. Dept of vet. Affairs	475-5784
Bobing Wolfred	-	-



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

2012 JUN -1 PM 4: 37 - R

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

June 1, 2012

Memorandum

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

To: **Pat C. Santos**
Clerk of the Legislature

MAJORITY MEMBERS:

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Speaker
Judith T. Won Pat

Subject: **Fiscal Notes**

Vice Speaker
Benjamin J. F. Cruz

Hafa Adai!

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Bill No.: 462-31 (COR)

Senator
Thomas C. Ada

463-31 (LS)

466-31 (LS)

Senator
Adolpho B. Palacios, Sr.

467-31 (LS)

Senator
vicente c. pangelinan

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Si Yu'os ma'åse'!

Senator
Christopher M. Duenas

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

STEPHEN J. GUERRERO
DEPUTY DIRECTOR

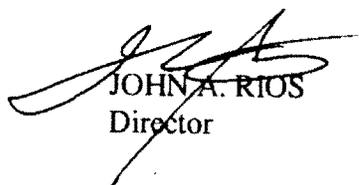
JUN 01 2012

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is the Fiscal Note on the following Bill Nos.: 462-31(COR), 463-31(COR), 466-31(LS) and 467-31(LS).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 462-31 (COR)**

AN ACT TO ADD A NEW ARTICLE 1B TO 4 GCA, CHAPTER 4 TO READ "DERIVED VETERANS BENEFITS FOR SPOUSES, SURVIVING SPOUSES AND LEGAL GUARDIANS".

Department/Agency Appropriation Information

Dept./Agency Affected: Office of the Veterans Affairs	Dept./Agency Head: John Unpingco, Special Assistant
Department's General Fund (GF) appropriation(s) to date:	312,594
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	\$312,594

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2011 Unreserved Fund Balance		\$0	\$0
FY 2012 Adopted Revenues	\$0	\$0	\$0
FY 2012 Appro. (P.L. 31-75 & 31-77)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2012 (if applicable)	FY 2013	FY 2014	FY 2015	FY 2016
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	1/	1/	1/	1/

1. Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ / / N/A
3. Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /X/ No
/ / Requested agency comments not received by due date /X/ Other: Time Constraint

Analyst: Joseph Certeza

Date: 05/31/2012

Director:

John A. Rios, Director

JUN 01 2012

Footnote(s):

1/ The Bill has a potential fiscal impact to the Government of Guam, specifically, reduction in revenues collections from Driver's License and Vehicle License & Registration fees. However, in its present form, such impact cannot be determined at this time.



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

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

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

**MINORITY
MEMBERS:**

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

May 22, 2012

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Subject: Referral of Bill Nos. 462-31 (COR) & 463-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 462-31 (COR) and 463-31 (COR).

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 Liheslauran Guahan
Bill Log Sheet

BILL NOS.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
462-31 (COR)	T. C. Ada, R. J. Respicio	AN ACT TO ADD A NEW ARTICLE 18, TO 4 GCA, CHAPTER 4 TO READ "DERIVED VETERANS BENEFITS FOR SPOUSES, SURVIVING SPOUSES AND LEGAL GUARDIANS"	5/22/2012 3:15 p.m	5/22/12		Committee on Utilities, transportation, Public Works and Veteran's Affairs			



the office of
Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

Public Hearing Notice: B462

Jimmy Camacho <jcamacho@senatorada.org>

Tue, May 29, 2012 at 3:57 PM

To: phnotice@guamlegislature.org

Hafa adai,

Please find the attached Public Hearing Notice relative to Bill 462-31.

—
Jimmy Taitano Camacho
Policy Analyst
Office of Senator Thomas C. Ada
I Mina' Trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature
(Office) 473 - 3301 (Cell) 486 - 9494



B462-31 PH NOTICE.SENATORS.pdf

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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

May 29, 2012

PUBLIC HEARING NOTICE

To: All Senators

Subject: **Public Hearing Notice: June 05, 2012**

Please be advised that the Committee on Transportation, Utilities, Public Works and Veterans Affairs is holding a Public Hearing on **June 05, 2011**. This meeting will take place in the **Public Hearing Room of I Liheslatura**.

