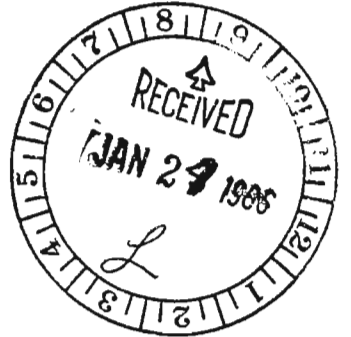




TERRITORY OF GUAM  
OFFICE OF THE GOVERNOR  
AGAÑA, GUAM 96910  
U.S.A.



RICARDO J. BORDALLO  
GOVERNOR

*Recd*  
*[Signature]*

JAN 23 1986

Honorable Carl T.C. Gutierrez  
Speaker, Eighteenth Guam Legislature  
P.O. BOX CB-1  
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith for your information and files are copies of Public  
Law Nos. 18-28 and 18-29.

Sincerely yours,

*[Signature]*  
RICARDO J. BORDALLO

Enclosures


180305

181668

EIGHTEENTH GUAM LEGISLATURE  
1985 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

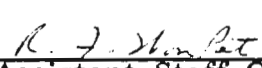
This is to certify that Substitute Bill No. 112 (LS), "AN ACT TO AMEND 16 GCA §§3401 AND 7120, AMEND SECTION 10001.9 OF THE GOVERNMENT CODE AND ADD 10 GCA §41107, RELATIVE TO PARKING FOR DISABLED PERSONS," was on the 19th day of December, 1985, duly and regularly passed.

  
CARL T. C. GUTIERREZ  
Speaker

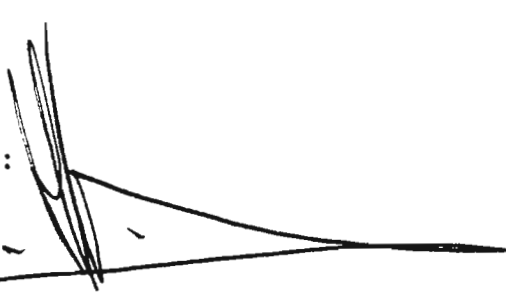
Attested:

  
ELIZABETH P. ARRIOLA  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 30<sup>th</sup> day of December, 1985, at 3:00 o'clock p.m.

  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
RICARDO J. BORDALLO  
Governor of Guam

Date: 1/10/86 (2:20pm)

Public Law No. 18-28

EIGHTEENTH GUAM LEGISLATURE  
1985 (FIRST) Regular Session

Bill No. 112 LS  
Substitute

Introduced by:

J. P. Aguon  
F. J. Quitugua  
C. T. C. Gutierrez

---

A. R. Unpingco  
F. R. Santos  
T. S. Nelson  
J. F. Ada  
E. P. Arriola  
J. G. Bamba  
F. F. Blas  
H. D. Dierking  
E. R. Duenas  
F. J. Gutierrez  
A. C. Lamorena III  
P. C. Lujan  
M. D. A. Manibusan  
D. Parkinson  
J. M. Rivera  
J. T. San Agustin  
T. V. C. Tanaka

AN ACT TO AMEND 16 GCA §§3401 AND 7120, AMEND  
SECTION 10001.9 OF THE GOVERNMENT CODE AND  
ADD 10 GCA §41107, RELATIVE TO PARKING FOR  
DISABLED PERSONS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 1. Legislative Intent. It is the intent of the Legislature to  
3 insure that the disabled citizens of the territory are given equal access to  
4 government offices and services which are open and accessible to those who  
5 are not disabled. To insure their access, special plates or display devices  
6 and the designation of specific parking spaces are necessary so that  
7 disabled citizens need not be forced to park a great distance from their  
8 destination. In addition, fines must be imposed on those who would  
9 willfully prohibit the disabled from parking in such designated spaces. It  
10 is also the intent of the Legislature to provide for a citation to be issued to  
11 non-disabled persons who utilize spaces set aside for the disabled on

1 private property at the request of the owner or owner's authorized  
2 representative, as well as on public property.

3 Section 2. Subsections (d) and (e) of 16 GCA §3401 are repealed and  
4 reenacted to read:

5 "(d) No person shall park any vehicle not displaying a special  
6 registration plate or a special display device issued pursuant to  
7 Subsection (d) of §7120 of this Code in a designated disabled person  
8 parking area. All government of Guam public buildings now in use by  
9 the general public and those constructed in the future, as well as  
10 buildings in which private businesses which are open to the general  
11 public are located shall reserve the number of parking spaces per  
12 building for the disabled in the ratio of the current estimated number  
13 of disabled persons on Guam to the current total population of Guam.  
14 For example, if there are 2,000 disabled persons on Guam and 120,000  
15 persons in the total population, a business shall reserve one (1)  
16 parking space for the disabled for every sixty (60) parking spaces  
17 available for the general public. In any event, at least one (1)  
18 parking space shall be reserved for the disabled in the case of  
19 buildings with less than the number of parking spaces available than is  
20 the denominator in the above ratio-formula. The ratio-formula derived  
21 from the number of estimated disabled persons divided by the total  
22 current population used to determine necessary disabled parking  
23 spaces per building shall vary as these numbers increase or decrease,  
24 according to the most current official data obtainable."

25 (e) Motor vehicles displaying special registration plates or  
26 display devices issued pursuant to Subsection (d) of §7120 of this  
27 Code shall be permitted to park for unlimited periods of time in  
28 parking zones which are normally restricted as to the length time  
29 parking is permitted, and are exempt from payment of any parking  
30 fees of the territory or any of its departments, agencies, or  
31 instrumentalities. The provisions of this Subsection shall prevail over  
32 any other law, rule or regulation but shall not apply to zones for  
33 stopping or standing, to zones where parking is prohibited or to zones

1 subject to similar regulations because parking in them presents a  
2 traffic hazard."

3 Section 3. New Subsections (f) and (g) are added to 16 GCA §3401 to  
4 read:

5 "(f) The term 'disabled person', in relation to any matter  
6 pertaining the regulation of parking, means any person who has lost  
7 the use of one or both legs, one or both arms, who is blind, deaf, or  
8 is so severely disabled that the use of crutches or wheelchair is  
9 necessary, or whose mobility is restricted by a permanent  
10 cardiovascular or pulmonary condition.

11 (g) The illegal use of disabled registration plates or display  
12 devices and spaces are prohibited as follows:

13 (1) Any person who willfully applies for a disabled  
14 registration plate or display device, and is not disabled, or does  
15 not own a specially modified vehicle which is used by a disabled  
16 person, is guilty of a misdemeanor.

17 (2) Any person who parks in a designated disabled parking  
18 space, and does not have a disabled registration plate or display  
19 device, or is not disabled, is guilty of a misdemeanor.

20 (3) A violation of Item (1) or Item (2) of this Subsection  
21 (g) shall be punished by a fine of One Hundred Dollars  
22 (\$100.00), which shall be deposited in the Disabled Parking Fund  
23 maintained by the Department of Public Works pursuant to  
24 Subsection (c) of Section 10001.9 of the Government Code.  
25 Additionally, a vehicle which is illegally parked pursuant to this  
26 Subsection may be towed.

