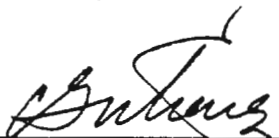


EIGHTEENTH GUAM LEGISLATURE
1986 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 586, "AN ACT TO REPEAL AND REENACT 17 GCA CHAPTER 41 RELATIVE TO ESTABLISHING A DEPARTMENT OF VOCATIONAL REHABILITATION AND FOR OTHER PURPOSES," returned to the Legislature without the approval of the Governor was, in accordance with the Organic Act of Guam, reconsidered by the Legislature and after such reconsideration, the Legislature did, on the 24th day of April, 1986, agree to pass said bill notwithstanding the objections of the Governor by a vote of two-thirds of all members thereof, to wit: by a vote of 18 members.



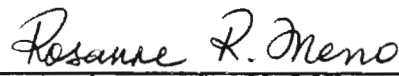
CARL T. C. GUTIERREZ
Speaker

Attested:



ELIZABETH P. ARRIOLA
Senator and Legislative Secretary

This Act was received by the Governor this 28th day of April
1986, at 4:25 o'clock p.m.



Rosanne R. Meno
Assistant Staff Officer
Governor's Office

APPROVED:

RICARDO J. BORDALLO
Governor of Guam

Date: _____

Public Law No. 18-32

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 586 (LS)
Substitute by Committee on Education
as further substituted by Committee
on Rules

Introduced by:

F. J. Quitugua
C. T. C. Gutierrez
T. S. Nelson

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

AN ACT TO REPEAL AND REENACT 17 GCA CHAPTER
41 RELATIVE TO ESTABLISHING A DEPARTMENT OF
VOCATIONAL REHABILITATION AND FOR OTHER
PURPOSES.

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

2 Section 1. 17 GCA Chapter 41 is repealed and reenacted to read:

3 "Chapter 41

4 Vocational Rehabilitation

5 §41101. Definitions. For the purpose of this Chapter:

6 (a) 'Board' means the Board of Control for Vocational
7 Rehabilitation.

8 (b) 'Department' means the Department of Vocational
9 Rehabilitation.

10 (c) 'Director' means the Director of the Department of Vocational
11 Rehabilitation who shall be the Executive officer of the Board. The

1 Director must have at least a bachelors degree in Special Education,
2 Rehabilitative Services or related subject, or at least ten (10) years of
3 experience in vocational rehabilitation service to the handicapped of
4 which two (2) years shall be administrative.

5 (d) 'Handicapped Individual' means any individual who has a
6 physical or mental disability and substantial handicap to employment,
7 which is of such a nature that vocational rehabilitation services may
8 reasonably be expected to render him fit to engage in a gainful
9 occupation which is consistent with his capacities and abilities. A
10 'handicapped individual' also means any individual who has physical or
11 mental disability and a substantial handicap to employment for whom
12 vocational rehabilitation services are necessary for the purpose of
13 extended evaluation to determine his rehabilitation potential.

14 (e) 'Non-profit' when used with respect to a rehabilitation
15 facility means a rehabilitation facility which is owned and operated by
16 a corporation or association, no part of the net earnings of which
17 accrues or may lawfully accrue, to the benefit of any private
18 shareholder or individual, and the income of which is exempt from
19 taxation under §501(c)(3) of the Internal Revenue Code of 1954.

20 (f) 'State' means any one of the several states, territories or
21 possessions of the United States.

22 (g) 'Workshop' means a place where any manufacture of
23 handwork or other products is carried on, or from which services are
24 performed, and which is operated for the primary purpose of providing
25 remunerative employment to severely handicapped individuals either as
26 an interim step in the rehabilitation process for those who cannot be
27 readily absorbed in the competitive labor market or during such time
28 as employment opportunities for the individuals do not exist in the
29 competitive labor market.

30 (h) 'Rehab Services' or 'Vocational Rehabilitation Services' when
31 provided to an individual means any one or any combination of the
32 following services:

1 (1) Evaluation of vocational rehabilitation potential,
2 including diagnostic and related services incidental to the
3 determination of eligibility for services to be provided and the
4 nature and scope of such services;

5 (2) Counseling and guidance, including personal adjustment
6 counseling in order to maintain a sound rehabilitation program
7 throughout a handicapped individual's program of services, and
8 referral necessary to help handicapped individuals secure needed
9 services from other agencies;

10 (3) Physical and mental restoration services necessary to
11 correct or substantially modify a physical or mental condition
12 which is stable or slowly progressive;

13 (4) Vocational and other training services, including
14 personal and vocational adjustment, books, tools, and other
15 training materials, except that no training or training services in
16 institutions of higher education such as universities, colleges,
17 community or junior colleges, vocational schools, technical
18 institutes, or hospital schools of nursing may be paid for under
19 this Act unless maximum efforts have been made by the
20 Department to secure grant assistance in whole or in part from
21 other sources first;

22 (5) Maintenance, including payments not exceeding the
23 estimated cost of subsistence, can be provided at any time in
24 connection with diagnostic training, physical restoration, and
25 placement through the course of the rehabilitation program.
26 Maintenance covers a handicapped individual's basic living
27 expenses such as food, shelter, clothing, and other subsistence
28 expenses which are directly related to the individual's
29 rehabilitation plan. These services shall not replace other basic
30 living expenses which can be provided by the family;

31 (6) Transportation, including necessary travel and related
32 expenses and subsistence during travel, or per diem payments in
33 lieu of subsistence, in connection with transporting handicapped
34 individuals and their attendants or escorts for the purpose of

1 supporting and deriving the full benefit of the other vocational
2 rehabilitation services being provided. Transportation may
3 include relocation and moving expenses necessary for achieving a
4 vocational rehabilitation objective;

5 (7) Services to members of a handicapped individual's family
6 when necessary to the vocational rehabilitation of the handicapped
7 individual;

8 (8) Interpreter services and note-taking services for the
9 deaf, including tactile interpreting for deaf-blind individuals;

10 (9) Reader services, rehabilitation teaching services,
11 note-taking services and orientation and mobility services for the
12 blind;

13 (10) Telecommunications, sensory and other technological
14 aids and devices;

15 (11) Outreach and training services to provide new
16 employment opportunities in the fields of rehabilitation, health,
17 welfare, public safety, law enforcement and other appropriate
18 public service employment;

19 (12) Placement in suitable employment;

20 (13) Post-employment services necessary to maintain suitable
21 employment;

22 (14) Occupational licenses, including any license, permit or
23 other written authority required to be obtained in order to enter
24 an occupation or enter a small business. Needed tools,
25 equipment, initial stocks including livestock, and supplies can be
26 provided; and

27 (15) Other goods and services which can reasonably be
28 expected to benefit a handicapped individual in terms of
29 employability.

30 (i) 'State Agency' or 'State Vocational Rehabilitation Agency'
31 means the sole state agency designated to administer or supervise
32 administration of the State Plan for Vocational Rehabilitation Services.
33 The term includes the State Agency for the Blind, if designated as the

1 sole state agency with respect to that part of the plan relating to the
2 vocational rehabilitation of the blind.

3 (j) 'State Plan' means the annual State Plan for Vocational
4 Rehabilitation Services, or the vocational rehabilitation services part of
5 a consolidated rehabilitation Plan for Vocational Rehabilitation Services
6 and the State Plan for its program for persons with developmental
7 disabilities developed under the Development Disabilities Services and
8 Facilities Construction Act.

9 (k) 'Rehabilitation Facility' means a facility which is operated for
10 the primary purpose of providing vocational rehabilitation services to
11 handicapped individuals and which provides singly, or in combination
12 with one or more of the following, services to handicapped individuals:
13 (1) vocational rehabilitation services which shall include under one
14 management medical, psychological, social and vocational services; (2)
15 testing, fitting, or training in the use of prosthetic and orthotic
16 services; (3) prevocational conditioning or recreational therapy; (4)
17 physical and occupational therapy; (5) speech and hearing therapy;
18 (6) psychological and social services; (7) evaluation of rehabilitation
19 potential; (8) personal and work adjustment; (9) vocational training
20 with a view toward career advancement in combination with other
21 rehabilitation services (10) evaluation or control of specific disabilities;
22 (11) orientation and mobility services and other adjustment services to
23 the blind; and (12) transitional or extended employment for those
24 handicapped individuals who cannot be readily absorbed in the
25 competitive labor market.

26 §41102. Department. There is within the government of Guam a
27 Department of Vocational Rehabilitation which shall, as a free public
28 service, provide rehab services to qualifying handicapped individuals,
29 and which shall be designated as the state agency or sole state agency
30 to administer the state plan for vocational rehabilitation services and
31 for the Blind.

32 §41103. Administration. (a) The Board shall be the governing
33 and the policy making body of the Department. All executive and
34 administrative functions of the Department are vested in the Director

1 who is the Executive Officer of the Board. The Director is appointed
2 by the Board with the approval of the Governor and with the advice
3 and consent of the Legislature. The Director's salary and benefits
4 shall be established by the Board in accordance with 4 GCA.

5 (b) The authority and responsibility of the Director shall include
6 the following: (1) to see that all rules and regulations of the
7 Department are enforced; (2) to attend all meetings of the Board and
8 submit a general report of the affairs of the Department; (3) to keep
9 the Board advised of the needs of the Department; (4) to devote his
10 or her entire time to the business of the Department; (5) to select and
11 appoint the employees of the Department consistent with 4 GCA and
12 personnel rules and regulations promulgated pursuant thereto; (6) to
13 plan, organize, coordinate and control the services of such employees
14 as to achieve the goals of the Department; and (7) to perform such
15 other executive and administrative duties as the Board may require.

