

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
392-35 (LS) As amended in the Committee of the Whole	Amanda L. Shelton	AN ACT TO AMEND PUBLIC LAW 35-94, RELATIVE TO CLARIFYING AND REFINING ELIGIBILITY, APPLICATION, AND FUNDING REGULATIONS FOR THE AYUDA I MANGÁFA HELP FOR FAMILIES PROGRAM.	8/25/20 2:41 p.m.			8/31/20 Waiver of Public Hearing Requirement			
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	8/10/20	AN ACT TO AMEND PUBLIC LAW 35-94, RELATIVE TO CLARIFYING AND REFINING ELIGIBILITY, APPLICATION, AND FUNDING REGULATIONS FOR THE AYUDA I MANGÁFA HELP FOR FAMILIES PROGRAM.	9/2/20	9/2/20	9/14/20	35-97	9/14/20	Received: 9/14/20 Mess and Comm. Doc. No. 35GL-20-2207.	

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

September 14, 2020

35GL-20-2207
Speaker Tina Rose Muña Barnes

HONORABLE TINA ROSE MUÑA BARNES

Speaker

I Mina'trentai Singko Na Liheslaturan Guåhan

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

SEP 14 2020

Time 4:14 (AM) (PM)

Received By: alc

Re: BILL NO. 392-35 (LS) – An Act to Amend Public Law 35-94, Relative to Clarifying and Refining the Eligibility, Application, and Funding Regulations for the Ayuda I Mangåfa Help for Families Program

SUBSTITUTE BILL NO. 393-35 (LS) – An Act to Adopt Rules and Regulations for the Ayuda I Mangåfa Help for Families Program Pursuant to Public Law 35-94

Dear Madame Speaker:

Earlier this year, when we first began to realize the impacts of the current global pandemic on United States, the federal government worked in a bipartisan manner to pass and enact legislation to offer financial assistance to individuals and families. Under the provisions of the Coronavirus Aid, Relief, Economic Security (“CARES”) Act, direct economic stimulus payments were sent to taxpayers, the federal government offered Paycheck Protection Loans to small businesses, and the Federal Pandemic Unemployment Compensation program was established. Locally, utilizing funding from direct assistance provided to Guam under the terms of the CARES Act, the Guam Economic Development Authority has issued thousands of grants to small businesses under the provisions of its Guam Small Business Pandemic Assistance Grant Program. Additionally, I directed that another \$20 million from Guam’s CARES Act direct financial assistance be utilized to fund *Prugraman Salappe Ayudon I Taotao*, which provided direct cash assistance to households with monthly incomes at 165% or less of the federal poverty level.

Despite all of this assistance at both the federal and local levels, I recognize that there are still gaps, and Bill 392-35 (LS) is targeted toward addressing one of those gaps. As I have previously expressed in my transmittal message to the Legislature regarding Bill 367-35 (LS), despite my

To: Speaker Tina Rose Muña Barnes
Fr: Governor of Guam
Date: September 14, 2020
Re: Bill No. 392-35 (LS)
Substitute Bill No. 393-35 (LS)

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concern that the provision purporting to “authorize” CARES Act funding to fund direct payments was an overreach, I allowed the bill to lapse into law as Public Law No. 35-94. I also pointed out other concerns I had with the legislation, including that its practical effect was to provide payments to many households twice for the same dependents, a result it did not appear the Legislature intended in passing the bill. Bill 392-35 (LS) corrects that particular issue, but unfortunately, the bill still contains the provision with which I previously had issue.

Last week, I appeared before the United States House Financial Services Committee to testify about the substantial needs of states and territories for both additional financial assistance as well as more flexibility in the spending of federal dollars. Among the issues that an additional relief package should cover is the group of people addressed by Bill 392-35 (LS). Unfortunately, it is clear that the spirit of bipartisanship that guided the federal government’s swift actions in March and April is no longer as prevalent as it was. Despite my continued concerns, I am signing Bills 392-35 (LS) and 393-35 (LS) as **Public Law Nos. 35-97 and 35-98**.