27 (4) Officers of the Guam Police Department are authorized  
28 to issue citations to vehicles illegally parked and have them  
29 towed, pursuant to the provisions of this Section, from publicly  
30 owned parking areas which are to be used by disabled persons or  
31 from privately owned parking areas which are to be used by  
32 disabled persons. In the case of privately owned parking areas,  
33 the owner of the property or the owner's authorized

1           representative shall make a request to the duty officer, Guam  
2           Police Department, before such citation is issued or any such  
3           vehicle is towed."

4           Section 4. A new Subsection (d) is added to 16 GCA §7120 to read:

5           "(d) In carrying out the provisions of Subsections (a), (b), and  
6           (c) of this Section, the Department of Revenue and Taxation shall  
7           issue distinctive registration plates to any disabled person who has  
8           received certification as being disabled from the Director, Department  
9           of Vocational Rehabilitation, for use on motor vehicles owned by or for  
10          the disabled person. No fee shall be collected for issuance of special  
11          registration plates pursuant to this Subsection. The Department shall  
12          also issue distinctive display devices to any disabled person who has  
13          received certification as being disabled from the Director, Department  
14          of Vocational Rehabilitation, for display upon a motor vehicle which is  
15          owned by or for a disabled person, or by the employer of the disabled  
16          person when the vehicle is assigned and used by the disabled person,  
17          or owned by another person who is transporting the disabled person.  
18          No fee shall be collected for issuance or of display devices pursuant to  
19          this Subsection. Funding for expenses attributed to the preparation  
20          and issuance of registration plates and display devices described in  
21          this Subsection shall be derived from the Disabled Parking Fund  
22          established pursuant to subsection (c) of Section 10001.9 of the  
23          Government Code."

24          Section 5. A new 10 GCA §41107 is added to read:

25          §41107. Executive Officer:Special Duties. (a) An addition to  
26          any other powers and duties of the Executive Officer, the Executive  
27          Officer shall, by whatever means deemed appropriate, certify that a  
28          person is disabled after receipt of a signed statement from a licensed  
29          physician supporting the claim of the disabled person. The Executive  
30          Officer shall also certify those vehicles which transport disabled  
31          persons regularly.

32          (b) A Disabled Parking Advisory Committee is hereby created.  
33          Four (4) members of the Committee shall be selected by the Executive  
34          Officer and shall consist of one (1) paraplegic, one (1) quadraplegic,

1 one (1) blind person, and one (1) disabled person who must rely on  
2 crutches for mobility. The Director of the Department of Public Works  
3 shall choose one (1) member who shall be a representative of the  
4 Department of Public Works. The Director of the Department of  
5 Vocational Rehabilitation shall be an ex-officio member. The Disabled  
6 Parking Advisory Committee shall submit to the Department of Public  
7 Works their recommendations regarding location of parking spaces  
8 which, pursuant to Subsection (b) of Section 10001.9 of the  
9 Government Code, are to be assigned to the disabled."

10 Section 6. Section 10001.9 of the Government Code (amended in  
11 Section 1 of Public Law 17-58 as Section 10001.7) is further amended to  
12 read:

13 "Section 10001.9. Provisions for Disabled. (a) All buildings,  
14 parking lots, walks and recreational facilities hereafter constructed by  
15 or for the government of Guam intended for the use of the general  
16 public shall be designed and constructed in such manner as to permit  
17 disabled who are confined to wheelchairs or otherwise of limited  
18 mobility ready access to such buildings, parking lots, walks,  
19 recreational facilities and to all parts thereof open to the general  
20 public. All public buildings, parking lots, walks, and recreational  
21 facilities now in use by the general public shall be modified, insofar as  
22 is possible and practicable to permit ready access by the disabled, and  
23 in leasing buildings for public use, priority shall be given to those  
24 structures where access to public areas by the disabled is provided.  
25 All modifications and construction shall follow existing federal  
26 guidelines regarding access by the disabled.

27 (b) The Director shall designate, by use of the International  
28 Handicapped Symbol, parking areas which are to be used by disabled  
29 persons. Such spaces shall also carry a designation that illegal  
30 parking carries a One Hundred Dollar (\$100.00) fine and that an  
31 illegally parked vehicle may be towed. In designating disabled person  
32 parking areas, the Director shall receive and consider the  
33 recommendations of the Disabled Parking Advisory Committee pursuant  
34 to 10 GCA §41107. The Director and the Department shall coordinate

1 its activities with the various departments, agencies, boards and  
2 authorities of the government to insure the reasonable allocation of  
3 parking areas for the disabled.

4 (c) A fund to be known as the 'Disabled Parking Fund' is  
5 hereby created, separate and apart from any other fund of the  
6 government of Guam. The Director of the Department shall maintain  
7 the fund, and shall utilize the fund for the purpose of maintenance of  
8 disabled parking areas including painting of lines and curbing,  
9 preparation and erection of signs necessary to mark the spaces, and  
10 any other identification markings necessary, and for the funding of  
11 registration plates and display devices issued pursuant to Subsection  
12 (d) of 16 GCA §7120. Funding for the Disabled Parking Fund shall be  
13 derived solely from fines collected pursuant to 16 GCA §3401."

14 Section 7. The government of Guam shall comply with the requirement  
15 of designating parking spaces for the disabled as set out in Subsection (d)  
16 of 16 GCA §3401 within sixty (60) days of the effective date of this Act.  
17 If any department, agency or instrumentality of the government does not so  
18 comply within the designated sixty (60) days, all government owned utility  
19 services shall be discontinued to the non-complying department, agency or  
20 instrumentality.

21 Section 8. The sum of Five Thousand Dollars (\$5,000) is appropriated  
22 from the General Fund to the Disabled Parking Fund created in Section 6 of  
23 this Act, which sum is to be reimbursed to the General Fund as soon as  
24 enough fines are collected into the Disabled Parking Fund to do so.



**EIGHTEENTH GUAM LEGISLATURE**

ROLL CALL SHEET

Bill No.: 111 (P.L. 18-26)

DATE: 12-19-85

Resolution No.: \_\_\_\_\_

QUESTION: \_\_\_\_\_

<u>SENATOR</u>	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. F. Ada	✓			
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. M. Bamba	✓			
F. F. Blas	✓			
H. D. Dierking	✓			
E. R. Duenas				
C. T. C. Gutierrez	✓			
F. J. Gutierrez				✓
A. C. Lamorena III	✓			
P. C. Lujan				
M. D. A. Manibusan	✓			
<del>                    </del>				
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. Quitugua	✓			
J. M. Rivera	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka				
A. R. Unpingco	✓			



# Eighteenth Guam Legislature

P.O. Box CB-1

Agana, Guam H.S.A. 96910

F. R. SANTOS

Chairman, Committee on Federal,  
Foreign and Legal Affairs

December 16, 1985

## The Results of the Committee Vote On Bill No. 112

The Honorable  
Carl T.C. Gutierrez, Speaker  
18th Guam Legislature  
P. O. Box CB-1  
Agana, GUAM 96910

Dear Speaker Gutierrez:

The Committee on Federal, Foreign and Legal Affairs recommends that Bill No. 112, "AN ACT TO AMEND 16 GCA §§3402 AND 7120, AMEND SECTION 10001.9 OF THE GOVERNMENT CODE AND ADD 10 GCA §41107, RELATIVE TO PARKING FOR DISABLED PERSONS", as substituted by same Committee, be passed with the following votes:

To do pass	9
To not pass	0
Abstain	0
Off Island	0

Sincerely,



F. R. SANTOS

Attachments:



# Eighteenth Guam Legislature

P.O. Box CB-1

Agana, Guam H.S.A. 96910

**SENATOR F. R. SANTOS**

BILL NO. 112

Chairman, Committee on Federal,  
Foreign and Legal Affairs

As Substituted By The Committee On  
Federal, Foreign and Legal Affairs

"AN ACT TO AMEND 16 GCA §§3401 AND 7120, AMEND SECTION 10001.9 OF THE  
GOVERNMENT CODE AND ADD 10 GCA §41107, RELATIVE TO PARKING FOR DISABLED  
PERSONS."

