

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

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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.

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