Senseremente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

Enclosure(s): Bill No. 392-35 (LS) nka P.L. 35-97
Substitute Bill No. 393-35 (LS) nka P.L. 35-98

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
2020 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÁGAN GUÁHAN*

This is to certify that **Bill No. 392-35 (LS)**, “AN ACT TO *AMEND* PUBLIC LAW 35-94, RELATIVE TO CLARIFYING AND REFINING THE ELIGIBILITY, APPLICATION, AND FUNDING REGULATIONS FOR THE *AYUDA I MANGÁFA* HELP FOR FAMILIES PROGRAM,” was on the 2nd day of September 2020, duly and regularly passed.



Tina Rose Muña Barnes
Speaker

Attested:



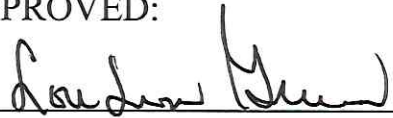
Amanda E. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 2nd day of September, 2020, at 1747 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 9/14/2020

Public Law No. 35-97

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 392-35 (LS)

As amended in the Committee of the Whole.

Introduced by:

Amanda L. Shelton
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Telo T. Taitague
Jose “Pedo” Terlaje
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* PUBLIC LAW 35-94, RELATIVE TO CLARIFYING AND REFINING THE ELIGIBILITY, APPLICATION, AND FUNDING REGULATIONS FOR THE *AYUDA I MANGÅFA* HELP FOR FAMILIES PROGRAM.

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

2 **Section 1.** Section 1 of Public Law 35-94 is *amended* to read:

3 **“Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
4 finds that in response to the crisis as a result of the COVID-19 pandemic, all
5 non-essential businesses were directed to cease operations in order to prevent

1 the spread of COVID-19. As a result, many people throughout our island have
2 lost their jobs and are left in vulnerable situations.

3 *I Liheslaturan Guåhan* additionally finds that the federal and local
4 government have provided direct cash payments to assist individuals and
5 businesses. These aid packages, however, have left out substantial categories
6 of individuals, leaving many families without the assistance that is needed, as
7 these aid packages do not provide direct stimulus payments to families with
8 dependents over the age of sixteen (16) years old. The current federal
9 language also unjustly omits stimulus payments for individuals with
10 disabilities over the age of sixteen (16) who are claimed as dependents by
11 families.

12 It is, therefore, the intent of *I Liheslaturan Guåhan* to provide funding
13 assistance to Guam families with young adults, students, and disabled
14 individuals who are claimed as dependents of these families.”

15 **Section 2.** Section 2 of Public Law 35-94 is *amended* to read:

16 **“Section 2. Establishment of the *Ayuda I Mangåfa* Help For**
17 **Families Program.**

18 (a) The *Ayuda I Mangåfa* Help For Families Program is
19 hereby established by this Act.

20 (b) The Director of the Department of Revenue and Taxation
21 (Director) shall administer the *Ayuda I Mangåfa* Help For Families
22 Program and the distribution of payments to families. In the case of an
23 eligible individual, there shall be allowed a payment equal to the
24 product of Five Hundred Dollars (\$500) multiplied by the number of
25 qualifying children within the meaning of 26 U.S.C. § 152(c) within the
26 family. Eligible individuals shall submit an application for approval by
27 the Department of Revenue and Taxation.

1 (c) Eligibility of *Ayuda I Mangåfa* Help For Families
2 Program. Eligible individuals, to include eligible individuals filing a
3 joint return, are those Guam taxpayers who filed returns in the 2019
4 taxable year with qualifying children or who did not file a Guam
5 income tax return because they did not meet the income threshold for
6 tax years 2019 and 2018 but who filed an application with the
7 Department of Revenue and Taxation on the form as prescribed by the
8 Director. For the purposes of this Act, eligible individuals shall not
9 include those who received or who are eligible to receive, a recovery
10 rebate(s) for their qualifying child(ren) pursuant to 26 U.S.C. §
11 6428(a)(2) of the Coronavirus Aid, Relief, and Economic Security
12 (CARES) Act (U.S. Public Law 116-136) and amendments thereto:

13 (1) For the purposes of this Act, a qualifying child, as
14 that term is defined in 26 U.S.C. § 152(c), means, with respect to
15 any taxpayer for any taxable year, an individual:

16 (A) who bears a relationship to the taxpayer
17 described in Paragraph (2) of this Subsection;

18 (B) who has the same principal place of abode as
19 the taxpayer for more than one-half ($\frac{1}{2}$) of such taxable
20 year;

21 (C) who meets the age requirements of Paragraph
22 (3) of this Subsection;

23 (D) who has not provided over one-half ($\frac{1}{2}$) of
24 such individual's own support for the calendar year in
25 which the taxable year of the taxpayer begins; and

26 (E) who has not filed a joint return (other than
27 only for a claim of refund) with the individual's spouse

1 under 26 U.S.C. § 6013 for the taxable year beginning in
2 the calendar year in which the taxable year of the taxpayer
3 begins.

4 (2) For the purposes of Paragraph (1)(A) of this
5 Subsection, an individual bears a relationship to the taxpayer
6 described in this Paragraph if such individual is:

7 (A) a child of the taxpayer or a descendant of
8 such a child; or

9 (B) a brother, sister, stepbrother or stepsister of
10 the taxpayer, or a descendant of any such relative.

11 (3) For the purposes of Paragraph (1)(C) of this
12 Subsection, an individual meets the requirements of this
13 Paragraph if such individual is younger than the taxpayer
14 claiming such individual as a qualifying child, and

15 (A) has not attained the age of nineteen (19) as of
16 the close of the calendar year in which the taxable year of
17 the taxpayer begins; or

18 (B) is a student who has not attained the age of
19 twenty-four (24) as of the close of such calendar year;

20 (C) provided, however, that in the case of an
21 individual who is permanently and totally disabled at any
22 time during such calendar year, the requirements of this
23 Paragraph (3) shall be treated as met with respect to such
24 individual.

25 (4) For the purposes of this Subsection, “student,” as
26 that term is defined in 26 U.S.C. § 152(f)(2), means an individual

1 who during each of the five (5) calendar months during the
2 calendar year in which the taxable year of the taxpayer begins:

3 (A) is a full-time student at an educational
4 organization described in 26 U.S.C. § 170(b)(1)(A)(ii); or

5 (B) is pursuing a full-time course of institutional
6 on-farm training under the supervision of an accredited
7 agent of an educational organization described in 26
8 U.S.C. § 170(b)(1)(A)(ii) or of a state or political
9 subdivision of a state.

10 (5) For the purposes of this Subsection, an individual is
11 permanently and totally disabled, as that term is defined in 26
12 U.S.C. § 22(e)(3), if the individual is unable to engage in any
13 substantial gainful activity by reason of any medically
14 determinable physical or mental impairment which can be
15 expected to result in death or which has lasted or can be expected
16 to last for a continuous period of not less than twelve (12)
17 months. An individual shall not be considered to be permanently
18 and totally disabled unless the individual furnishes proof of the
19 existence thereof in such form and manner, and at such times, as
20 the Director may require.

21 (6) For the purposes of this Subsection, there shall only
22 be one (1) payment made for each qualifying child under the
23 *Ayuda I Mangáfa* Help for Families Program. There shall be no
24 duplicate payments for this Program. If there are two (2)
25 taxpayers who claim the same qualifying dependent,
26 determination of who will be paid will be based on rules as
27 determined by the Director.

1 (d) Residency Requirement. For purposes of this Act,
2 individuals must be residents of Guam for 2020.