## VOTE SHEET

<u>MEMBER</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>ABSTAIN</u>	<u>COMMENTS</u>
 CHAIRMAN FRANK R. SANTOS	✓			
 SENATOR JOE T. SAN AGUSTIN VICE CHAIRMAN	✓			
 SENATOR JOSEPH F. ADA	✓			
 SENATOR JOHN P. AGUON	✓			
 SENATOR ELIZABETH P. ARRIOLA	✓			
 SENATOR MARILYN MANIBUSAN	✓			
 SENATOR TED S. NELSON	✓			
 SENATOR FRANKLIN J. QUITUGUA	✓			
 SENATOR THOMAS V.C. TANAKA	✓			



# Eighteenth Guam Legislature

P.O. Box CB-1

Agana, Guam U.S.A. 96910

F. R. SANTOS

Chairman, Committee on Federal,  
Foreign and Legal Affairs

I.  
The Committee  
on Federal, Foreign and Legal Affairs  
Report on Bill No. 112

Chairman Frank R. Santos of the Committee on Federal, Foreign and Legal Affairs convened the Public Hearing on Bill No. 112 at 9:00 a.m. in the Legislative Session Hall on July 17, 1985. The hearing commenced with the following Senators present: Chairman Frank R. Santos, and Senators John P. Aguon and Ted S. Nelson. Following the hearing on Bill No. 112 and Bill No. 202, the Committee agreed to call a round table for purposes of discussing a substitute bill to incorporate the collective ideas of each Bill. As a result, substitute Bill No. 112 was heard in a round table meeting on August 15, 1985. Subsequently, the substitute bill was heard for a second time on September 3, 1985.

## II. Public Hearing

The first witness to testify at the hearing was Mrs. Rosa T.P. Salas, Director of the Department of Vocational Rehabilitation (DVR) who read her written testimony into the record (REFER TO ATTACHMENT 1 FOR THE COMPLETE TEXT OF MRS. SALAS' WRITTEN TESTIMONY). Mrs. Salas spoke in support of both Bills.

The second witness at the hearing, Ms. Patricia R. Botten, President, Western Pacific Association of the Disabled (WPAD), spoke

orally in behalf of each bill, but felt both Bills should be combined. Mrs. Botten agreed with the concerns of Mrs. Salas.

A WPAD survey showed that 70 per cent of the disabled do not drive on Guam, Mrs. Botten stated. In such an arrangement, a caretaker must transport the disabled and are met with inconvenience when it is discovered that a building lacks parking spaces at close proximity to the buildings entrance. Gibson's Department Store was cited as a "good example" of enforced disabled parking close to the entrance of a building.

Mrs. Botten was extremely pleased with lines 21 to 23 of Bill No. 202 but insisted more stringent legal provisions are needed. In California, she continued, if someone parks in a disabled parking space without proper identification, it is a fine of \$500.00 and up.

Before she continued with her regular testimony, the witness stressed the distinct differences between the words "handicapped" and "disabled"---she stated her preference for the use of the word "disabled" in the verbiage of the law.

Mrs. Botten then followed with the recommendations of WPAD. In reference to subsection (j) of Bill 202 she suggested that a line 14 be added to read: "Fines will be levied in the following manner: first offense, \$50.00; second offense, \$100.00; and third offense, \$300.00." The funds from such fines shall be set aside for the upkeep of disabled parking areas, she added.

The third witness at the hearing, Mr. Bob Horn, a 20-year resident of Guam, retired on a disability from the Air Force and a member of Disabled American Veterans (DAV) since 1968, testified orally in support of both bills.

The witness said that six months ago DAV conducted a major education awareness program for people unaware of disabled parking spaces. Mr. Horn wrote DAV's national headquarters for information and forms which he used for a ticketing campaign. He used false police tickets to ticket cars parked in disabled parking spaces. Over one hundred tickets, which asked people "to be careful not to park in disabled parking spaces", were issued, Mr. Horn stated.

Furthermore, the witness asked that the definition of a "handicapped" or "disabled" person be given a more distinctive definition. He explained that although he is 100 per cent disabled by VA standards, he does not fit the Bills' definition of a handicapped person.

Then, Mr. Horn expressed that laws governing parking spaces for the disabled must also be applied to private sector buildings in addition to government owned buildings. As an example of private sector problems encountered by the disabled, Mr. Horn claimed that the Building Manager of the GCIC Building told him to "get out of his office" when the Manager was confronted with the complaint that he (the Manager) was parking in a disabled parking space and continued to do so. Finally, he commented that legislation should deny civilian businesses an operating license for non-compliance with guidelines governing public and private sector building accessibility for disabled persons.

Next, Mr. Luis S.N. Reyes submitted written testimony and testified orally on several points in support of both bills (REFER TO ATTACHMENT 2 FOR THE COMPLETE TEXT OF MR. REYES' TESTIMONY).

The next witness at the hearing was Mrs. Michele B. Santos, Acting Director of the Department of Revenue and Taxation (DRT). Mrs. Santos testified orally and submitted a written statement in representation of the Administration's endorsement of the intent of both bills.

She further stated that regulatory measures be legislatively incorporated to ensure enforcement and compliance (REFER TO ATTACHMENT 3 FOR THE COMPLETE TEXT OF MRS. SANTOS' TESTIMONY).

Shortly after Mrs. Santos completed her testimony, Mrs. Botten raised concern regarding profits to be made off the handicapped. Mrs. Santos replied that, for example, decals cost only about 30 cents each (the approximate cost to make a decal)---the total cost should not go beyond five dollars, she added.

Chairman Santos then interjected with an idea for the possible usage of fees collected for disabled parking violations. He suggested that the fines be used in the following manner: (1) for the maintenance of parking spaces; (2) to be used by the Rehabilitation Workshop Center under DVR; and (3) for the cost of licenses and decals. The Chairman then assured those in attendance that the Committee will consider such a possibility.

As the discussion progressed, Senator Aguon asked Mrs. Santos which Department was charged with issuing handicapped stickers. Mrs. Santos answered that no stickers have been issued. Mrs Botten then informed the Committee that WPAD issues stickers as a service to handicapped persons with certification.

In answer to a second question from Senator Aguon, Mrs. Santos informed the Committee that DRT has established an initial plan to purchase new handicapped license plates for 1986. The shipment of the newly designed plates may possibly arrive in January 1986, she stated.

Mrs. Salas informed the Committee that disabled persons should be supplied with a convenient "portable item" that will serve to identify a vehicle transporting a disabled person. In response, Mr. Rymer

said that in Hawaii a handicapped person is given a wallet-sized card for use in different vehicles.