The agenda is as follows:

6:30pm

Bill No. 462-31 (COR):

AN ACT TO ADD A NEW ARTICLE 1B, TO 4 GCA, CHAPTER 4 TO READ "DERIVED VETERANS BENEFITS FOR SPOUSES, SURVIVING SPOUSES AND LEGAL GUARDIANS".

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to jcamacho@senatorada.org, or via facsimile to (671) 473-3303 until **June 15, 2012, 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Jimmy Camacho at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.


THOMAS C. ADA



- In Service -
Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

Public Hearing Notice: Bill 462-31

Jimmy Camacho <jcamacho@senatorada.org>

Tue, May 29, 2012 at 3:58 PM

To: Media <media@senatorada.org>

Hafa adai,

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—
Jimmy Taitano Camacho
Policy Analyst
Office of Senator Thomas C. Ada
I Mina' Trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature
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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guahan

May 29, 2012

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THOMAS C. ADA



the office of
Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

Public Hearing Notice: B462

Jimmy Camacho <jcamacho@senatorada.org>
To: phnotice@guamlegislature.org

Fri, Jun 1, 2012 at 9:16 AM

Hafa adai,

Please find the attached Public Hearing Notice relative to Bill 462-31.

—
Jimmy Taitano Camacho
Policy Analyst
Office of Senator Thomas C. Ada
I Mina' Trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature
(Office) 473 - 3301 (Cell) 486 - 9494

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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

May 29, 2012

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THOMAS C. ADA



in the office of
Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

Public Hearing Notice: Bill 462-31

Jimmy Camacho <jcamacho@senatorada.org>

Fri, Jun 1, 2012 at 9:12 AM

To: Media <media@senatorada.org>

Hafa adai,

Please find the attached Public Hearing Notice relative to Bill 462-31.

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Jimmy Taitano Camacho
Policy Analyst
Office of Senator Thomas C. Ada
I Mina' Trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature
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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guáhan

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THOMAS C. ADA

Listserv: phnotice@guamlegislature.org

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breakfastshow457@gmail.com	breakfastshow457@gmail.com	Member
clyn@spbguam.com	clyn@spbguam.com	Member
dmgeorge@guampdh.com	dmgeorge@guampdh.com	Member
diamondong@guampdh.com	diamondong@guampdh.com	Member
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gdumat-ol@guampdh.com	gdumat-ol@guampdh.com	Member
hotips@kuam.com	hotips@kuam.com	Member
jac.cherry@gmail.com	jac.cherry@gmail.com	Member
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kevin@spbguam.com	kevin@spbguam.com	Member
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rgbison@k57.com	rgbison@k57.com	Member
sabinaa@kuam.com	sabinaa@kuam.com	Member
scoop@guamnewswatch.com	scoop@guamnewswatch.com	Member
thebigshow@k57.com	thebigshow@k57.com	Member
thebigshow@spbguam.com	thebigshow@spbguam.com	Member
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1 - 28



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

AGENDA

PUBLIC HEARING

Tuesday, June 5, 2012, at 6:30 pm
Public Hearing Room, *I Liheslaturan Guåhan*

The agenda is as follows:

Bill No. 462-31 (COR) - T.C. Ada / R.J. Respicio

An act to add a new Article 1B, to 4 GCA, Chapter 4 to read "Derived Veterans Benefits for Spouses, Surviving Spouses, and Legal Guardians"

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until April 4, 2012, 5:00 pm. Please feel free to contact our office at 473-3301 should you have any questions or concerns.