3 (e) Limitations Based on Adjusted Gross Income. Individuals,
4 to include individuals filing a joint return, whose adjusted gross income
5 in the 2019 taxable year exceeds the following maximum adjusted gross
6 income shall not be eligible for the *Ayuda I Mangåfa* Help For Families
7 Program:

8 (1) \$150,000 in the case of a joint return;

9 (2) \$112,500 in the case of a head of household; or

10 (3) \$75,000 in the case of a taxpayer not described in
11 Paragraph (1) or (2) of this Subsection.

12 (f) Alternate Taxable Year. In the case of an individual who,
13 at the time of any determination made pursuant to this Section, has not
14 filed a tax return for the first taxable year beginning in 2019 the Director
15 may:

16 (1) substitute '2018' for '2019'; or

17 (2) if the individual has not filed a tax return for such
18 individual's first taxable year beginning in 2018, use information
19 with respect to such individual for calendar year 2019 provided
20 in:

21 (A) Form SSA-1099, Social Security Benefit
22 Statement; or

23 (B) Form RRB-1099, Social Security Equivalent
24 Benefit Statement.

25 (g) Any payment allowed or made to any individual under the
26 *Ayuda I Mangåfa* Help For Families Program shall not be subject to
27 reduction or offset for debts owed to the government of Guam.”

1 **Section 3.** Section 4 of Public Law 35-94 is *amended* to read:

2 “**Section 4. Implementation and Application Period.** DRT shall
3 have fifteen (15) working days from the effective date of the Rules and
4 Regulations for the *Ayuda i Mangåfa* Help for Families Program to implement
5 the Program. The application period for eligibility for the *Ayuda I Mangåfa*
6 Help For Families Program shall end thirty (30) business days after the date
7 of implementation of the Program. Applications which are received after the
8 Application Period will not qualify individuals for payment under this
9 Program.”

10 **Section 4.** Section 5 of Public Law 35-94, is *amended* to read:

11 “**Section 5. Delivery of Payments.** Notwithstanding any other
12 provision of law, or rule or regulation, the Director may certify and disburse
13 payments pursuant to this Act. No payment shall be made or allowed under
14 this Act after March 31, 2021.”

15 **Section 5.** Section 6 of Public Law 35-94 is *amended* to read:

16 “**Section 6. Funding.** Notwithstanding any other provision of law, or
17 rule or regulation, *I Maga'hågan Guåhan* is authorized to transfer Ten Million
18 Dollars (\$10,000,000), plus any additional amount needed for administrative
19 costs, to the Department of Revenue and Taxation for the purposes of this Act,
20 as may be available from the following:

- 21 (a) Fiscal Year 2020 General Fund appropriations;
22 (b) Fiscal Year 2020 Special Fund appropriations;
23 (c) the two percent (2%) General Fund deposit requirement
24 pursuant to § 22904 of Article 9, Chapter 22, Title 5, Guam Code
25 Annotated;
26 (d) any funds received pursuant to § 13.101 of Article 13.1,
27 Chapter 1, Title 5, Guam Code Annotated; or

1 (e) any Coronavirus Aid Relief, and Economic Security
2 (CARES) Act (U.S. Public Law 116-136) funding available to *I*
3 *Maga'hågan Guåhan*.

4 No local funds may be used for this Program as long as CARES
5 Act funds are available to encumber, obligate, or expend. Any funds
6 transferred pursuant to this Act shall only be used for the purposes of
7 this Act. The maximum amount allowed to be paid under this Program
8 is Ten Million Dollars (\$10,000,000).”

9 **Section 6. Severability.** If any provision of this Act or its application to any
10 person or circumstance is found to be invalid or contrary to law, such invalidity shall
11 not affect other provisions or applications of this Act that can be given effect without
12 the invalid provision or application, and to this end the provisions of this Act are
13 severable.

14 **Section 7. Effective Date.** This Act shall be effective upon enactment.



Office of the Speaker
TINA ROSE MUÑA BARNES
I Mina' Trentai Singko Na Liheslaturan Guahan



August 31, 2020

MEMORANDUM

TO: All Senators
FROM: Speaker Tina Rose Muña Barnes
SUBJECT: Waiver of Public Hearing Requirement – Bill No 392-35 (LS)

Dear Colleagues:

Buenas yan Håfa Adai! Pursuant to Section 1.02(b)(1)(ii) of our Standing Rules, I hereby certify that emergency conditions exist involving danger to public health and safety.