16 §41104. Board of Control for Vocational Rehabilitation. (a) The
17 Board shall consist of seven (7) members of which six (6) are to be
18 appointed by the Governor with the advice and consent of the
19 Legislature: one (1) member shall be from the medical profession, two
20 (2) shall be representatives of the handicapped who are themselves
21 handicapped, or parents of a handicapped person, one (1) shall be
22 from the business community, two (2) shall be from the community at
23 large and the seventh member shall be the Associate Superintendent
24 for Special Education or the Principal of Chief Brodie School. The
25 appointments shall be submitted to the Legislature within thirty (30)
26 days after the enactment of this Chapter, except for the seventh
27 member, who shall serve by virtue of his or her position.

28 (b) Of the members first appointed, three (3) shall serve for
29 two (2) years and three (3) shall serve for four (4) years. Initial
30 tenure shall be determined by lot. Subsequent appointments shall be
31 for four (4) year terms, provided however that members shall serve
32 until their successors are qualified.

1 (c) The Board shall hold its initial meeting within thirty (30)
2 days after the confirmation of its members. Thereafter, a meeting
3 shall be held at least once each quarter of each fiscal year.

4 (d) Board members shall serve without compensation; except that
5 each member shall be paid a per diem of Fifty Dollars (\$50.00) for
6 each day of attendance at a meeting of the Board, such compensation
7 not to exceed One Hundred Dollars (\$100.00) per month. Each member
8 shall also be allowed actual expenses incurred in the discharge of the
9 member's duties.

10 §41105. Same:Powers and Duties. (a) In carrying out the
11 provisions of this Chapter the Board shall:

12 (1) At its first meeting, elect a Chairman by majority vote
13 for a two (2) year term.

14 (2) Adopt reasonable rules and regulations for the purpose
15 of carrying out the duties, powers and responsibilities conferred
16 in this Chapter. The regulations shall establish that an applicant
17 or a recipient of vocational rehabilitation services who is
18 dissatisfied with any action with regard to the furnishing or
19 denial of such services may file a request for review in
20 accordance to federal law. Each applicant or individual being
21 provided vocational rehabilitation services must be informed of the
22 review procedures available under this Section, including the
23 names and addresses of individuals with whom appeals are to be
24 filed.

25 (3) Prepare, adopt and implement a vocational rehabilitation
26 program in cooperation and coordination with other departments
27 and agencies, private interests and other jurisdictions including
28 the Federal Government.

29 (4) Determine the eligibility of all applicants for vocational
30 and rehabilitation services and determine the scope and nature of
31 vocational rehabilitation services.

32 (5) Cooperate with the Federal Government in carrying out
33 the purpose of any federal statute pertaining to vocational
34 rehabilitation.

1 §41106. In carrying out the provisions of this Chapter the
2 Department shall:

3 (1) Enter into reciprocal agreements with other jurisdictions
4 within the United States to provide for rehabilitation services to
5 residents of those jurisdictions.

6 (2) Establish, construct, and operate rehabilitation facilities
7 and workshops and to enter into contracts not to exceed three
8 (3) years per contractual period, with a non-profit corporation
9 qualified to provide training for handicapped persons and the
10 operation of the non-profit rehabilitation facilities or workshops
11 with the provision that the Director is a liaison to the Board of
12 Directors of the non-profit corporation managing the rehabilitation
13 facility or workshop. A contract renewal option may be provided.

14 The responsibility for production and sales of all handicrafts
15 and other products, production of services by a workshop or
16 rehabilitation facility and control of funds derived thereby
17 through such sales and services is vested in the Board of
18 Directors of the non-profit corporation in accordance with its
19 Articles and By-laws with the following provisions:

20 (i) The first priority for use of funds derived from
21 sales and services is for salary and benefits of workshop
22 extended or sheltered employees; and

23 (ii) The second priority is payment of overhead such
24 as utilities, supplies and materials. The third priority for
25 use of funds derived from sales and services is the
26 'amortized depreciation fund' into which the annual
27 depreciation of government-owned equipment shall be
28 deposited. The fund is to be used for the sole purpose of
29 equipment replacement or purchase of new equipment. The
30 Board of Directors of the non-profit corporation shall
31 annually recommend to the Board the use of the fund for
32 approval or disapproval. All equipment purchased by this
33 fund is property of the Government of Guam.

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(3) Accept grants, gifts, contributions and appropriations.

(4) License blind individuals to operate vending stands, under its supervision and control, on property of the government of Guam and on federal or other property, pursuant to the Randolph-Sheppard Act or any other Act of Congress relating to the subject; supervise the operation of vending stands and other small businesses established pursuant to this Chapter to be operated by severely handicapped individuals.

(5) Adopt such methods of administration as are found by the Federal Government to be necessary for the proper and efficient operation of any agreement or plan for vocational rehabilitation and comply with such conditions as are necessary to secure the full benefits of such federal statutes to Guam and its residents.

(6) With the approval of the Governor, to perform functions and services for the Federal Government relating to individuals who have a physical or mental disability.

(7) Take such action as the Board deems necessary and appropriate to carry out the purposes of this Chapter.

(8) Enter into agreements to provide that:

(i) The non-profit corporation shall lease the government facility or portions thereof, located in Tumon and now used as a workshop for the sum of \$1 per year;

(ii) The non-profit corporation may use all equipment at the facility provided that the corporation replaces needed equipment as it becomes obsolete or used;

(iii) The non-profit corporation shall be compensated for management in an amount necessary to pay needed professional staff and ninety percent of overhead during the first contractual period. Thereafter the amount shall decrease at least twenty percent each contractual period until the operation is self-sufficient. Fiscal Year 1986 shall be used as the base year.

1 (9) Annually review the status of client employment,
2 environment, and training. A report on the status of client
3 conditions shall be forwarded each year to the Governor of Guam
4 and the Speaker of the Guam Legislature by August 1.

5 §41107. Employment of Clients.

6 (a) Departments and agencies of the Government of Guam shall
7 adopt departmental rules and regulations for the hiring of handicapped
8 individuals referred by the Department and to include in their annual
9 appropriation requests identification for available positions. Such
10 rules shall include the granting of preference credits allowed under 4
11 GCA §4104.

12 (b) The department or agency head shall consult with the
13 Director of the Department of Vocational Rehabilitation to determine
14 positions for which handicapped applicants may be certified and for
15 which funds may then be requested in the budget.

16 (c) Each department or agency shall employ at least one percent
17 of the work force or one handicapped individual, whichever is greater,
18 certified by the Department of Vocational Rehabilitation. Such
19 employment shall be on a temporary, limited-term appointment not to
20 exceed a total of seven hundred (700) hours per annum regardless of
21 whether the position being filled is budgeted as temporary or
22 permanent. A department may be excused from this requirement if the
23 Director advises that not enough individuals are available.

24 (d) A handicapped person employed on a temporary limited seven
25 hundred-hour appointment may be given permanent employment in the
26 same or another position prior to the expiration of the seven
27 hundred-hour appointment provided that the person is certified as
28 qualified for permanent employment and that the appointment is
29 consistent with the provisions of the merit system.

30 (e) Time spent in the seven hundred-hour appointment shall be
31 credited towards the probationary period requirement.

32 §41108. Misuse of Lists and Records. It shall be unlawful,
33 except for purposes directly connected with the administration of the
34 Vocational Rehabilitation Program, and in accordance with applicable

1 rules and regulations, for any person to solicit, disclose, receive,
2 make use of, authorize, knowingly permit, participate in, or acquiesce
3 in, the use of any name of or any information concerning a person
4 applying for or receiving vocational rehabilitation directly or indirectly
5 derived from the records, papers, files or communications of the Board
6 or Departments thereof acquired in the course of performance of
7 official duties. Any violation of this Section shall be a misdemeanor.

8 §41109. Certification. Notwithstanding any other provision of
9 law, the authority for employment certification of clients of the
10 Workshop is vested in the Department of Vocational Rehabilitation.
11 Certification and employment of handicapped workers at sub-minimum
12 wage rates shall be governed, where applicable, by the rules and
13 regulations prescribed by the Wage and Hour Commissioner, approved
14 by the Governor and promulgated by Executive Order of the
15 Governor."

16 Section 2. A new Section 19543.1024 of the Government Code is added
17 to read:

18 ".1024. Amounts paid by the contractor out of the contract gross
19 proceeds to individual clients or to the rehabilitation center or
20 workshop pursuant to the provisions of 17 GCA §41106."

21 Section 3. (a) It is the intent of the Legislature that Sections 1 and
22 2 of this Act be deemed an amendment of existing law. To that end the
23 persons occupying the positions of Director of the Department of Vocational
24 Rehabilitation and members of the Board of Control for Vocational
25 Rehabilitation need not be reappointed to their positions and undergo
26 legislative confirmation. Upon the expiration of a person's term or upon
27 other vacancy in office, the new appointee shall meet the qualifications set
28 forth in Section 1 of this Act.

29 (b) The Director of the Department of Vocational Rehabilitation shall
30 enter into a contract as required in 17 GCA §41106 no later than One
31 Hundred Twenty (120) days after this Act takes effect.

32 Section 4. Transition of the Department of Vocational Rehabilitation
33 Employees serving at the Workshop Center. Should a qualified non-profit
34 corporation be contracted to operate and manage the Workshop, the Director

1 and the Board of Control shall establish a plan and schedule a gradual
2 transition into the Department's functions and tasks those employees
3 assigned at the Workshop Center. Employment in other government
4 departments or private business shall also be actively pursued for the
5 displaced workers. Such transfer of personnel shall not negatively affect
6 the training and employment of the clients. Likewise, the new assignments
7 of employees throughout the government of Guam shall be closely related to
8 their expertise, training and experience. Placement or retraining needs
9 shall be determined upon the effective date of this Act and shall be
10 provided for by the government of Guam at no cost to the employees
11 undergoing job placement or retraining.