Before the Chairman closed the hearing Mr. John Weisenberger, Staff Attorney, Guam Legal Services Corporation, submitted written testimony in favor of both bills. Attorney Weisenberger was then appointed by Chairman Santos to help with the language of a substitute bill on the subject of disabled parking. (REFER TO ATTACHMENT 4 FOR MR. WEISENBERGER'S WRITTEN TESTIMONY).

Chairman Santos adjourned the Public Hearing on Bill No. 112 and Bill No. 202 after no further comments.

### III. First Round Table---August 15, 1985

The first round table meeting on the discussion of substitute Bill No. 112 convened on August 15, 1985 in the Legislative Session Hall. The Senators and invited guests present included: Chairman Frank R. Santos; Senators, John P. Aguon, Elizabeth P. Arriola, Marilyn Manibusan and Franklin J. Quitugua; Mr. Thomas Basa, Advocacy Office for the Developmentally Disabled(AODD); Ms. Dale Baza; Mrs. Patricia Botten, President, WPAD; Mr. Jesse Maanao, Guma Mami; Mr. Luis Reyes, DOE; Mr. Bill Rymer; Mrs. Rosa T.P. Salas, DVR; and Mr. Albert San Agustin, DVR.

Mrs. Patricia Botten, previously chosen to represent the invited guests, testified on the need for additional provisions to add strength to Bill No. 112 and Bill No. 202.

Mr. Luis Reyes complained of the uselessness of parking spaces for the disabled when disembarkment from a vehicle is made impossible by a disabled condition---except when assisted by someone.

Ms. Dale Baza changed the subject of the discussion and focussed



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on page one, line six to nine of the "rough draft" of substitute Bill No. 112. She suggested that a provision be included to give businesses a tax break of up to \$25,000.00 as an incentive to allow building accessibility for the disabled.

Following Ms. Baza's suggestion, Mrs. Botten complained vehemently that tax breaks have been given to the Hilton Hotel for a 75 year period and yet the Hotel has failed to sufficiently provide the disabled with convenient rooms. Ms. Baza argued that the problem, she claimed, is with the inspector from Public Works and not a problem of the Hilton Hotel.

Mrs. Botten then expressed concern over the five new hotels under construction on Guam. She told the Committee that she had been assured that the five hotels will have "handicapped rooms". Then, Ms. Baza asserted, it is up to the inspector from Public Works to ensure that building accessibility for disabled persons be enforced in the new hotels. After Ms. Baza's comment, Mrs. Botten added that WPAD does not expect something special...

Seemingly, in defense of the Hilton Hotel, Mr. Thomas Basa stated that the Hilton Hotel did not build rooms to cheat "us". As an excuse for the Hilton Hotel's partial non-compliance, Mr. Basa claimed that ignorance of existing building requirements for accessibility by disabled persons played a major role in non-compliance. In refutation, Mrs. Botten informed the Committee that she supplied the Hilton Hotel with the appropriate requirements. Finally, Ms. Baza ended discussion on the subject of "requirements" with the suggestion that future legislation include specifications for the construction of a room for the disabled. Later, she expressed that, initially, one cannot be too

forceful when dealing with the private sector.

Mrs. Botten agreed with Mrs. Baza's earlier suggestion to implement a \$25,000.00 tax break for private businesses that comply with requirements on how to construct buildings that are accessible to the handicapped.

Mrs. Rosa Salas pointed out that the task force she worked with agreed not to seem apologetic nor appear to be too strict in regard to legislation for disabled parking spaces.

Another issue discussed during the round table meeting dealt with the visibility of handicapped parking signs. Mrs. Botten complained that many signs painted on sidewalk curbs are too faint. She suggested that the government incorporate the use of the universal handicapped sign (a white silhouette of a person in a wheelchair against a blue background).

Furthermore, Mrs. Botten posed a question about disabled parking and the law's applicability in the case of government offices that rent space in private buildings. Mrs. Botten then reflected on personally being forced to quit her job at AHRD because of a "kamikaze ramp" that wheeled her on to Marine Drive a few times. A lot of money is spent on government rental of such buildings (e.g. the building rented by the government for the AHRD Offices), where handicapped parking is impossible, she stated.

Mr. Basa cautioned the Committee that disabled parking legislation must apply equally to "mom 'n' pop" stores as it does to big businesses. He stressed the importance of passivity over being threatening in the enforcement of such legislation. Big businesses, he suggested, should be approached --- some, like Royal Lanes, have complied, he added.

The Committee was informed by a member of the round table that most federal legislation undergoes what is called, "volunteer effort". In such an arrangement, private businesses voluntarily promote the "effort", whatever it may be, and after a year or so Congress assesses whether such an "effort" should be legally enforced.

Moreover, the Committee addressed the concern over a replacement fee for placards or plates which are lost, to prevent misuse. The Committee also entertained discussion on a proposed formula for a required number of disabled parking spaces per public building and per business establishment.

In another issue before the Committee, Mr. Reyes requested clarification on whether citizens have the right to demand the same services from private enterprises as with services demanded of government. If, he stated, clarification is made, discussion on the matter at hand would be more fruitful and could progress. In response, Mrs. Botten asked that if private businesses are able to get tax breaks from revenue collected from a citizen's taxes, then a citizen has the right to demand services from private businesses.

Finally, Mr. Albert San Agustin stated that the subject at hand must be approached carefully and examined from a diversified perspective. Furthermore, he said, one must be realistic in the discussion of such subject matters.

With no further comments, Chairman Santos adjourned the first round table meeting.

#### IV. Second Round Table---September 3, 1985

The second part of the round table discussion on substitute Bill No. 112 commenced on September 3, 1985 at 9:00 a.m. in the Legislative

Session Hall. The Committee members present included: Chairman Frank R. Santos and Vice Chairman Joe T. San Agustin. Speaker Gutierrez and Senator Herminia D. Dierking attended later in the meeting.

Although the second round table was meant to assemble members of the business sector and to discuss Bill No. 112's possible impact on the private sector, no representative of the business community was present to comment on the proposed legislation.

The first witness of the day, Mr. Bill Rymer, a board member of the Western Pacific Association of the Disabled (WPAD), submitted the following outline:

Available Parking Spaces

A. Handicapped parking spaces shall be made available at:

- 1) All government agencies;
- 2) All private businesses presently under construction, and any future construction projects shall have available parking spaces for the handicapped.

B. Number of Spaces

- 1) A minimum of two parking spaces are to be made available to the handicapped; additional spaces should be assigned according to the establishment's size and potential clientele
- 2) All agencies and private businesses who employ the handicapped shall provide and designate parking spaces for each employee in addition to those spaces provided for the general public that are handicapped.