Furthermore, the public hearing requirement for Bill No. 392-35 (LS) is waived in accordance with 2 GCA § 2103(a).

Saina Ma'åse'

Tina Rose Muña Barnes
Speaker, 35th Guam Legislature

Address: 163 W. Chalan Santo Papa Hagåtña, GU 96910
Phone: (671) 477-2520/2521 / Email: speaker@guamlegislature.org / Website: www.guamlegislature.org





REQUEST FOR PUBLIC HEARING WAIVER

Bill No: 392-35(LS)

Authored By: Amanda L. Shelton

Bill Title AN ACT TO AMEND PUBLIC LAW 35-94, RELATIVE TO CLARIFYING AND REFINING ELIGIBILITY, APPLICATION, AND FUNDING REGULATIONS FOR THE AYUDA I MANGAFA HELP FOR FAMILIES PROGRAM.

Does this Bill directly benefit the response efforts of the Government of Guam in its effort to protect the Health and Safety of the People of Guam from COVID-19?

Yes _____

No _____

Does this Bill directly benefit residents of Guam during this economic crisis due to COVID-19?

Yes _____

No _____

Does the enactment of this measure have a cost associated with it?

Yes _____

No _____

If so, please provide the following:

Anticipated Cost: TEN MILLION (\$10,000,000)

Funding Source: FY 2020 GENERAL FUND APPROPRIATIONS; FY 2020 SPECIAL FUND APPROPRIATIONS; 2% GENERAL FUND DEPOSIT REQUIREMENT PURSUANT TO § 22904 OF ARTICLE 9, CHAPTER 22, TITLE 5 GCA; OR ANY FUNDS RECEIVED PURSUANT TO 13.101 OF ARTICLE 13.1, CHAPTER 1, TITLE 5, GCA

Based on PL 35-36 will current government revenues/operations be impacted by the reduction of the anticipated funding source?

NO





Office of the Speaker
TINA ROSE MUNA BARNES
 I Mina' Trentai Singko Na Liheslaturan Guahan



If so, please identify the estimated dollar amount reduction in revenues and a corresponding aggregate amount in appropriation reductions in PL35-36. Such reductions shall be specifically identified by fund source, by department/agency, and/or by program or miscellaneous appropriation. Is there consent or support from its respective Directors on this measure?

N/A

Should we need to assemble in the Committee of the Whole, have the respective directors and stakeholders been contacted? (Please list each individual party separately):

Name/Title	Agency	Yes/No
DAFNE MANSAPIT-SHIMIZU	DRT	YES

OFB/BBMR:

1) Does the Office of Finance and Budget **OR** the Bureau of Budget Management and Research concur that the statements made regarding the fiscal impact of this proposed measure are accurate?

Yes _____ No _____

2) Are funds available in the specified funding source to support this measure?

Yes _____ No _____

Comments: _____

Name & Signature of Certifying individual from BBMR or OFB:

Name	Agency & Title	Signature & Date

Should this section be unattainable, please submit documentation that demonstrates an effort was made.





Office of the Speaker
TINA ROSE MUNA BARNES
I Mina' Trentai Singko Na Liheslaturan Guahan



The above information is true and correct. This bill addresses an immediate emergency and I am requesting that the public hearing be waived.

Name of Main Author/Senator Making a request to waive Public Hearing Amanda L. Shelton

Signature 

Date 08/30/2020

Note: Public concerns/comments that have been received with regards to this measure, or any other pertinent document/information can be attached to this document.

Attachments:

A. _____

B. _____

C. _____

Address: 163 W. Chalan Santo Papa Hagåtña, GU 96910

Phone: (671) 477-2520/2521 / Email: speaker@guamlegislature.org / Website: www.guamlegislature.org

