

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 113 (EC)

Introduced by:

A. R. Unpingco

M. Forbes

J. M. S. Brown

R. Klitzkie

J. Won Pa

AN ACT TO AMEND SECTIONS 63102 AND 63204 OF TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CIVIL DEFENSE AND VETERANS AFFAIRS; TO AMEND SECTIONS 67100, 67101, 67102, 67103, 67104 OF TITLE 10, GUAM CODE ANNOTATED RELATIVE TO VETERANS AFFAIRS; TO ADD NEW SECTIONS 67105 AND SECTION 67106 TO TITLE 10, GUAM CODE ANNOTATED RELATIVE TO VETERANS AFFAIRS AND TO AMEND SUBSECTION (1) OF SECTION 65101 CHAPTER 65 DIVISION 3 OF TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE OFFICE OF CIVIL DEFENSE.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the demand for services by the Veterans of Guam are not being met by
4 the current organizational structure under which the Office of Veterans
5 Affairs is mandated to operate. The Office of Veterans Affairs has never
6 realized its potential of providing a data base of military occupational
7 specialties of local veterans which, if needed, could be identified to provide

1 the manpower needed to reinforce the needs of government of Guam agencies
2 responding to emergencies caused by natural or manmade disasters. The
3 Office of Veterans Affairs cannot even provide a list identifying all veterans
4 on Guam. It is the intent of *I Liheslaturan Guåhan* to create an Office of
5 Veterans Affairs within the office of *I Maga'lahaen Guåhan* and to define the
6 qualifications of the Veterans Affairs Officer that will head the Office of
7 Veterans Affairs.

8 **Section 2. Amendment to Section 63102.** Section 63102 of Title 10 Guam
9 Code Annotated is amended to read:

10 **"§ 63102. Management of the Guam National Guard, ~~and the~~**
11 **~~Office of Civil Defense and the Office of Veterans Affairs.~~** The Department
12 of Military Affairs shall be responsible for the management of all elements of
13 the Guam National Guard not in active service of the United States ~~the Office~~
14 ~~of Civil Defense and the Office of Veterans Affairs."~~

15 **Section 3. Amendment to Section 63204.** Section 63102 of Title 10 Guam
16 Code Annotated is amended to read:

17 **"§ 62204. Headquarters Staff.** The headquarters staff of the
18 Department of Military Affairs shall consist of the Adjutant General, the
19 Assistant Adjutants General for Army and Air, ~~the Administrator of the Office~~
20 ~~of Civil Defense, and the Administrator of the Office of Veterans Affairs,~~ and
21 such other offices as the Adjutant General, with the approval of *I Maga'lahaen*
22 *Guåhan*, shall establish."

23 **Section 4. Amendment to Section 67100.** Section 67100 of Title 10 Guam
24 Code Annotated is hereby amended to read:

1 “§ 67100. **Creation of Office.** There is within the Office
2 ~~Department of Military Affairs~~ Office of the Governor an Office of Veterans
3 Affairs. The Veterans Affairs Officer who shall be in the classified service and
4 shall be appointed from a list of qualified applicants by I Maga’lahen Guåhan
5 with the advice and consent of I Liheslaturan Guåhan.~~is a member of the~~
6 ~~classified service and is the administrative head of the Office of Veterans~~
7 ~~Affairs subject to the direction and control of the Adjutant General.~~ This
8 Section shall be effective upon the establishment of the pay range by the Civil
9 Service Commission.”

10 **Section 5. Amendment to Section 67101.** Section 67101 of Title 10 Guam
11 Code Annotated is hereby amended to read:

12 “§ 67101. **Definitions.** As used in this Chapter:

13 (a) Officer means Veterans Affairs Officer.

14 (b) Office means the Office of Veterans Affairs.

15 (c) Veteran includes veterans of the Guam Combat Patrol, ~~and~~ the
16 United States Navy Insular Force, and the United States Armed
17 Service(s).”

18 **Section 6. Amendment to Section 67102.** Section 67102 of Title 10 Guam
19 Code Annotated is hereby amended to read:

20 “§67102. **Purpose of Office.** The Office shall be responsible for the
21 administration of all local laws respecting veterans of the Armed Forces of the
22 United States. It shall also be that agency of the government of Guam charged
23 with the responsibility of cooperation with the Veterans Administration of the
24 United States in all matters relating to local veterans. The office shall assist

1 every veteran of Guam and the dependent or survivor of every veteran of
2 Guam in presenting and pursuing the claim as the veteran, dependent, or
3 survivor may have under current Federal Law Governing VA Benefits arising
4 out of qualifying military service and in establishing the veteran's,
5 dependent's or survivor's right to any privilege, preference, care of
6 compensation provided for by the laws of the United States or of Guam. The
7 processing of claims for veterans and their dependents and survivors shall be
8 limited to the initial claim. The claims may include the following types of
9 benefits and service:

10 (a) Disability compensation benefits

11 (b) Disability pension benefits

12 (c) Dependents' indemnity compensation

13 (d) Widow's death pension

14 (e) Burial benefits

15 (f) Confirmed and continued claims

16 (g) Vocational rehabilitation and education

17 (h) Waivers of indebtedness

18 (i) Other benefits that result in monetary awards to the
19 claimant.