C. Location of Parking Spaces

- 1) A task force composed of one non-disabled person and a balanced(?) disabled is to review, with the Department of Public Works, all building plans and codes to review location or locations of handicapped parking spaces. The specification of those parking spaces as administered by the architectural and transportation barriers compliance Board. This base, allocated for handicapped parking, shall comply by Federal ANTBCEB(?) accessibility guidelines under Section 504 of the Rehabilitation Act of 1973.
- 2) Designation of cars which can legally park in spaces reserved for handicapped persons

- a) Two methods - (1) license plates and/or placards to be numerically serialized (2) Placard to be hung from the rear-view mirror
  - b) Laws should permit temporary placards with expiration date for individuals who may be temporarily handicapped
  - c) License plates and/or placards should also be required for special vehicles to transport handicapped people e.g. Guma Mami, Brodie Memorial School, etc.
- 3) Who is a handicapped person?
- a) A handicapped person is an individual who has a mental, physical, emotional disability or impairment that makes achievement unusually difficult (felt this is better definition than the Bill's)
  - b) Who certifies? DVR should certify as outlined on page 3 Section 4 of the 2nd version of Bill 112.
- 4) Enforcement
- a) Government agencies - persons illegally parking in a handicapped parking space should receive the following fines:
    - 1) first offense, \$25 plus tow away
    - 2) second offense, \$50 plus tow away
    - 3) repeat offenses \$50 plus tow away - money collected should be placed in a special category under the general fund for purpose of maintaining placard production and parking display devices
  - b) Private Establishments - enforcement should be the same as government agencies for those establishments who receive financial aid in any form or manner either from the local or federal governments - GPD should have access to set establishments for the purpose of citing illegal handicapped parking only
  - c) Misuse of license plates and/or placards - handicapped who willfully misuse the license plate and/or placard shall be guilty of a misdemeanor
- 5) The marking of parking spaces

The international handicapped symbol shall be displayed upright with the addition of a tow away sign.

Upon the complete submission of the outline presented to the Committee by Mr. Rymer, Chairman Santos expressed concern that only the parking issue has been discussed; not the issue of disabled persons accessibility to buildings. The Chairman asked, "What's the use?",

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in reference to secured parking for the disabled when disabled accessibility to buildings has not been secured.

On another note, Vice-Chairman Joe T. San Agustin commented that the business community's lack of support in regard to disabled parking legislation does not speak well of the business sector. Vice-Chairman San Agustin proceeded to interpret a letter from Ms. Eloise Baza, President of the Guam Chamber of Commerce, which, he stated, implied the Chamber would prefer that the Legislature be left with the manner and resolution of resolving problems of the business sector. He, therefore, rationalized that there should be no objection to Bill No. 112 on the floor. Vice-Chairman San Agustin then added that the lukewarm support from the Chamber on the issue at hand should be made part of the Committee's record.

With no further comments, Chairman Santos adjourned the meeting of the second round table.

#### V. Findings and Recommendation

The Committee on Federal, Foreign and Legal Affairs hereby submits its affirmative recommendation for passage of Bill No. 112, as substituted by the Committee on Federal, Foreign and Legal Affairs, "AN ACT TO AMEND 16 GCA SS3401 and 7120, AMEND SECTION 10001.9 OF THE GOVERNMENT CODE AND ADD 10 GCA S41107, RELATIVE TO PARKING FOR DISABLED PERSONS."

The Committee, after exhaustive hearings on the subject of parking for the disabled, and after evaluation of public testimony on the same subject, FINDS THAT:

(1) There is an evident need for stringent legislation in regard to parking spaces for the disabled; and that,

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(2) In the past, as a result of poor maintenance, parking spaces for the disabled have been visually difficult to distinguish from ordinary parking spaces; and that,

(3) Enforced parking spaces for the disabled should be used only after proof of a disabled condition has been confirmed; proper certification and identification of such a condition through the use of placards, cards and special license plates, distributed by an issuing authority of the government, should be secured; and that,

(4) Parking spaces and building accessibility for the disabled must be enforced in both government buildings as well as private sector establishments; and that,

(5) Violation of the law protecting the right of the disabled to park in reserved parking spaces should be seriously enforced and punishment of offenders be maintained; and that,

(6) FINALLY, the decisions of the leaders of the Government of Guam should reflect the will of its people and secure special parking and building accessibility for all the disabled of the Territory.

The Committee, therefore, reaffirms its recommendation that Bill No. 112 be immediately passed by the 18th Guam Legislature.



DEPARTMENT OF VOCATIONAL REHABILITATION

GOVERNMENT OF GUAM  
122 HARMON PLAZA - RM. B201  
HARMON INDUSTRIAL PARK, GUAM 96911

July 16, 1985

Francisco R. Santos  
Chairman, Committee on  
Federal, Foreign and  
Legal Affairs  
Eighteenth Guam Legislature  
Post Office Box CB-1  
Agana, Guam 96910

Dear Chairman Santos:

I am Rosa T.P. Salas, Director of the Department of Vocational Rehabilitation. I am testifying in support of Bill #112 and Bill #202.

For many years, clients and non-clients have requested for a parking decal or a permit to park in the reserved Handicapped Parking spaces in the private and government sector. Without enabling legislation, we were not able to issue a decal or permit. We did provide a statement ascertaining their disability and asked for the support of any compliance officer. Many disabled persons purchased the commercially available decals in absence of an official decal. To compound the situation, we have had similar requests from new and returning residents with decals and permits issued by their respective states.

Mr. Chairman and members of this committee, Bills 112 and Bill 202 is a direct response to the needs of the disabled members of this community:

To ensure the effective use of these bills, I must offer some comments:

- The eligibility criteria in Bill 112 under Section 23319.5 (a) is too restrictive. Whereas in Bill 202 under section 23131 (e) the definition is more comprehensive to include the non-visible impairments.



- Both bills attempt to establish five reserved Handicapped Parking spaces in Government and private sector establishments. For a government entity that was noncompliant, no corrective measures are provided; however, under Bill 202, failure to comply could result in revoking of a business license. I would prefer or recommend that Business establishments be granted an annual tax credit for the maintenance of such Reserved Handicapped Parking spaces.
- I want to make sure that the building are structurally accessible to the disabled regardless of how many Reserved Handicapped Parking spaces are available. There is no point accomplished if the individual with a disability is prevented from entering the premises.

Overall, the bills could be combined for the maximum good of persons with a disability.

Thank you for this opportunity to speak before this open forum.

  
ROSA T.P. SALAS

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## WHO ARE HANDICAPPED PERSONS?

### A. GENERAL DEFINITION

The general dictionary definition of handicap is "a disadvantage that makes achievement unusually difficult." When used generically, however, terms like handicapped persons, handicapped children, or the handicapped have a narrower meaning, referring to a particular type of "disadvantage" -- a mental, physical or emotional disability or impairment. Thus, a handicapped person is an individual who has a mental, physical, or emotional disability or impairment that makes achievement unusually difficult. It should be noted that physical, mental, or emotional disabilities qualify as handicaps only if they hinder achievement. Moreover, the phrase "unusually difficult" makes it clear that the hindrance must be substantial; a slight or inconsequential disability or impairment is not a handicap.

Etymologically, the word handicap is thought to derive from the phrase "hand i' cap" or "hand in the cap," which is the name of a sport played in 17th century England. One person would challenge some article belonging to another, for which he offered something of his own in exchange. An umpire was appointed to determine how much boot should be given, and the parties made a deposit of forfeit money held in their hands in a cap, pending the umpire's decision. In the 18th century, the procedures of this sport and the word handicap were applied to the process of an umpire determining the extra weight to be carried by the superior horse in a horse race. This notion of "handicapping" the superior competitor was then generalized to other sports and games, and, since about 1850, the word handicap has been applied to any encumbrance or disability that weighs upon effort and makes success more difficult. It is only since the turn of the century, that the terminology of mental, physical, and emotional handicaps has emerged. This is not to say that the persons whom we now call handicapped were not previously singled out and classified together as a distinct group differentiated from the rest of society. On the contrary, whether they were called defectives, degenerates, deviants, disabled, cripples, idiots, imbeciles, lunatics, the halt and the lame, morons, the afflicted, feebleminded, paralytics, deaf-mutes, epileptics, crazy, deranged, fools, incompetents, infirm, incapacitated, abnormal, or the like, handicapped persons have long been meted out differential treatment from the rest of society. However, it is only recently in our history that this class of persons has been afforded the denomination handicapped.