12 Section 5. Subsection (d) of Section 6950 of the Government Code is
13 amended to read:

14 "(d) Policy concerning sheltered or handicapped workers. If
15 any entity of the government of Guam or any entity expending
16 government funds intends to procure any supply or service which is
17 offered by a non-profit corporation employing sheltered or handicapped
18 workers or a government of Guam entity employing sheltered or
19 handicapped workers then that entity shall procure such supply or
20 service from the non-profit corporation or government entity if the
21 supply or service is available within the period required by the
22 procuring entity."

23 Section 6. Subsection (w) of Section 6952 of the Government Code is
24 amended to read:

25 "(w) 'Entity' means any department, agency, board, commission,
26 instrumentality, public corporation or branch of the government of
27 Guam any any corporation or person expending funds appropriated
28 from the government of Guam."

29 Section 7. The sum of Three Thousand Five Hundred Dollars
30 (\$3,500.00) is appropriated from the General Fund to the Department of
31 Education for use in purchasing a computer to be used in the PACE
32 Program. If this appropriation is not used for the purpose stated in this
33 Section, it shall revert to the General Fund on September 30, 1986.

1 Section 8. The Governor of Guam is authorized to lease Lot No.
2 10120.10, Dededo, Guam to the qualified applicant upon such terms and
3 conditions as provided by rules and regulations.

4 Section 9. 10 GCA §34119 is amended to read:

5 "§34119. Dog Control Unit. The Department of Public Health and
6 Social Services shall maintain a Dog Control Unit. The Dog Control
7 Unit shall maintain a dog pound, provide and carry out a
8 territory-wide plan to collect and place under observation biting dogs,
9 reduce the number of dogs running at large and, upon request, to
10 collect and dispose of humanely any sick, aged, injured or unwanted
11 small animal. At the discretion of the Director or his designated
12 representative, a biting dog may be confined by the owner of such
13 dog in accordance with regulations specified by the Director."

14 Section 10. Subsection (h) of Section 17202 of the Government Code
15 of Guam is repealed and reenacted to read:

16 (h) Accessory buildings or structures may be located and
17 maintained in a rear yard, except in the required ten (10) foot rear
18 yard which is that portion adjoining the rearmost main building on the
19 lot. Such buildings or structures may also be located and maintained
20 in any side yard, except in the required eight (8) foot side yards
21 adjoining each of the side lot lines. When such buildings or
22 structures are to be used exclusively for storage or as outdoor
23 cooking facilities, they may be located in a side or rear yard with
24 walls erected on the rear and/or side lot lines; provided that such
25 buildings or structures shall not exceed two hundred (200) square feet
26 of floor space and the roofs thereof shall not project beyond the rear
27 or side lot lines and shall be sloped in such a manner as to prevent
28 rain run off from flowing to adjacent property. A storage or cooking
29 facility may only be constructed on residential lots which meet the
30 yard requirements provided by Section 17200 of this Code.

31 Section 11. Public Law 18-24, Section 12 is hereby amended to read:

32 "Notwithstanding any other law, rule or regulation, funds derived
33 from the sale of residue from cafeteria operations, otherwise known as
34 wet garbage, shall be deposited to the Student Activity Fund. These

1 funds shall be used exclusively to benefit students and their various
2 educational activities in accordance with approved procedures
3 established by Board of Education policies. Deposits from fiscal year
4 1983 shall constitute the original proceeds of the Student Activity
5 Fund. Expenditures from the Student Activity Fund shall not be
6 limited to the fiscal year in which the funds are collected. From these
7 funds, the amount of Sixteen Thousand Five Hundred Sixty-seven
8 Dollars (\$16,567.00) shall also be used for the purpose of sending a
9 delegation from two public high schools to participate in the Close Up
10 Program in Washington D.C. from March 22, 1986 through April 5,
11 1986, to be expended as follows:

- | | | |
|----|---------------------------------|------------|
| 12 | (a) John F. Kennedy High School | |
| 13 | students and one (1) teacher | \$9,415.00 |
| 14 | (b) Simon Sanchez High School | |
| 15 | students and one (1) teacher | 7,152.00 |

16 Section 12. Notwithstanding any other provision of law, the sum of
17 One Hundred Forty-Four Thousand Dollars (\$144,000) is appropriated as a
18 loan from the Funds received by the government of Guam from the cases of
19 U.S. v. Exxon and in re Department of Energy Stripper Well Exemption
20 Litigation to the Guam Mass Transit Authority for the operations of March,
21 April, May and June, 1986. The Guam Mass Transit Authority shall
22 reimburse these funds when federal grant money is received by GMTA. If
23 the Governor determines that the funds received from the cases of U.S. v.
24 Exxon and in re Department or Energy Stripper Well Exemption litigation
25 cannot legally be expended for the purpose set out in this Section, the
26 appropriation as a loan provided for in this Section shall come from the
27 General Fund.

28 Section 13. There is hereby appropriated the sum of One Hundred
29 Thirty Thousand Dollars (\$130,000) from the General Fund to the Guam
30 Election Commission for the purpose of moving to and renovating the old
31 Guam Memorial Hospital Staff Housing in Tamuning for their new office
32 location. Any money not expended by the Commission relative to the
33 transfer of office from Agana to Tamuning, shall revert to the General
34 Fund.

1 Section 14. Section 3 of Public Law 12-61, as amended by P.L.
2 12-226, P.L. 15-131 and P.L. 15-133, is codified as Section 13008 of the
3 Government Code and is further amended to read:

4 "Section 13008. Notwithstanding any other provision of law,
5 government-owned real property shall not be sold, leased, exchanged
6 or otherwise transferred without the prior approval of the Legislature
7 by duly enacted legislation which specifically authorizes a particular
8 sale, lease, exchange or transfer and includes the real property
9 description of the government-owned real property with particularity.
10 This Section shall not apply to Land Use Permits."

11 Section 15. Section 13654 of the Government Code, amended by
12 Section 7 of P.L. 18-14, is repealed and reenacted to read:

13 "Section 13654. The land exchanges authorized by Section 13652
14 of this Chapter shall be accomplished by June 1, 1986. The purchase
15 of homes located on private land described in Section 13652 which is
16 authorized by Section 13653 of this Chapter shall be accomplished by
17 June 1, 1986. The property of Jose and Victoria Perez is also
18 included within the deadlines set out in this Section."

19 Section 16. Notwithstanding any other provision of law, the sum of
20 One Hundred Ninety Thousand Four Hundred Fifty-four Dollars
21 (\$190,454.00) is appropriated from the Government Claims Fund to the
22 Department of Land Management to pay Vincent M. Rosario for replacement
23 cost of concrete building on Lot No. 5384-8, Mangilao, Barrigada and
24 incidental costs as negotiated and agreed upon between the Department of
25 Land Management and Vincent M. Rosario, evidenced in October 25, 1985
26 memorandum and attachments from the Administrator, Land Management
27 Programs to the Director of Land Management and again in November 14,
28 1985 memorandum and attachments from Director, Department of Land
29 Management to the Governor, both on the subject: Amount needed to carry
30 out the intent of Public Law 17-54, 17-75, and Public Law 18-14:7.

31 Section 17. Notwithstanding any other provision of law, the sum of
32 One Hundred Fifty-three Thousand Six Hundred Forty-three Dollars
33 (\$153,643.00) is appropriated from the Government Claims Fund to the
34 Department of Land Management to pay Ana M. Rosario for replacement cost

1 of concrete building on Lot No. 5384-11, Mangilao, Barrigada and incidental
2 costs as negotiated and agreed upon between the Department of Land
3 Management and Ana M. Rosario, evidenced in October 25, 1985 memorandum
4 and attachments from the Administrator, Land Management Programs to the
5 Director of Land Management and again in November 14, 1985 memorandum
6 and attachments from Director, Department of Land Management to the
7 Governor, both on the subject: Amount needed to carry out the intent of
8 Public Law 17-54, 17-75, and Public Law 18-14:7.

9 Section 18. Notwithstanding any other provision of law, the sum of
10 One Hundred Two Thousand Four Hundred Thirty Dollars (\$102,430.00) is
11 appropriated from the Government Claims Fund to the Department of Land
12 Management to pay Lorenzo C. Rosario for replacement cost of concrete
13 building on Lot No. 5384-R1, Mangilao Barrigada and incidental costs as
14 negotiated and agreed upon between the Department of Land Management
15 and Lorenzo C. Rosario, evidenced in October 25, 1985 memorandum and
16 attachments from the Administrator, Land Management Programs to the
17 Director of Land Management and again in November 14, 1985 memorandum
18 and attachments from Director, Department of Land Management to the
19 Governor, both on the subject: Amount needed to carry out the intent of
20 Public Law 17-54, 17-75, and Public Law 18-14:7.

21 Section 19. Notwithstanding any other provision of law, the sum of
22 Thirty Thousand Five Hundred Sixty Dollars (\$30,560.00) is appropriated
23 from the Government Claims Fund to the Department of Land Management to
24 pay Alfred and Carmen Sablan for replacement cost of wood and frame
25 building on Lot No. 5384, Mangilao, Barrigada and incidental costs as
26 negotiated and agreed upon between the Department of Land Management
27 and Alfred and Carmen Sablan, evidenced in October 25, 1985 memorandum
28 and attachments from the Administrator, Land Management Programs to the
29 Director of Land Management and again in November 14, 1985 memorandum
30 and attachments from Director, Department of Land Management to the
31 Governor, both on the subject: Amount needed to carry out the intent of
32 Public Law 17-54, 17-75, and Public Law 18-14:7.