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

2012 MAY 22 PM 3:15 *em*

Bill No. 462-31(COR)

Introduced by:

T. C. Ada *TC*
R. J. Respicio *RJR*

**AN ACT TO ADD A NEW ARTICLE 1B, TO 4 GCA,
CHAPTER 4 TO READ “DERIVED VETERANS
BENEFITS FOR SPOUSES, SURVIVING SPOUSES AND
LEGAL GUARDIANS”.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that some Veterans have returned with military service connected injuries resulting in 100% Disability or Individually Unemployable ratings. Current data shows there are approximately 349 veterans from Guam who have been determined by the U.S. Department of Veterans Affairs (USDVA) to be 100% Disabled or Individually Unemployable.

I Liheslatura further finds that there are Guam Sons who suffered fatal injuries. Notwithstanding, the spouses or legal guardians of these service men and women must continue sustaining the families that have been left behind.

I Liheslatura finds that the spouses, or legal guardians in the case of Veterans who are single parents, of 100% Disabled or Individually Unemployable Veterans play critical roles in the successful adjustment to the delayed stresses of combat, serve as steady and supportive partners. In many

1 cases, these spouses or legal guardians ensure that the veteran is safe and well
2 taken care of. Thus, Veterans who have supportive relationships are shown to
3 better manage and recover from some of the adverse impacts resulting from war.

4 *I Liheslatura* further finds that the spouses, or the legal guardians, who are
5 the survivors of service men and women who suffered fatal injuries must adjust
6 to heal from their loss and continue their lives or the lives of the minor
7 dependents they are responsible for as the deceased service member would have
8 wanted.

9 *I Liheslatura* further finds that the spouses or legal guardians were left to
10 worry that the veteran would be put in harm's way, that the spouses or legal
11 guardians were left with running households while the veterans were deployed,
12 and that the spouses or legal guardians usually had to endure the consequences
13 of whatever physical or mental injuries the veterans receive.

14 *I Liheslaturan* further finds that Spouses or legal guardians are the silent
15 heroes behind every veteran. They maintain their composure under extreme
16 conditions, diligently continue to keep family unity in tact, and judiciously
17 continue to support our veterans who were severely disabled while serving our
18 nation. They enhance the quality of life of our disabled Veterans and the
19 survivors of members of the armed services who made the ultimate sacrifice. It
20 is for this reason that *I Liheslaturan Guåhan* honors the spouses and legal
21 guardians of our veterans by actively showing our gratitude. One way to
22 demonstrate this gratitude is by extending the benefits currently provided to
23 100% Disabled or Individually Unemployable Veterans, as "derived benefits" to
24 these spouses, surviving spouses, or Legal Guardians who continue to serve and
25 care for our disabled Veterans, or who are the survivors of service members who
26 died in the line of duty. This extension is based on the service of a veteran who

1 is not able to use the benefits.

2 **Section 2. Definitions. A new §67101 (c), (d), (e), and (f) of Chapter 67,**
3 **Title 10, Guam Code Annotated, are added as follows:**

4 **c. Spouse.** The term as used in this Chapter means a person who is
5 legally married to the Veteran at the time that veteran was on active
6 duty, or active duty for training, or inactive duty for training and prior
7 to the date when the service connected injuries occurred, and
8 subsequently rated by the U.S. Department of Veterans Affairs as
9 being 100% Disabled due to service connected reasons or is rated as
10 being Individually Unemployable by the U.S. Department of Veterans
11 Affairs.

12 **d. Legal Guardian.** A person lawfully invested with the power, and
13 charged with the obligation, of taking care of and managing the
14 property and rights of a person who because of age, understanding, or
15 self-control, is considered incapable of administering his or her own
16 affairs, while the service member, who is a single parent, is deployed
17 to an area where dependents are not allowed to accompany the service
18 member. Said designation as Legal Guardian shall have been effected
19 prior to the deployment of the service member

20 **e. Surviving Spouse.** The term as used in this chapter means a person who:

- 21 i. was married to the service member who died on active duty, active
22 duty for training, or inactive duty training, and is not currently
23 remarried, OR
24 ii. married the Veteran within fifteen (15) years of discharge from the
25 period of military service in which the disease or injury that caused

1 the Veteran's death began or was aggravated, and is not currently
2 remarried, OR

3 iii. was married to the Veteran, for at least one (1) year immediately
4 prior to death of a Veteran who is rated by the U.S. Veterans
5 Administration as being 100% Disabled or Individually
6 Unemployable, and is not currently remarried.