### B. HANDICAP VERSUS DISABILITY

The term handicap is frequently contrasted with the word disability. Many commentators assert that disability refers to a medical condition, e.g., deafness, paraplegia, or Down's syndrome, while the word handicap

refers to one's status as a result of a disability. Thus, handicaps are perceived to be a result of a person's environment and not of the physical or mental impairment itself. Consequently, in an appropriate environment, with proper societal attitudes and supportive services, the disabled person, it is argued, need not be handicapped. "There is nothing inherent in disability to produce handicap." Elaborating upon the notion of environmental factors as agents acting upon the individual with a disability to engender handicaps, one author has declared:

If the term handicapped is used, it will refer to those particular individuals who, because of some force--social, personal or otherwise--have allowed their disability to debase or debilitate them sufficiently so as to prevent them from achieving some desired goal, or preclude their faring for themselves...(T)he child with a physical or mental disability, born in our society, is not, as yet, handicapped, simply disabled. Doctors, parents, teachers, psychologists, friends, relatives, all, no doubt, well-meaning, will be responsible for convincing this child, or helping him to learn, that he is handicapped.

This handicapped/disabled distinction has become something of a rallying cry for some professionals and many disabled persons. Speakers to groups of disabled people have sometimes been accosted by heated verbal attacks from individuals in the audience because they used the word handicap instead of disability. Many organizations of disabled individuals seek every opportunity to proclaim that persons having their particular type of disability are not handicapped. For example, the president of a state chapter of one of the national organizations of blind persons was quoted in a newspaper story as declaring that "(b)eing blind is more like an inconvenience than a handicap."

This militance against the word handicap has some elements of a healthy pride and self-assertion about it; it is reminiscent of the Negro/black terminological shift in the black civil rights movement in America. It may also be an attempt to escape from some of the negative connotations and stereotypes associated with the term handicapped. But the crusade for the handicap/disability distinction is not completely beneficent, nor, possibly, even logical.

The "I may be disabled, but I'm not handicapped" formula too often has a ring of elitism and favoritism about it. It frequently translates as, "I'm not like those 'handicapped' people. We persons with X disability are better than people with handicaps; we're much more like 'normal' folks." While denying that the individual or group is a member of the "unfortunate" class of persons with handicaps, such sentiments often lend implicit approval to the prejudice, inaccurate stereotyping, and devaluation of handicapped persons as a whole. This approach can also lead to divisiveness and infighting between various disability groups and subgroups rather than a mutually beneficial cooperation over common goals and problems faced by handicapped people.

A second difficulty with the distinctions drawn between disability and handicap is that from a purely semantic point of view the implications of the two words have been totally reversed. The word disabled clearly

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derives from roots meaning "not able," implicitly not able to do something. Handicap, on the other hand, in common usage, in legal contexts, and according to the dictionary, refers to a physical or mental impairment. If a person were to have a physical or mental impairment, and, through mechanical device, retraining, or other compensatory method, learned to overcome this condition so that he or she was not disabled from any activities, it would be logical to say that such a person was handicapped but not disabled. For instance, a person with a lower leg amputation may be able, with a proper prosthetic device, to walk, run, ski, ride a bike, kick a football, and engage in all other normal activities. Such a person is not disabled at all, in the sense of being unable to do any activity, but, for most legal and medical purposes, as well as to the average person on the street, he or she is a handicapped person.

July 18, 1985

Senator F. R. Santos  
Chairman, Committee on Federal,  
Foreign and Legal Affairs  
Eighteenth Guam Legislature  
P.O. Box CB-1  
Agana, Guam U.S.A. 96910

Mr. Chairman and Members of the Committee on  
Federal, Foreign and Legal Affairs:

My name is Luis Reyes and I am here in support of Bills 112 and 202. It is long overdue to provide the needs of the disabled as far as issuance of special registration license plates and reserved parking spaces are concerned. I am pleased that these problems are being addressed now for they have always been problems faced by disabled persons. In fact, there have been several attempts in the past to address these problems, among others.

Upon review of Bills 112 and 202, I wish to make the following recommendations:

1. Bill No. 112 did not specify what Department should be responsible for the issuance of the special license plates. Bill No. 202 made mention of the Department of Revenue and Taxation, therefore I recommend that the Department of Revenue and Taxation be specifically designated as far as department designation is concerned in Bill 112.
2. I recommend that the Director or designee of the Department of Vocational Rehabilitation shall be given the responsibility to certify that a person is disabled for the purpose of this act. A signed statement from the licensed physician serves as a supporting document.
3. I recommend for section "d" of Bill No. 112 to read, The Department of Public Safety upon the recommendation of the Director of the Department of Vocational Rehabilitation shall designate by appropriate signs or symbols parking areas which are to be used by disabled persons.

Page 2

Letter to F.R. Santos

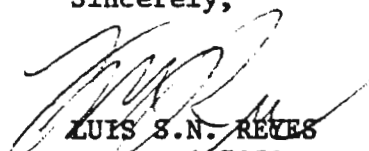
4. I recommend that in order for the Director of the Department of Vocational Rehabilitation to submit the recommendation of parking spaces to the Department of Public Safety, a committee consisting of a paraplegic, quadriplegic, the blind, and the disabled person who must rely on crutches for mobility shall give input to the Director of the Department of Vocational Rehabilitation. The Director shall select the members of the committee.

The reason why I am making this recommendation is because having the parking space nearest the entrance of a building is not always the most desirable for the disabled person. This is usually decided by people who mean well but a paraplegic see things for example differently as far as parking convenience is concerned. I am a quadriplegic and to be frank with you, I disembark from a car at a place where it is secluded. I hate to disembark where people stare at me especially at a place close to the entrance of the building. This gives me the feeling of urgency to move because people wait around for me, whether or not this happens to be the case.

It is important for people with different types of disability to give their input because we see differently on where parking spaces should be located.

5. The Bills have not addressed any enforcement mechanism. I therefore recommend that a nondisabled person who is cited for parking on a disabled person's parking space shall be required to pay a fine of \$25.00 for the first offense and \$50.00 for each subsequent offense. This money, I further recommend shall be deposited in a special account for use by the Rehabilitation Workshop Center under the Department of Vocational Rehabilitation.