1 Section 20. The Attorney General shall continue to evaluate and
2 negotiate all current claims against the government of Guam for the period
3 of time provided by law to settle each claim, and shall prepare and forward
4 to the Legislature a list in the form of a request for an appropriation, of
5 all claims against the government of Guam which the Attorney General has
6 settled.

7 Section 21. Line 5 of Subsection B. (1) of 4 GCA §6206 which reads:
8 "Director of Education 1 \$36,000" is repealed."

9 Section 22. Subsection (a) of 17 GCA §3102 is amended to read:

10 "(a) The Territorial Board of Education which shall be the
11 governing and policy determining body of the Department and shall set
12 the salary of the Director and the Deputy Director of the Department
13 of Education in accordance with 4 GCA §6206.1."

14 Section 23. Subsection B.(2) of 4 GCA §6206 is amended to read:

15 "(2) Deputy Directors, except
16 for the Department of Education -
17 one (1) per Department as enumerated
18 in §6206 B.(1), not to exceed \$ 30,000"

19 Section 24. A new 4 GCA §6206.1 is added to read:

20 "6206.1. Limitation on Salaries of Directors and Deputy
21 Directors. If the salary level of a Director or Deputy Director, by
22 whatever title denominated, is not specifically set out in law but is set
23 by a Board, Commission or other administrative body, that Board,
24 Commission or other administrative body shall not set the salary level
25 of a Director to exceed the current salary level of the Governor, and
26 shall not set the salary level of a Deputy Director to exceed the
27 current salary level of the Lieutenant Governor. This Section shall
28 apply to all departments, agencies, corporations expending funds
29 appropriated by the government of Guam or instrumentalities of the
30 government of Guam, and whether or not the agency is a line,
31 autonomous, or semi-autonomous agency."

32 Section 25. 4 GCA §6206.1 shall not apply to persons occupying
33 Director or Deputy Director positions under the terms of a contract in
34 effect on the effective date of this Act, however 4 GCA §6206.1 shall be

1 effective for any subsequent contract or renewal of a current contract when
2 salary is negotiable.

3 Section 26. A new Subsection (d) is added to 17 GCA §31113 to read:

4 "(d) Any person employed as a Vice-President of the College
5 shall be compensated at at least Step 7 of Professor, IV - Level for
6 Administrators as shown on the proposed Salary Schedule for Teachers
7 passed by the GCC Board of Trustees March 11, 1985 and approved by
8 the Governor March 13, 1985."

9 Section 27. Notwithstanding any other provision of law, funds
10 contained in the Guam Community College Budget for FY 1986 are to be
11 utilized to implement Section 26 of this Act.

12 Section 28. Sections 26 and 27 of this Act shall be retroactive to
13 October 1, 1985.

14 Section 29. The last sentence of Subsection (e) of 17 GCA §4104 is
15 amended to read:

16 "The Board shall act on the recommendation of the subcommittees
17 and Textbook Selection Committee within thirty (30) days after
18 submission."

19 Section 30. The Director of the Department of Commerce shall transfer
20 any lapsed funds from any available appropriation made to the Department
21 of Commerce in Public Law 18-15 for the purpose of paying costs and
22 attorney fees not to exceed Twenty Thousand Dollars (\$20,000) pursuant to
23 Section 1022.1 of the Code of Civil Procedure to present or former
24 employees of the Department of Commerce.

25 Section 31. Three Hundred Thousand Dollars (\$300,000) is
26 appropriated from the Exxon Overcharge Fund to the Department of
27 Education for the purchase of energy conservation devices under
28 competitive bid for the purpose of reducing power expenses.

29 Section 32. The sum of Thirty-six Thousand Dollars (\$36,000) is
30 hereby appropriated from the Exxon overcharge account to the Guam
31 Memorial Hospital Authority for the purpose of funding an energy technical
32 assistance audit to enable the hospital to justify the use of an available One
33 Hundred Nine Thousand Dollar (\$109,000) Energy Grant by April 30, 1986

1 and to justify future Energy Grant applications of the Authority to the
2 U.S. Department of Energy.

3 Section 33. There is hereby appropriated the sum of Thirty Five
4 Thousand Dollars (\$35,000) from the Department of Youth Affairs lapsed
5 funds to Sanctuary to fund their programs until July 1986 that have been
6 affected by the budget cuts mandated by the Gramm-Rudman-Hollings Act.

7 Section 34. (a) Legislative Intent. The Legislature finds that there
8 is an urgent need to increase the salaries of Guam's public school teachers.
9 Guam's teachers are the lowest paid in the entire nation, and this has
10 seriously impeded efforts to retain the needed contingent of good teachers.
11 Also, recruitment of good teachers is dependent on the offering of an
12 adequate professional salary.

13 Adequate teacher salaries are an important prerequisite to improving
14 the quality of education on Guam. As long as the salaries offered to
15 Guam's teachers are a dis-incentive to continuing a professional teaching
16 career, the children of Guam may not acquire the quality education they
17 deserve. In addition, Guam's economic development will be stymied since all
18 industries, including the military, will be handicapped in recruiting
19 personnel on Guam as long as Guam's educational system remains below
20 average.

21 (b) Option 1 of the proposed salaries recommended by the Civil
22 Service Commission in the Classification and Pay Maintenance Review Task
23 Force Phase I Report transmitted to the Governor from the Executive
24 Director of the Civil Service Commission and dated November 7, 1985 shall
25 be implemented at the beginning of School Year 1986-87 for the positions of
26 Teachers I-A, I-B, I-C, I-D, II, III, IV, V, and VI as follows:

	P/R	Min.	Max.	%	%	
27						
28	Teacher I-A	22	12,662	16,198	16	22
29	Teacher I-B	24	12,286	17,238	17	23
30	Teacher I-C	32	16,719	22,178	32	37
31	Teacher I-D	34	17,758	23,738	34	38
32	Teacher II	36	18,798	25,298	31	35
33	Teacher III	38	20,098	26,858	33	34

1	Teacher IV	40	21,398	28,418	28	28
2	Teacher V	42	22,958	29,978	29	26
3	Teacher VI	44	24,518	32,183	22	20

4 Each teacher shall receive salary according to the schedule in this
5 Subsection at the same range and step at which they were paid prior to the
6 implementation of this Subsection.

7 (c) The sum of One Million Five Hundred Ninety Thousand Dollars
8 (\$1,590,000) is appropriated from the General Fund to the Department of
9 Education for the sole purpose of funding the increased portion of the
10 teachers' pay raise from the start of the 1986-87 school year to September
11 30, 1986. The appropriation made in this Section is derived from increased
12 estimated revenues, reductions in government expenditures and lapses, all
13 as set out in Sections 35, 36, 37, 38, and 39 of this Act. Any sums
14 remaining from the appropriation made in this Section shall revert to the
15 General Fund on September 30, 1986.

16 (d) 17 GCA §§5120 through 5123, inclusive, and Section 2 of P.L.
17 15-138 are repealed.

18 (e) The administrators of the Department of Education, whether or
19 not their positions require teaching experience, shall receive an increase in
20 salary of five percent (5%) of their present salary. Such increase of salary
21 shall be effective at the beginning of School Year 1986-87. The Department
22 of Education is authorized to implement the increase in salary in this Sub-
23 section from any lapsed funds of the budget of the Department of
24 Education.

25 (f) The Civil Service Commission shall reevaluate all Department of
26 Education Administrators positions and shall set a new classification
27 schedule for such positions to be effective October 1, 1986.

28 Section 35. The line in Section 2 of Chapter 1 of the General
29 Appropriation Act of 1986 which reads:

30 "Gross Receipts Tax 46,113,948"

31 is amended to read:

32 "Gross Receipts Tax 46,173,948"

33 Section 36. Section 8 of P.L. 18-24, amended by Section 7 of P.L.
34 18-30, is further amended to read:

1 "The sum of Four Hundred Eighty-one Thousand Seven Hundred
 2 Dollars (\$481,700) is appropriated from the General Fund to the Guam
 3 Fire Department to implement the provisions of Section 7 of this Act."

4 Section 37. Item I 4. of Section 2 of Chapter VI (Public Health and
 5 Social Services) of the General Appropriation Act of 1986 is amended to
 6 read:

	<u>General</u>	<u>Other</u>	<u>Federal</u>	<u>Total</u>
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	
9 "4. Direct Transfer				
10 Payments	2,380,641	61,500	3,300,000	5,742,141"

11 Section 38. Except for Guam Council on the Arts and Humanities
 12 (CAHA), Guam Environmental Protection Agency, Department of Military
 13 Affairs, Civil Defense and Department of Vocational Rehabilitation, all sums
 14 appropriated in the General Appropriation Act of 1986 to a territorial
 15 agency for payment of power are reduced by one and six hundred sixty
 16 seven thousandths of one percent (1.667%). All amounts by which the sums
 17 appropriated for power are reduced shall be placed into the General Fund.