20 It shall furnish staff services for Guam veterans and shall cooperate with
21 all local veterans organizations."

22 **Section 7. Amendment to Section 67103.** Section 67103 of Title 10 Guam
23 Code Annotated is hereby amended to read:

24 **"§ 67103. Powers and Duties of Officer.** The officer:

- 1 (a) shall administer the office;
- 2 (b) shall exercise and discharge the duties of the office through
3 such organizational units as he may establish;
- 4 (c) shall enforce the provisions of this Chapter and of any other
5 laws granting him jurisdiction pertaining to veterans of the
6 armed forces of the United States;
- 7 (d) may administer and certify oaths and affirmations take and
8 certify affidavits and acknowledgments, and exercise any other
9 power of a notary public, but only as part-of his duties under
10 this Chapter and neither he nor his office shall charge any fee
11 for such certification or notarial service;
- 12 (e) may formulate and adopt rules necessary or proper for the
13 internal administration of the office; and
- 14 (f) may study and plan for the establishment of a Territorial
15 Veterans Cemetery, seeking such assistance, advice and
16 support from the armed forces of the United States, the federal
17 Veterans Administration, other local and federal agencies and
18 veterans and veterans organizations.
- 19 (g) shall accept and implement the recommendations of the Guam
20 Veterans Commission."

21 **Section 8. Amendment to Section 67104.** Section 67104 of Title 10 Guam
22 Code Annotated is hereby amended to read:

23 "§ 67104. Upon effective date of this Chapter, all contracts, books,
24 records, papers, documents, property and pending business heretofore made,

1 used and acquired or conducted by the Veterans Affairs Coordinator shall be
2 transferred to the Office of Veterans Affairs, and all employees of the Veterans
3 Coordinator engaged in performing junctions herein transferred shall be
4 transferred to the Office of Veterans Affairs.

5 Funds appropriated under Public Law 27-126 to the Veterans Affairs
6 Office shall continue to be available until the repair and renovation of Guam
7 Housing and Urban Renewal Authority Lot 8, Block 19, Tract 2025 is
8 completed.”

9 **Section 9. Amendment to Public Law 27-106.** Public Law 26-106
10 Chapter 4 Section 25 is amended to read:

11 **“§25.** Appropriation to the ~~Department of Military Affairs~~ for Office of
12 Veterans Affairs. The sum of Two Hundred Seventy Thousand Dollars
13 (\$270,000.00) is hereby appropriated from the General Fund to the Office of
14 Veterans Affairs for the purpose of hiring three (3) Veterans Service
15 Representatives, one (1) field Representative and one (1) Administrative
16 Officer to expedite the processing of Veteran benefit applications, as well as
17 for rent and utilities needed to permit expansion of office space and service
18 area for the Office of Veterans Affairs, and for a public information campaign
19 to encourage Veterans to apply for benefits.

20 **Section 10. A New Section 67105.** A new Section 67105 is added to Title
21 10 Guam Code Annotated to read:

22 **“§67105. Qualification of Veterans Affairs Officer.** In addition
23 to the various qualifications set forth by the Civil Service Commission, the

1 Veterans Affairs Officer must be knowledgeable and trained in the filing of
2 various benefit claims available to the veterans.

3 **Section 11. A New Section 67106.** A new Section 67106 is added to Title
4 10 Guam Code Annotated to Read:

5 “§67106. **Guam Veterans Commission.** There is hereby
6 established in the Office of Veterans Affairs a Guam Veterans Commission
7 that shall consist of five (5) members. One (1) each from the five (5)
8 Recognized Service Organization, current Recognized Service Organization
9 are: American Legion, Veterans of Foreign Wars, Military Order of the Purple
10 Heart, Vietnam Veterans of America and the Disabled American Veterans.
11 The Commander of each Recognized Service Organization shall be the
12 representative. The position will be held for the term of the Commander and
13 not to exceed two (2) years. If re-elected, the service organization will
14 appoint, by Chapter Executive Council vote, the successor during the term of
15 the incumbent Commander.

16 The Commission shall meet quarterly and shall advise the Veterans
17 Officer regarding matters affecting Veterans and eligible claimants regarding
18 Veterans Administration related issues. The Commission shall provide
19 veterans and their families with the opportunity to air grievances for the
20 purpose of effecting corrective action or change to existing policies that affect
21 delivery of benefits and services to the Guam Veteran population. The
22 members of the Commission are volunteers and shall not receive any
23 compensation.

1 **Section 12. Amendment to Subsection (1) of Section 65101 Chapter 65**
2 **Division 3 of Title 10 Guam Code Annotated.** Subsection (1) of Section 65101
3 Chapter 65 Division 3 of Title 10 Guam Code Annotated is amended to read:

4 “§65101. Purpose. (1) to create within the ~~Department of Military~~
5 ~~Affairs~~ Office of the Governor an office of ~~Civil Defense~~ Guam Homeland
6 Security for Guam;

7 **Section 13. Effective Date.** This Act shall be effective upon signing by *I*
8 *Maga'lahaen Guahan.*