Sincerely,



LUIS S.N. REYES  
P.O. Box 7252  
Agat, Guam 96928



**DAVE J. SANTOS**  
DIRECTOR

*EX OFFICIO*

TAX COMMISSIONER

BANKING COMMISSIONER

SAVINGS & LOAN COMMISSIONER

INSURANCE COMMISSIONER

REAL ESTATE COMMISSIONER

ABC ADMINISTRATOR

SECURITIES ADMINISTRATOR

LCC ADMINISTRATOR

**DEPARTMENT OF REVENUE & TAXATION**

**GOVERNMENT OF GUAM**

855 WEST MARINE DRIVE

AGANA GUAM 96910

TEL: (671) 477-1040 TELEX: 721-6218 GOVGUAM



**MICHELE B. SANTOS**  
DEPUTY DIRECTOR

**TESTIMONY OF MICHELE B. SANTOS**

**ACTING DIRECTOR OF REVENUE AND TAXATION**

**BEFORE THE COMMITTEE ON FEDERAL, FOREIGN AND LEGAL AFFAIRS**

**JULY 17, 1985**

Good morning Mr. Chairman and members of the Committee on Federal, Foreign and Legal Affairs.

I am Michele Santos, Acting Director of the Department of Revenue and Taxation, and I thank you for this invitation to testify on Bill No. 112 and Bill No. 202.

Over the years, events were sponsored which were designed to capture the identify of the handicapped and more so the handicapable in their role and contribution to society. Although serious attention was and is currently provided, the shared view is that much more can be done and Bill No. 112 and Bill No. 202 are examples for further development.

Providing parking spaces for the handicapped and/or handicapable person currently exists as mandated by Federal law. For our local government to complement this service by authorizing such persons to apply and receive special automobile registration plates exemplifies a keen interest to ensure that these persons be afforded their rightful

accommodation. Several months ago the Governor ordered this Department of set up a system to provide handicap plates.

The Administration wholeheartedly endorses the intent of these Bills and recommends that further regulatory measures be incorporated within in enforcing compliance. Also, as with the manufacture of license plates, special license plates will require a few months for preparation, therefore, some provision to this effect should be included.

Thank you.

  
MICHELE B. SANTOS  
Acting Director

BEFORE THE COMMITTEE



**GUAM  
LEGAL  
SERVICES  
CORPORATION**

113 BRADLEY PL.  
AGANA, GUAM 96910  
477-9811

**DIRECTOR**  
Julia C. Taylor

**STAFF ATTORNEYS**  
John Weisenberger  
Eric A. Heisel

**PARAPROFESSIONALS**  
Marian N. Reynolds  
Esther F. Mendiola

July 17, 1985

Honorable Francisco R. Santos  
Senator, 18th Guam Legislature  
Chairman, Committee on Foreign  
and Legal Affairs  
Legislative Building  
Agana, Guam 96910

Re: Bill No. 112 and Bill No. 202

Dear Senator Santos:

Thank you for inviting me to testify on the above two referenced bills. I have had an opportunity to review the two bills and provide this testimony in favor of their adoption.

The intent of these measures is good. The provision of accessible parking spaces for people who happen to be handicapped, and the implementation of procedures for making those provisions enforceable is deserving of your attention. I would, however, like to provide some technical assistance to your Committee regarding these two measures, as well as make some suggestions for combining the two measures into one acceptable bill.

Both bills refer to amendment of, or appeal and re-enactment of certain sections of the Government Code of Guam. All of those sections of the Government Code of Guam referred to in these two bills have been re-enacted and re-codified in the Guam Code Annotated. For this reason, I would like to take this opportunity to provide you the correct citation for the sections of our code which these bills propose to amend, appeal or re-enact. All laws on Guam regarding motor vehicles have been codified at Title 16 of the Guam Code Annotated. The following references, therefore, are to Title 16 of Guam Code Annotated.

Letter to Senator Francisco R. Santos  
18th Guam Legislature  
Re: Bill No. 112 and Bill No. 202  
Page 2 of 4

A. - Bill No. 112.

- At line 2, new Section 23319 .5 (Government Code) could be numbered 16GCA Section 7120.5.

- At line 4, the same proposed renumbering as above.

- At line 26, the language subsections d and e of Section 23131 (Government Code) should be re-numbered, Sections d and e of 16GCA Section 3401.

- At line 4, page 2, Section 23319 .5 (Government Code), could be re-numbered 16GCA Section 7120.5.

- At line 14, page 2, same as above.

B. - Bill No. 202.

- Reference in title of bill to Section 23131 (Government Code) should be 16GCA Section 3401.

- At line 2, page 1, same as above.

- At line 9, page 1, same as above.

- At line 1, page 2, same as above.

- At line 13, page 2, same as above.

- At line 32, page 2, same as above.

- At line 4, page 3, same as above.

The following comments address the substance of each of the two bills.

Bill No. 112, Section 1, sets out a procedure for providing distinctive license plates or an identification sticker or card for handicapped people so that their vehicle may be properly recognized

Letter to Senator Francisco R. Santos  
18th Guam Legislature  
Re: Bill No. 112 and Bill No. 202  
Page 3 of 4

as eligible for handicap parking spaces. This section is needed in order to implement the handicapped parking program. Section 1 also incorporates a definition for handicapped person. I believe the definition is too restrictive and does not cover all of the possible handicapped persons who may need such distinctive registration plates or stickers.

Section 2 of Bill No. 112, repeals two sections of 16GCA 3401 and re-enacts those sections to authorize the Guam Police Department (the Bill refers to the Department of Public Safety), to properly designate by signs or symbols those parking spaces to be reserved for people who are handicapped, and then sets out some limitations on the use of parking places by handicapped people. Please note that Section 2 of Bill No. 112 repeals subsection (e) of 16GCA Section 3401, which section currently provides a definition for handicapped people. This section is apparently repealed because a definition now exists in Section 1 of this bill.

Bill No. 112 and Bill No. 202, are in some respects contradictory. The two bills will need to be reconciled so that the final legislation adopted will be consistent and accomplish its purposes.

Bill No. 202 seeks to amend one section of 16GCA 3401 (which relates to parking) and add additional subsections to that section to expand on the enforceability of handicapped parking spaces. Section 1 of Bill No. 202 retains section (e) of 16GCA Section 3401 and redefines the term "handicapped person". As stated earlier, some thought should be given to the proper definition of handicapped person so that all people in need of accessible parking spaces would be eligible.

Section 2 of Bill No. 202 requires that a subsection (f) be added to 16GCA Section 3401 requiring both government and business to provide reserved parking spaces for handicapped people. The section includes a formula for determining the number of parking spaces to be made available. Sections 3 and 4 of Bill No. 202 attempt to accomplish the same purposes as Section 1 of Bill No. 112. The approach in Bill 202 would require a handicapped person to make application to the Department of Revenue and Taxation for a parking permit. It is my opinion that the approach in Section 1 of Bill 112

Letter to Senator Francisco R. Santos  
18th Guam Legislature  
Re: Bill No. 112 and Bill No. 202  
Page 4 of 4

is best, if only because it is placed at the section of the Vehicle Code regarding issuance of license plates. It does not seem appropriate this language in the section of the Vehicle Code regarding parking spaces. Section 5 of Bill 202, creates a penalty for the misuse of parking permits, as described in Sections 3 and 4 above. I seriously question whether the creation of a misdemeanor offense for parking in a handicapped parking space is appropriate. Perhaps the Legislature would like to propose a stiff penalty for illegal parking in handicapped parking spaces, but it does not seem appropriate to subject a person to possible incarceration for what is in effect illegal parking.