18 Section 39. The following departments are directed to place the
 19 following sums into the General Fund from sums appropriated for personnel
 20 services in the General Appropriation Act of 1986:

- 21 (a) Fifty-seven Thousand Two Hundred Eighty Dollars and
- 22 Twenty-six Cents (\$57,280.26) from the Department of Agriculture,
- 23 (b) One Thousand Seven Hundred Thirty-one Dollars and Four
- 24 Cents (\$1,731.04) from the Chief Medical Examiner,
- 25 (c) Six Thousand Three Hundred Ninety-eight Dollars and
- 26 Seventy-five Cents (\$6,398.75) from the Civil Service Commission,
- 27 (d) Thirty Thousand Four Hundred Thirty Dollars and Sixty-five
- 28 Cents (\$30,430.65) from the Commissioners Council,
- 29 (e) Ten Thousand Five Hundred Twenty-one Dollars and
- 30 Fifty-one Cents (\$10,521.51) from Guam Educational Telecommunications
- 31 Corporation (KGTF),
- 32 (f) Thirty-five Thousand Four Hundred Forty-seven Dollars and
- 33 Fifty Cents (\$35,447.50) from the Guam Public Library,

1 (g) Seventy-four Thousand Three Hundred Forty-three Dollars
2 (\$74,343.00) from the Department of Mental Health and Substance
3 Abuse,

4 (h) Nine Hundred Sixty-seven Dollars (\$967.00) from Guam
5 Museum,

6 (i) Eighty-one Thousand Four Hundred Ninety-three Dollars and
7 Eight-seven Cents (\$81,493.87) from the Department of Parks and
8 Recreation.

9 The above sums are savings derived by the government of Guam from
10 personnel services lapses.

11 Section 40. The Governor shall submit to the Legislature, in time to
12 be implemented by October 1, 1986, a description of funding source and
13 amounts necessary to implement Option 2 of the proposed salaries
14 recommended by the Civil Service Commission in the Classification and Pay
15 Maintenance Review Task Force Phase I Report dated November 7, 1985, for
16 all positions contained in the Report.

17 Section 41. Findings of the Legislature. The Legislature finds that
18 water and sewer services are essential to the health and well-being of the
19 people of Guam. The Legislature has traditionally subsidized water and
20 sewer services in order to insure that all residents of Guam have adequate
21 and safe drinking water and a safe environment in which to live. In Fiscal
22 Year 1986, the Legislature granted the Public Utility Agency of Guam a
23 subsidy of approximately Six Million One Hundred Thousand Dollars
24 (\$6,100,000). The new rate structure proposed by the Public Utility
25 Agency of Guam and the Public Utilities Commission apparently does not
26 take into account the subsidy of the Legislature as contained in Public Law
27 18-15, nor does it reflect the manifest intent of the Legislature to lessen
28 the impact of the increased water rates by providing a temporary subsidy
29 to small water users, to be phased out over a period of years. It is the
30 intent of the Legislature that the subsidy herein be phased out over a
31 five-year period and at the end of that period the Public Utility Agency of

1 Guam be self-sustaining.

2 Section 42. The Public Utility Agency of Guam shall:

3 a. Formulate and approve a subsidy structure that provides for
4 subsidies for a minimal level of water services and sewer services for
5 residences and nonprofit organizations.

6 b. The subsidy amount shall be structured to be reflected as an
7 adjustment on each month's water and sewer bill, to apply on any
8 amount used up to the first nine thousand (9,000) gallons of water
9 used each month, and, for PUAG accounts of consumers hooked up to
10 sewer, to apply on any amount generated, or equivalent, up to the
11 first nine thousand (9,000) gallons per month of sewage generated, or
12 equivalent.

13 c. The subsidy shall apply only to PUAG for accounts of
14 residential consumers, consumers having three-fourths inch (3/4")
15 water meters, and consumers who are billed by the Public Utility
16 Agency of Guam at a rate based on the three-fourths inch (3/4")
17 meter rate.

18 d. The structure of the subsidy for PUAG shall call for the
19 utilization of the entire subsidy appropriated by the Legislature to
20 the Public Utility Agency of Guam by Public Law 18-15 as pro rated in
21 Subsection (g) and (h) of this Section, to be allocated among PUAG
22 accounts of consumers in a fair and equitable manner based on the
23 amount of usage up to amounts set out in subsection (b) of this
24 Section.

25 e. For Fiscal Year 1986, the structure of the subsidy shall be
26 such that no residential consumer on a program of public assistance as
27 certified by the Department of Public Health and Social Services
28 through an identification card using five thousand (5,000) gallons of
29 water or less shall pay more in water and sewer charges than that
30 consumer would have paid under the rates in effect on September 1,
31 1985.

32 f. For Fiscal Year 1986, the structure of the subsidy shall
33 allow no consumer to pay less than the rates in effect on the
34 September 1, 1985.

1 g. For Fiscal Year 1986, the total subsidy to PUAG to be
2 applied according to this Section shall be Five Hundred Thirteen
3 Thousand Dollars (\$513,000) per month for each month in Fiscal Year
4 1986 after the effective date of an increase in water and sewer rates.

5 h. The Public Utility Agency of Guam may utilize amounts
6 appropriated by P.L.18-15 only at the rate of Five Hundred Thirteen
7 Thousand Nine Hundred Thirty-seven Dollars and Sixty-six Cents
8 (\$513,937.66) per month until the new water and sewer rate structure
9 including the subsidy goes into effect. Thereafter, all sums
10 appropriated to the Public Utility Agency of Guam by Public Law 18-15
11 which have not been utilized or encumbered are hereby reprogrammed
12 for subsidy purposes, as set forth in this section effective upon the
13 date of implementation of any increase in water and sewer rates over
14 the rates in effect on September 1, 1985. If the Fiscal Year 1986
15 budget becomes the Fiscal Year 1987 budget as part of a two year
16 budget, then in Fiscal Year 1987 the subsidy amount per month shall
17 be Five Hundred Thirteen Thousand Nine Hundred Thirty-seven
18 Dollars and Sixty-six Cents (\$513,937.66). Thereafter, the subsidy
19 shall be allocated as indicated in the legislation appropriating amounts
20 for that purpose. This subsection hereby reprograms and
21 appropriates all sums previously appropriated to the Public Utility
22 Agency of Guam in Public Law 18-15 and not utilized or encumbered on
23 the effective date of an increase of water and sewer rates to the
24 Public Utility Agency of Guam, for the subsidy program as provided in
25 this Section.

26 i. The monthly subsidy amount shall be transferred monthly by
27 the Director of Administration from the General Fund to the Public
28 Utility Agency of Guam. Such payments shall be made by the Director
29 of Administration within thirty (30) days after receipt of billing from
30 the Public Utility Agency of Guam.

31 j. The Public Utility Agency of Guam shall develop an initial
32 subsidy formula within the provisions of this Section.

1 k. The formula for subsidy developed by the Public Utility
2 Agency of Guam shall be such that if the total amount of legislative
3 subsidy changes in future years, the amount of subsidy to be applied
4 to PUAG accounts of consumers can be calculated according to formula
5 without the need for changes in the formula, rules, or regulations.

6 1. Because the subsidy deals with appropriated funds from the
7 General Fund, it is deemed appropriate that the Legislature and
8 Governor also have an opportunity to consider the final subsidy
9 program. Therefore, the rules, regulations, and formulas relating to
10 the subsidy shall be transmitted to the Speaker of the Legislature and
11 to the Governor. Notwithstanding any other provision of law, for
12 purposes of approving the subsidy formula as provided, the Public
13 Utilities Agency of Guam shall give notice to the public in the manner
14 required by law of all necessary hearings; except that solely for the
15 purpose of considering, modifying, rejecting or approving the initial
16 subsidy formula and related matters only seven (7) days notice of such
17 hearings need be given. The new and final rules, regulations and
18 formulas relating to the subsidy shall not take affect until fifteen (15)
19 days after transmission to the Speaker and to the Governor.

20 Section 43. 2 GCA §7102 is amended to read:

21 "§7102. Functions. The Guam Youth Congress shall act as a
22 youth, part-time legislative body with the power to make its own
23 rules, establish committees, hold hearings, pass resolutions, and to
24 prepare and pass bills, which would be forwarded to the Rules
25 Committee of the Guam Legislature for action as with a legislative bill,
26 in such appropriate manner not-inconsistent with the laws, standing
27 rules and practices of the legislative branch of the territory of Guam.

28 The Youth Congress will represent the Youth of Guam, their
29 desires and aspirations, and will serve as a training and action area
30 for Guam's future leaders."

31 Section 44. 2 GCA §7103 is amended to read:

32 "§7103. Membership. The Congress shall be composed of not to
33 exceed thirty-five (35) members, to be known as Youth
34 Representatives, to be elected from the areas listed below:

1 1. Village Representation.

2 a. One (1) youth representative from each organized
3 village with a population below 15,000.

4 b. Two (2) youth representatives from each village with a
5 population over 15,000.

6 2. School Representation.

7 a. One (1) youth representative from each private and
8 public senior high school with a student population
9 below 1,000.

10 b. Two (2) youth representatives from each private and
11 public senior high school with a student body above
12 1,000.

13 c. Three (3) youth representatives from the University of
14 Guam."

15 Section 45. 2 GCA §7105 is amended to read:

16 "§7105. Vacancies. Vacancies occurring in the Congress shall be
17 filled as the Congress shall provide, except that no person filling a
18 vacancy shall hold office longer than for the remainder of the term for
19 which his predecessor was elected. If no election is held in a village
20 or school, that jurisdiction shall have no representative for that year."

21 Section 46. 2 GCA §7109 is amended to read:

22 "§7109. Operations. The Congress is authorized to employ on a
23 part-time basis under contract a basic staff consisting of an
24 Administrative Officer, an audio-technician, attaches including a Legal
25 Counsel, a recording secretary, and a sergeant-at-arms. Additional
26 logistic support, clerical and technical assistance, will be provided by
27 the Guam Legislature and the legislative staff."

28 Section 47. 2 GCA §7110 is amended to read:

29 "§7110. Compensation. Representatives of Congress shall be
30 compensated at the rate of Ten Dollars (\$10.00) for each regular
31 monthly or special session they attend."