7 **f. Individually Unemployable.** As defined by the U.S. Department of
8 Veterans Affairs, a veteran must be unable to maintain substantially
9 gainful employment as a result of his/her service-connected disabilities.
10 Additionally, a veteran must have:

11 i. One service-connected disability ratable at **60** percent or more, *OR*

12 ii. Two or more service-connected disabilities, at least one disability
13 ratable at **40** percent or more with a combined rating of **70** percent
14 or more.

15 **Section 3. A new Article 1B, is added to Title 4 GCA, Chapter 4 to read:**

16 **Derived Veterans Benefits For Spouses, Surviving Spouses and Legal**
17 **Guardians.**

18 **A. Eligibility.** Benefits under 16GCA, Chapter 3, §3102.1 (Waiver of
19 Driver's License Fee *provided to all Veterans*), and 16GCA, Chapter 7,
20 §7160(e) and §7161(f), and 10GCA, Chapter 51, §51506(d) (Waiver of Annual
21 Vehicle License and Registration Fees *provided to Veterans with 100%*
22 *Disability or Individually Unemployable*), and 4GCA, Chapter 4, §4104
23 (Preferences *provided to Veterans with 100% Disability or Individually*
24 *Unemployable*) are hereby extended as "derived benefits" to the spouse, legal
25 guardian, or surviving spouse of a:

- 1 1. Veteran who is rated by the U.S. Veterans Administration as 100%
- 2 Disabled or Individually Unemployable and is unable to make use of
- 3 the benefits provided because of his or her disability, or
- 4 2. A Veteran who died from any cause while such 100% Disability or
- 5 Individual Unemployability was in existence, or
- 6 3. Military service member who died in the line of duty, while on active
- 7 duty, active duty for training, or inactive duty training
- 8 i. for at least ten (10) years immediately before death, or
- 9 ii. since the Veteran's release from active duty and for at least five
- 10 (5) years immediately preceding death, or
- 11 4. Military service member who is hospitalized or receiving outpatient
- 12 treatment for a service connected injury and is likely to be discharged
- 13 from the service after treatment is substantially completed.

14 For purposes of this chapter, the ten (10) point preference provided under
15 4GCA, Chapter 4, §4104 shall be applicable.

16 **B. Applying for Benefits.** (1) The Guam Veterans Affairs Office shall be
17 responsible for certifying eligibility of spouses, surviving spouses or legal
18 guardians applying for the derived benefits, and (2) The Department of Revenue
19 and Taxation shall extend benefits to spouses, surviving spouses or legal
20 guardians who have been certified by the Guam Veterans Affairs Office as being
21 eligible.

22 **C. Eligibility Period: Spouse.** Benefits extended to a spouse eligible
23 under Section 2 of this Chapter, shall continue for as long as that individual is
24 legally married to the Veteran who is eligible for the benefits. If the marriage is
25 terminated by divorce, eligibility for the benefits shall end on the date of the
26 adjudicated Final Decree.

1 **D. Eligibility Period: Surviving Spouse or Legal Guardian.** Benefits
2 extended to a Surviving Spouse or Legal Guardian eligible under Section 2 of
3 this Chapter, shall continue for periods as follows:

4 1. Service Member had 100% Permanent and Total Service-Connected
5 Disability or Individually Unemployable at Time of Death. Eligibility shall
6 terminate ten (10) years from the date of death.

7 2. Service Member Died on Active Duty. Eligibility shall terminate
8 ten (10) years from date of death.

9 **Section 4. Effective Date.** This Act *shall* be effective upon its enactment into
10 law.

11 **Section 5. Severability.** *If* any provision of this Law or its application to any
12 person or circumstance is found to be invalid or contrary to law, such invalidity
13 *shall* not affect other provisions or applications of this Law which can be given
14 effect without the invalid provisions or application, and to this end the
15 provisions of this Law are severable.

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18