The intent of Bills No. 112 and 202 are good. It is necessary for the Committee to amend the statutory numbering in the bills to recognize the new codification of the Vehicle Code at Title 16. Also, the Bills need to be reconciled so that one bill, including the best provisions of each of the two proposals is created. Of most importance is a well thought out and comprehensive definition of handicapped person, the requirement that public and government buildings have handicapped parking spaces, the mechanism for handicapped persons identifying their vehicles, and penalties for persons who illegally park in handicapped parking spaces. Thank you for the opportunity to comment on these matters.

Sincerely,

  
JOHN WEISENBERGER  
Staff Attorney

JW:bjs  
71685



**JAMES G. MILES**  
Chief of Police

## Guam Police Department

287 W. O'Brien Dr.  
Agana, Guam 96910



SEP. 10 1985

Senator Frank R. Santos  
Chairman, Committee on Federal,  
Foreign & Legal Affairs  
Eighteenth Guam Legislature  
P.O. Box CB-1  
Agana, Guam 96910

Dear Senator Santos:

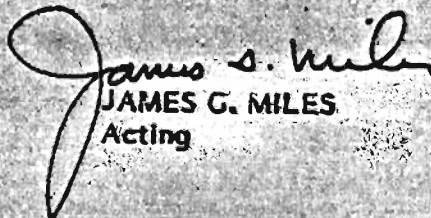
The Guam Police Department supports the intent of Bill No. 112. The issuance of special plates for the handicapped will significantly alleviate the burden that currently confronts our police officers during the course of enforcing parking violations.

The problem in the past was that no distinctive markings were readily visible on vehicles which created difficulties in the issuance of parking citations to violators.

We suggested that Section 23131(e) of the Government Code as contained in Bill No. 112, be amended to allow the handicapped to park not more than an hour's time instead of the proposed unlimited time frame. By allowing unlimited parking time to the handicapped, other handicapped individuals may be deprived of parking opportunities in parking areas or stalls governed by time restriction.

We further suggest that all terms used in the Bill referring to the Department of Public Safety be amended to reflect the Guam Police Department.

Sincerely,

  
JAMES G. MILES  
Acting



**GUAM CHAMBER OF COMMERCE**  
**PARTNERS IN PROGRESS**

September 3, 1985

Honorable Francisco R. Santos  
Chairman, Committee on Federal,  
Foreign and Legal Affairs  
Eighteenth Guam Legislature  
P. O. Box CB-1  
Agana, Guam 96910

Dear Senator Santos:

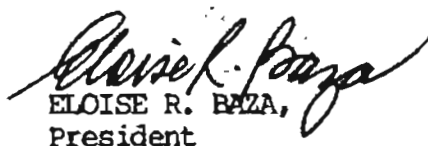
Thank you for requesting the Chamber's participation in your Committee's deliberation on the proposed handicapped parking bill.

As you're aware, many business establishments have voluntarily provided ramps, walkways and parking accommodations to facilitate easier access for handicapped patrons. The competitive forces in our system of free enterprise have caused wiser entrepreneurs to appreciate the patronage of every potential customer including the disabled. Approximately 90% of the major complexes on island already provide such access and parking, 40% of the medium size complexes and 10% of the smaller business establishments have these same accommodations. The latter category of business already have easy access facilities and parking and simply need to designate certain parking slots as reserved parking for the disabled. Private building owners who choose not to share this appreciation do not only suffer a loss of business from disabled patrons but essentially remove their establishments from the market of potential government office and operational sites. Competition and free market forces will no doubt influence business decisions and resolve the problems encountered in isolated business establishments who remain without access and parking accommodations for the handicapped. In light of these considerations, we question the necessity of legislation.

Access accommodations in government office buildings is a different situation altogether. As taxpayers and patrons of government operated utilities and services, the disabled should indeed merit the same accommodations here that are already provided by the majority of business establishments. I agree that the problem in this sector should be resolved and leave the manner of resolution to you and your constituents in the Eighteenth Guam Legislature. If such legislation is to be extended to the private sector, then consideration should be given to the size of each affected business complex, the number of parking spaces available at each site, the nature of the businesses located in the complex, and the percentage of the local population which are disabled or handicapped.

Again Senator, my thanks for the opportunity to participate in your Committee's deliberation on this matter.

Sincerely yours,

  
ELOISE R. BAZA,  
President

Attachment (6)



JAN 14 '85

Bill No. 112(LS)

Introduced by:

J.P. Aguon *Ja*

*F.R. Santos - S*

AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL REGISTRATION  
PLATES FOR DISABLED PERSONS AND TO PROVIDE PARKING SPACES  
FOR PERSONS DISPLAYING SUCH PLATES.

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

2 Section 1. A new Section 23319.5 is added to the Government Code to  
3 read:

4 "Section 23319.5. Special Registration plates; disabled persons;  
5 display device. In carrying out the provisions of Section 23319:

6 (a) The department shall issue distinctive registration plates  
7 to any disabled person who so requests and who proves satisfactorily  
8 to the department that he has suffered the loss, or the complete and  
9 total loss of use, of one or both legs, or of one or both arms, for use  
10 on motor vehicles owned by the person. No fee in addition to the regular  
11 registration fee applicable to the motor vehicle, shall be collected for  
12 issuance of special registration plates pursuant to this section.

13 (b) No person shall falsely represent himself to be so handi-  
14 capped as to be eligible to be issued special plates or display devices  
15 pursuant to this section when he is, in fact, not so handicapped.

16 (c) Upon written application to the department accompanied by a  
17 medical statement by a licensed physician attesting to the disability,  
18 a person handicapped by any physical infirmity which makes walking  
19 difficult, may be granted the issuance of a sticker, or placard, or  
20 other form of identification, for display upon a motor vehicle which is  
21 owned by the applicant, or by the employer of the disabled person when  
22 the vehicle is assigned to and used by the disabled person, or owned by  
23 another person who is transporting the handicapped person. The director  
24 may charge a reasonable fee to cover the cost of the display device and  
25 of its issuance."

26 Section 2. Subsections (d) and (e) of Section 23131 of the Government  
27 Code are repealed and reenacted to read:

1           "(d) The Department of Public Safety shall designate by appropriate  
2 signs or symbols parking areas which are to used by disabled persons. No  
3 person shall park any vehicle no displaying a special registration plate  
4 or display device issued pursuant to Section 23319.5 of this Code in such  
5 a disgnated disabled person parking areas. In designating disabled person  
6 parking areas. In designating disabled person parking areas, the Depart-  
7 ment of Public Safety shall coordinate its activities with the various  
8 departments, agencies, boards and authoritiez of the government to ensure  
9 the ressonable allocation of parking areas. All government of Guam public  
10 buildings now in use by the general public and those constructed in the  
11 future shall contain at least five (5) parking spaces provided for and  
12 disignated for use by the physically handicapped."

13           (e) Motor vehicles displaying special registration plates or display  
14 devices issued pursuant to Section 23319.5 of this Code shall be permitted  
15 to park for unlimited periods of time in parking zones restricted as the  
16 length of time parking is normally permitted and are exempt from payment  
17 of any parking fees of the territory or any of its authorities and  
18 instrumentalities. The provisions of this Section shall prevail over any  
19 other law or regulation but do not apply to zones for stopping, standing,  
20 or where parking is prohibited; zones reserved for special types of  
21 vehicles; zones where parking is prohibited during certain hours of the  
22 day in order to facilitate traffic during those hours when parking its  
23 prohibited; and zones subject to similar regulations because parking  
24 presents a traffic hazard."