32 Section 48. Sections 44 and 45 of this Act shall be effective for
33 Twelfth and subsequent Youth Congresses.

1 Section 49. The sum of One Hundred Twenty Thousand Dollars
2 (\$120,000) is hereby appropriated from the lapsed personnel funds
3 generated by the Executive Branch pursuant to Chapter X, Section 2 of
4 Public Law 18-15, to the Department of Public Works for the construction of
5 the Agat Solid Waste Transfer Station.

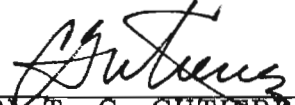
6 Section 50. Government of Guam property consisting of Lot No. 474,
7 Facpi, Municipality of Agat (17,537 square meters) as identified by the
8 Department of Land Management drawing number 14-85T 251, is hereby
9 declared for use as the site for the Agat Solid Waste Transfer Station.

10 Section 51. Notwithstanding the provisions of any law, rule or
11 regulation, all references to "pay ranges" in the Guam Code Annotated,
12 Government Code and Code of Civil Procedure shall be deemed to apply only
13 to classified employees of the government of Guam.

EIGHTEENTH GUAM LEGISLATURE
1986 (SECOND) Regular Session

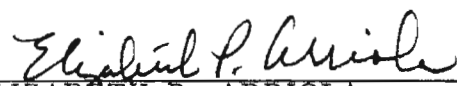
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 586 (LS), "AN ACT TO REPEAL AND REENACT 17 GCA CHAPTER 41 RELATIVE TO ESTABLISHING A DEPARTMENT OF VOCATIONAL REHABILITATION AND FOR OTHER PURPOSES", was on the 4th day of April, 1986, duly and regularly passed.



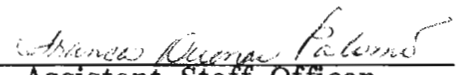
CARL T. C. GUTIERREZ
Speaker

Attested:



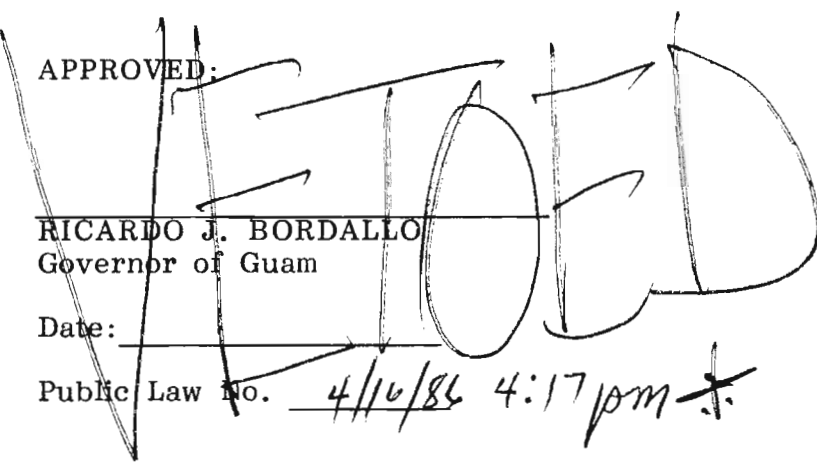
ELIZABETH P. ARRIOLA
Senator and Legislative Secretary

This Act was received by the Governor this 4th day of APRIL
1986, at 7:45 o'clock P.m.



Assistant Staff Officer
Governor's Office

APPROVED:



RICARDO J. BORDALLO
Governor of Guam

Date: _____

Public Law No. _____

4/16/86 4:17 pm

1 Director must have at least a bachelors degree in Special Education,
2 Rehabilitative Services or related subject, or at least ten (10) years of
3 experience in vocational rehabilitation service to the handicapped of
4 which two (2) years shall be administrative.

5 (d) 'Handicapped Individual' means any individual who has a
6 physical or mental disability and substantial handicap to employment,
7 which is of such a nature that vocational rehabilitation services may
8 reasonably be expected to render him fit to engage in a gainful
9 occupation which is consistent with his capacities and abilities. A
10 'handicapped individual' also means any individual who has physical or
11 mental disability and a substantial handicap to employment for whom
12 vocational rehabilitation services are necessary for the purpose of
13 extended evaluation to determine his rehabilitation potential.

14 (e) 'Non-profit' when used with respect to a rehabilitation
15 facility means a rehabilitation facility which is owned and operated by
16 a corporation or association, no part of the net earnings of which
17 accrues or may lawfully accrue, to the benefit of any private
18 shareholder or individual, and the income of which is exempt from
19 taxation under §501(c)(3) of the Internal Revenue Code of 1954.

20 (f) 'State' means any one of the several states, territories or
21 possessions of the United States.

22 (g) 'Workshop' means a place where any manufacture of
23 handwork or other products is carried on, or from which services are
24 performed, and which is operated for the primary purpose of providing
25 remunerative employment to severely handicapped individuals either as
26 an interim step in the rehabilitation process for those who cannot be
27 readily absorbed in the competitive labor market or during such time
28 as employment opportunities for the individuals do not exist in the
29 competitive labor market.

30 (h) 'Rehab Services' or 'Vocational Rehabilitation Services' when
31 provided to an individual means any one or any combination of the
32 following services:

1 (1) Evaluation of vocational rehabilitation potential,
2 including diagnostic and related services incidental to the
3 determination of eligibility for services to be provided and the
4 nature and scope of such services;

5 (2) Counseling and guidance, including personal adjustment
6 counseling in order to maintain a sound rehabilitation program
7 throughout a handicapped individual's program of services, and
8 referral necessary to help handicapped individuals secure needed
9 services from other agencies;

10 (3) Physical and mental restoration services necessary to
11 correct or substantially modify a physical or mental condition
12 which is stable or slowly progressive;

13 (4) Vocational and other training services, including
14 personal and vocational adjustment, books, tools, and other
15 training materials, except that no training or training services in
16 institutions of higher education such as universities, colleges,
17 community or junior colleges, vocational schools, technical
18 institutes, or hospital schools of nursing may be paid for under
19 this Act unless maximum efforts have been made by the
20 Department to secure grant assistance in whole or in part from
21 other sources first;

22 (5) Maintenance, including payments not exceeding the
23 estimated cost of subsistence, can be provided at any time in
24 connection with diagnostic training, physical restoration, and
25 placement through the course of the rehabilitation program.
26 Maintenance covers a handicapped individual's basic living
27 expenses such as food, shelter, clothing, and other subsistence
28 expenses which are directly related to the individual's
29 rehabilitation plan. These services shall not replace other basic
30 living expenses which can be provided by the family;

31 (6) Transportation, including necessary travel and related
32 expenses and subsistence during travel, or per diem payments in
33 lieu of subsistence, in connection with transporting handicapped
34 individuals and their attendants or escorts for the purpose of

1 supporting and deriving the full benefit of the other vocational
2 rehabilitation services being provided. Transportation may
3 include relocation and moving expenses necessary for achieving a
4 vocational rehabilitation objective;

5 (7) Services to members of a handicapped individual's family
6 when necessary to the vocational rehabilitation of the handicapped
7 individual;

8 (8) Interpreter services and note-taking services for the
9 deaf, including tactile interpreting for deaf-blind individuals;

10 (9) Reader services, rehabilitation teaching services,
11 note-taking services and orientation and mobility services for the
12 blind;

13 (10) Telecommunications, sensory and other technological
14 aids and devices;

15 (11) Outreach and training services to provide new
16 employment opportunities in the fields of rehabilitation, health,
17 welfare, public safety, law enforcement and other appropriate
18 public service employment;

19 (12) Placement in suitable employment;

20 (13) Post-employment services necessary to maintain suitable
21 employment;

22 (14) Occupational licenses, including any license, permit or
23 other written authority required to be obtained in order to enter
24 an occupation or enter a small business. Needed tools,
25 equipment, initial stocks including livestock, and supplies can be
26 provided; and

27 (15) Other goods and services which can reasonably be
28 expected to benefit a handicapped individual in terms of
29 employability.

30 (i) 'State Agency' or 'State Vocational Rehabilitation Agency'
31 means the sole state agency designated to administer or supervise
32 administration of the State Plan for Vocational Rehabilitation Services.
33 The term includes the State Agency for the Blind, if designated as the

1 sole state agency with respect to that part of the plan relating to the
2 vocational rehabilitation of the blind.

3 (j) 'State Plan' means the annual State Plan for Vocational
4 Rehabilitation Services, or the vocational rehabilitation services part of
5 a consolidated rehabilitation Plan for Vocational Rehabilitation Services
6 and the State Plan for its program for persons with developmental
7 disabilities developed under the Development Disabilities Services and
8 Facilities Construction Act.

9 (k) 'Rehabilitation Facility' means a facility which is operated for
10 the primary purpose of providing vocational rehabilitation services to
11 handicapped individuals and which provides singly, or in combination
12 with one or more of the following, services to handicapped individuals:
13 (1) vocational rehabilitation services which shall include under one
14 management medical, psychological, social and vocational services; (2)
15 testing, fitting, or training in the use of prosthetic and orthotic
16 services; (3) prevocational conditioning or recreational therapy; (4)
17 physical and occupational therapy; (5) speech and hearing therapy;
18 (6) psychological and social services; (7) evaluation of rehabilitation
19 potential; (8) personal and work adjustment; (9) vocational training
20 with a view toward career advancement in combination with other
21 rehabilitation services (10) evaluation or control of specific disabilities;
22 (11) orientation and mobility services and other adjustment services to
23 the blind; and (12) transitional or extended employment for those
24 handicapped individuals who cannot be readily absorbed in the
25 competitive labor market.

26 §41102. Department. There is within the government of Guam a
27 Department of Vocational Rehabilitation which shall, as a free public
28 service, provide rehab services to qualifying handicapped individuals,
29 and which shall be designated as the state agency or sole state agency
30 to administer the state plan for vocational rehabilitation services and
31 for the Blind.

