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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'lahen Guåhan* this 28th day of Nov, 2012, at 11:10 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

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.

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 one hundred percent (100%) Disability or Individually Unemployable ratings. Current data shows there are approximately three hundred forty-nine (349) Veterans from Guam who have been determined by the U.S. Department of Veterans Affairs (USDVA) to be one hundred percent (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.

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

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

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

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

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

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

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

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

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

(e) Surviving Spouse means a person who:

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

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

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

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

disabling injuries is in need of care, and provided that the service member is divorced, never married, widowed, or has no children.

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

(1) one (1) service-connected disability ratable at sixty percent (60%) or more; or

(2) two (2) or more service-connected disabilities, at least one (1) disability ratable at forty percent (40%) or more, with a combined rating of seventy percent (70%) or more."

Section 3. A new Article 1B is *added* to Chapter 4 of Title 4, Guam Code Annotated, to read:

"ARTICLE 1B

Derived Veterans Benefits For Spouse, Surviving Spouse, or Legal Guardian

§ 4B101. Eligibility. Benefits under 16 GCA, Chapter 3, §3102.1 (Waiver of Driver's License Fee *provided to all Veterans*), and 16GCA, Chapter 7, §7160(e) and §7161(f), and 10GCA, Chapter 51, §51506(d) (Waiver of Annual Vehicle License and Registration Fees *provided to Veterans with one hundred percent (100%) Disability or Individually Unemployable*), and 4GCA, Chapter 4, §4104 (Preferences *provided to Veterans with one hundred percent (100%) Disability or Individually Unemployable*) are hereby extended as "derived benefits" to the spouse, legal guardian, or surviving spouse as defined in §67101 of Chapter 67, Title 10, Guam Code Annotated. For purposes of this Article, the ten (10) point preference provided under Title 4, GCA, Chapter 4, §4104 *shall* be applicable as a "derived benefit".

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

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

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

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

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

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

§ **4B106.** The extension of "derived benefits" *shall* be applicable to the eligible spouses, surviving spouses, and legal guardians, as defined in §67101 of Chapter 67, Title 10, Guam Code Annotated, 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."

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

"**§ 3102.1. Waiver of Fees for Veterans.**

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

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

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

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

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