32 §41103. Administration. (a) The Board shall be the governing
33 and the policy making body of the Department. All executive and
34 administrative functions of the Department are vested in the Director

1 who is the Executive Officer of the Board. The Director is appointed
2 by the Board with the approval of the Governor and with the advice
3 and consent of the Legislature. The Director's salary and benefits
4 shall be established by the Board in accordance with 4 GCA.

5 (b) The authority and responsibility of the Director shall include
6 the following: (1) to see that all rules and regulations of the
7 Department are enforced; (2) to attend all meetings of the Board and
8 submit a general report of the affairs of the Department; (3) to keep
9 the Board advised of the needs of the Department; (4) to devote his
10 or her entire time to the business of the Department; (5) to select and
11 appoint the employees of the Department consistent with 4 GCA and
12 personnel rules and regulations promulgated pursuant thereto; (6) to
13 plan, organize, coordinate and control the services of such employees
14 as to achieve the goals of the Department; and (7) to perform such
15 other executive and administrative duties as the Board may require.

16 §41104. Board of Control for Vocational Rehabilitation. (a) The
17 Board shall consist of seven (7) members of which six (6) are to be
18 appointed by the Governor with the advice and consent of the
19 Legislature: one (1) member shall be from the medical profession, two
20 (2) shall be representatives of the handicapped who are themselves
21 handicapped, or parents of a handicapped person, one (1) shall be
22 from the business community, two (2) shall be from the community at
23 large and the seventh member shall be the Associate Superintendent
24 for Special Education or the Principal of Chief Brodie School. The
25 appointments shall be submitted to the Legislature within thirty (30)
26 days after the enactment of this Chapter, except for the seventh
27 member, who shall serve by virtue of his or her position.

28 (b) Of the members first appointed, three (3) shall serve for
29 two (2) years and three (3) shall serve for four (4) years. Initial
30 tenure shall be determined by lot. Subsequent appointments shall be
31 for four (4) year terms, provided however that members shall serve
32 until their successors are qualified.

1 (c) The Board shall hold its initial meeting within thirty (30)
2 days after the confirmation of its members. Thereafter, a meeting
3 shall be held at least once each quarter of each fiscal year.

4 (d) Board members shall serve without compensation; except that
5 each member shall be paid a per diem of Fifty Dollars (\$50.00) for
6 each day of attendance at a meeting of the Board, such compensation
7 not to exceed One Hundred Dollars (\$100.00) per month. Each member
8 shall also be allowed actual expenses incurred in the discharge of the
9 member's duties.

10 §41105. Same:Powers and Duties. (a) In carrying out the
11 provisions of this Chapter the Board shall:

12 (1) At its first meeting, elect a Chairman by majority vote
13 for a two (2) year term.

14 (2) Adopt reasonable rules and regulations for the purpose
15 of carrying out the duties, powers and responsibilities conferred
16 in this Chapter. The regulations shall establish that an applicant
17 or a recipient of vocational rehabilitation services who is
18 dissatisfied with any action with regard to the furnishing or
19 denial of such services may file a request for review in
20 accordance to federal law. Each applicant or individual being
21 provided vocational rehabilitation services must be informed of the
22 review procedures available under this Section, including the
23 names and addresses of individuals with whom appeals are to be
24 filed.

25 (3) Prepare, adopt and implement a vocational rehabilitation
26 program in cooperation and coordination with other departments
27 and agencies, private interests and other jurisdictions including
28 the Federal Government.

29 (4) Determine the eligibility of all applicants for vocational
30 and rehabilitation services and determine the scope and nature of
31 vocational rehabilitation services.

32 (5) Cooperate with the Federal Government in carrying out
33 the purpose of any federal statute pertaining to vocational
34 rehabilitation.

1 §41106. In carrying out the provisions of this Chapter the
2 Department shall:

3 (1) Enter into reciprocal agreements with other jurisdictions
4 within the United States to provide for rehabilitation services to
5 residents of those jurisdictions.

6 (2) Establish, construct, and operate rehabilitation facilities
7 and workshops and to enter into contracts not to exceed three
8 (3) years per contractual period, with a non-profit corporation
9 qualified to provide training for handicapped persons and the
10 operation of the non-profit rehabilitation facilities or workshops
11 with the provision that the Director is a liaison to the Board of
12 Directors of the non-profit corporation managing the rehabilitation
13 facility or workshop. A contract renewal option may be provided.

14 The responsibility for production and sales of all handicrafts
15 and other products, production of services by a workshop or
16 rehabilitation facility and control of funds derived thereby
17 through such sales and services is vested in the Board of
18 Directors of the non-profit corporation in accordance with its
19 Articles and By-laws with the following provisions:

20 (i) The first priority for use of funds derived from
21 sales and services is for salary and benefits of workshop
22 extended or sheltered employees; and

23 (ii) The second priority is payment of overhead such
24 as utilities, supplies and materials. The third priority for
25 use of funds derived from sales and services is the
26 'amortized depreciation fund' into which the annual
27 depreciation of government-owned equipment shall be
28 deposited. The fund is to be used for the sole purpose of
29 equipment replacement or purchase of new equipment. The
30 Board of Directors of the non-profit corporation shall
31 annually recommend to the Board the use of the fund for
32 approval or disapproval. All equipment purchased by this
33 fund is property of the Government of Guam.

1 (3) Accept grants, gifts, contributions and appropriations.

2 (4) License blind individuals to operate vending stands,
3 under its supervision and control, on property of the government
4 of Guam and on federal or other property, pursuant to the
5 Randolph-Sheppard Act or any other Act of Congress relating to
6 the subject; supervise the operation of vending stands and other
7 small businesses established pursuant to this Chapter to be
8 operated by severely handicapped individuals.

9 (5) Adopt such methods of administration as are found by
10 the Federal Government to be necessary for the proper and
11 efficient operation of any agreement or plan for vocational
12 rehabilitation and comply with such conditions as are necessary to
13 secure the full benefits of such federal statutes to Guam and its
14 residents.

15 (6) With the approval of the Governor, to perform functions
16 and services for the Federal Government relating to individuals
17 who have a physical or mental disability.

18 (7) Take such action as the Board deems necessary and
19 appropriate to carry out the purposes of this Chapter.

20 (8) Enter into agreements to provide that:

21 (i) The non-profit corporation shall lease the
22 government facility or portions thereof, located in Tumon
23 and now used as a workshop for the sum of \$1 per year;

24 (ii) The non-profit corporation may use all equipment
25 at the facility provided that the corporation replaces needed
26 equipment as it becomes obsolete or used;

27 (iii) The non-profit corporation shall be compensated
28 for management in an amount necessary to pay needed
29 professional staff and ninety percent of overhead during the
30 first contractual period. Thereafter the amount shall
31 decrease at least twenty percent each contractual period
32 until the operation is self-sufficient. Fiscal Year 1986 shall
33 be used as the base year.

1 (9) Annually review the status of client employment,
2 environment, and training. A report on the status of client
3 conditions shall be forwarded each year to the Governor of Guam
4 and the Speaker of the Guam Legislature by August 1.

5 §41107. Employment of Clients.

6 (a) Departments and agencies of the Government of Guam shall
7 adopt departmental rules and regulations for the hiring of handicapped
8 individuals referred by the Department and to include in their annual
9 appropriation requests identification for available positions. Such
10 rules shall include the granting of preference credits allowed under 4
11 GCA §4104.

12 (b) The department or agency head shall consult with the
13 Director of the Department of Vocational Rehabilitation to determine
14 positions for which handicapped applicants may be certified and for
15 which funds may then be requested in the budget.

16 (c) Each department or agency shall employ at least one percent
17 of the work force or one handicapped individual, whichever is greater,
18 certified by the Department of Vocational Rehabilitation. Such
19 employment shall be on a temporary, limited-term appointment not to
20 exceed a total of seven hundred (700) hours per annum regardless of
21 whether the position being filled is budgeted as temporary or
22 permanent. A department may be excused from this requirement if the
23 Director advises that not enough individuals are available.

24 (d) A handicapped person employed on a temporary limited seven
25 hundred-hour appointment may be given permanent employment in the
26 same or another position prior to the expiration of the seven
27 hundred-hour appointment provided that the person is certified as
28 qualified for permanent employment and that the appointment is
29 consistent with the provisions of the merit system.

30 (e) Time spent in the seven hundred-hour appointment shall be
31 credited towards the probationary period requirement.

32 §41108. Misuse of Lists and Records. It shall be unlawful,
33 except for purposes directly connected with the administration of the
34 Vocational Rehabilitation Program, and in accordance with applicable

1 rules and regulations, for any person to solicit, disclose, receive,
2 make use of, authorize, knowingly permit, participate in, or acquiesce
3 in, the use of any name of or any information concerning a person
4 applying for or receiving vocational rehabilitation directly or indirectly
5 derived from the records, papers, files or communications of the Board
6 or Departments thereof acquired in the course of performance of
7 official duties. Any violation of this Section shall be a misdemeanor.

8 §41109. Certification. Notwithstanding any other provision of
9 law, the authority for employment certification of clients of the
10 Workshop is vested in the Department of Vocational Rehabilitation.
11 Certification and employment of handicapped workers at sub-minimum
12 wage rates shall be governed, where applicable, by the rules and
13 regulations prescribed by the Wage and Hour Commissioner, approved
14 by the Governor and promulgated by Executive Order of the
15 Governor."

16 Section 2. A new Section 19543.1024 of the Government Code is added
17 to read:

18 ".1024. Amounts paid by the contractor out of the contract gross
19 proceeds to individual clients or to the rehabilitation center or
20 workshop pursuant to the provisions of 17 GCA §41106."

21 Section 3. (a) It is the intent of the Legislature that Sections 1 and
22 2 of this Act be deemed an amendment of existing law. To that end the
23 persons occupying the positions of Director of the Department of Vocational
24 Rehabilitation and members of the Board of Control for Vocational
25 Rehabilitation need not be reappointed to their positions and undergo
26 legislative confirmation. Upon the expiration of a person's term or upon
27 other vacancy in office, the new appointee shall meet the qualifications set
28 forth in Section 1 of this Act.

29 (b) The Director of the Department of Vocational Rehabilitation shall
30 enter into a contract as required in 17 GCA §41106 no later than One
31 Hundred Twenty (120) days after this Act takes effect.

32 Section 4. Transition of the Department of Vocational Rehabilitation
33 Employees serving at the Workshop Center. Should a qualified non-profit
34 corporation be contracted to operate and manage the Workshop, the Director

1 and the Board of Control shall establish a plan and schedule a gradual
2 transition into the Department's functions and tasks those employees
3 assigned at the Workshop Center. Employment in other government
4 departments or private business shall also be actively pursued for the
5 displaced workers. Such transfer of personnel shall not negatively affect
6 the training and employment of the clients. Likewise, the new assignments
7 of employees throughout the government of Guam shall be closely related to
8 their expertise, training and experience. Placement or retraining needs
9 shall be determined upon the effective date of this Act and shall be
10 provided for by the government of Guam at no cost to the employees
11 undergoing job placement or retraining.

12 Section 5. Subsection (d) of Section 6950 of the Government Code is
13 amended to read:

14 "(d) Policy concerning sheltered or handicapped workers. If
15 any entity of the government of Guam or any entity expending
16 government funds intends to procure any supply or service which is
17 offered by a non-profit corporation employing sheltered or handicapped
18 workers or a government of Guam entity employing sheltered or
19 handicapped workers then that entity shall procure such supply or
20 service from the non-profit corporation or government entity if the
21 supply or service is available within the period required by the
22 procuring entity."

23 Section 6. Subsection (w) of Section 6952 of the Government Code is
24 amended to read:

25 "(w) 'Entity' means any department, agency, board, commission,
26 instrumentality, public corporation or branch of the government of
27 Guam any any corporation or person expending funds appropriated
28 from the government of Guam."

29 Section 7. The sum of Three Thousand Five Hundred Dollars
30 (\$3,500.00) is appropriated from the General Fund to the Department of
31 Education for use in purchasing a computer to be used in the PACE
32 Program. If this appropriation is not used for the purpose stated in this
33 Section, it shall revert to the General Fund on September 30, 1986.

1 Section 8. The Governor of Guam is authorized to lease Lot No.
2 10120.10, Dededo, Guam to the qualified applicant upon such terms and
3 conditions as provided by rules and regulations.

4 Section 9. 10 GCA §34119 is amended to read:

5 "§34119. Dog Control Unit. The Department of Public Health and
6 Social Services shall maintain a Dog Control Unit. The Dog Control
7 Unit shall maintain a dog pound, provide and carry out a
8 territory-wide plan to collect and place under observation biting dogs,
9 reduce the number of dogs running at large and, upon request, to
10 collect and dispose of humanely any sick, aged, injured or unwanted
11 small animal. At the discretion of the Director or his designated
12 representative, a biting dog may be confined by the owner of such
13 dog in accordance with regulations specified by the Director."

14 Section 10. Subsection (h) of Section 17202 of the Government Code
15 of Guam is repealed and reenacted to read:

16 (h) Accessory buildings or structures may be located and
17 maintained in a rear yard, except in the required ten (10) foot rear
18 yard which is that portion adjoining the rearmost main building on the
19 lot. Such buildings or structures may also be located and maintained
20 in any side yard, except in the required eight (8) foot side yards
21 adjoining each of the side lot lines. When such buildings or
22 structures are to be used exclusively for storage or as outdoor
23 cooking facilities, they may be located in a side or rear yard with
24 walls erected on the rear and/or side lot lines; provided that such
25 buildings or structures shall not exceed two hundred (200) square feet
26 of floor space and the roofs thereof shall not project beyond the rear
27 or side lot lines and shall be sloped in such a manner as to prevent
28 rain run off from flowing to adjacent property. A storage or cooking
29 facility may only be constructed on residential lots which meet the
30 yard requirements provided by Section 17200 of this Code.

31 Section 11. Public Law 18-24, Section 12 is hereby amended to read:

32 "Notwithstanding any other law, rule or regulation, funds derived
33 from the sale of residue from cafeteria operations, otherwise known as
34 wet garbage, shall be deposited to the Student Activity Fund. These

1 funds shall be used exclusively to benefit students and their various
2 educational activities in accordance with approved procedures
3 established by Board of Education policies. Deposits from fiscal year
4 1983 shall constitute the original proceeds of the Student Activity
5 Fund. Expenditures from the Student Activity Fund shall not be
6 limited to the fiscal year in which the funds are collected. From these
7 funds, the amount of Sixteen Thousand Five Hundred Sixty-seven
8 Dollars (\$16,567.00) shall also be used for the purpose of sending a
9 delegation from two public high schools to participate in the Close Up
10 Program in Washington D.C. from March 22, 1986 through April 5,
11 1986, to be expended as follows:

- 12 (a) John F. Kennedy High School
13 students and one (1) teacher \$9,415.00
14 (b) Simon Sanchez High School
15 students and one (1) teacher 7,152.00

16 Section 12. Notwithstanding any other provision of law, the sum of
17 One Hundred Forty-Four Thousand Dollars (\$144,000) is appropriated as a
18 loan from the Funds received by the government of Guam from the cases of
19 U.S. v. Exxon and in re Department of Energy Stripper Well Exemption
20 Litigation to the Guam Mass Transit Authority for the operations of March,
21 April, May and June, 1986. The Guam Mass Transit Authority shall
22 reimburse these funds when federal grant money is received by GMTA. If
23 the Governor determines that the funds received from the cases of U.S. v.
24 Exxon and in re Department or Energy Stripper Well Exemption litigation
25 cannot legally be expended for the purpose set out in this Section, the
26 appropriation as a loan provided for in this Section shall come from the
27 General Fund.

28 Section 13. There is hereby appropriated the sum of One Hundred
29 Thirty Thousand Dollars (\$130,000) from the General Fund to the Guam
30 Election Commission for the purpose of moving to and renovating the old
31 Guam Memorial Hospital Staff Housing in Tamuning for their new office
32 location. Any money not expended by the Commission relative to the
33 transfer of office from Agana to Tamuning, shall revert to the General
34 Fund.

1 Section 14. Section 3 of Public Law 12-61, as amended by P.L.
2 12-226, P.L. 15-131 and P.L. 15-133, is codified as Section 13008 of the
3 Government Code and is further amended to read:

4 "Section 13008. Notwithstanding any other provision of law,
5 government-owned real property shall not be sold, leased, exchanged
6 or otherwise transferred without the prior approval of the Legislature
7 by duly enacted legislation which specifically authorizes a particular
8 sale, lease, exchange or transfer and includes the real property
9 description of the government-owned real property with particularity.

10 This Section shall not apply to Land Use Permits."

11 Section 15. Section 13654 of the Government Code, amended by
12 Section 7 of P.L. 18-14, is repealed and reenacted to read:

13 "Section 13654. The land exchanges authorized by Section 13652
14 of this Chapter shall be accomplished by June 1, 1986. The purchase
15 of homes located on private land described in Section 13652 which is
16 authorized by Section 13653 of this Chapter shall be accomplished by
17 June 1, 1986. The property of Jose and Victoria Perez is also
18 included within the deadlines set out in this Section."

19 Section 16. Notwithstanding any other provision of law, the sum of
20 One Hundred Ninety Thousand Four Hundred Fifty-four Dollars
21 (\$190,454.00) is appropriated from the Government Claims Fund to the
22 Department of Land Management to pay Vincent M. Rosario for replacement
23 cost of concrete building on Lot No. 5384-8, Mangilao, Barrigada and
24 incidental costs as negotiated and agreed upon between the Department of
25 Land Management and Vincent M. Rosario, evidenced in October 25, 1985
26 memorandum and attachments from the Administrator, Land Management
27 Programs to the Director of Land Management and again in November 14,
28 1985 memorandum and attachments from Director, Department of Land
29 Management to the Governor, both on the subject: Amount needed to carry
30 out the intent of Public Law 17-54, 17-75, and Public Law 18-14:7.

31 Section 17. Notwithstanding any other provision of law, the sum of
32 One Hundred Fifty-three Thousand Six Hundred Forty-three Dollars
33 (\$153,643.00) is appropriated from the Government Claims Fund to the
34 Department of Land Management to pay Ana M. Rosario for replacement cost

1 of concrete building on Lot No. 5384-11, Mangilao, Barrigada and incidental
2 costs as negotiated and agreed upon between the Department of Land
3 Management and Ana M. Rosario, evidenced in October 25, 1985 memorandum
4 and attachments from the Administrator, Land Management Programs to the
5 Director of Land Management and again in November 14, 1985 memorandum
6 and attachments from Director, Department of Land Management to the
7 Governor, both on the subject: Amount needed to carry out the intent of
8 Public Law 17-54, 17-75, and Public Law 18-14:7.

9 Section 18. Notwithstanding any other provision of law, the sum of
10 One Hundred Two Thousand Four Hundred Thirty Dollars (\$102,430.00) is
11 appropriated from the Government Claims Fund to the Department of Land
12 Management to pay Lorenzo C. Rosario for replacement cost of concrete
13 building on Lot No. 5384-R1, Mangilao Barrigada and incidental costs as
14 negotiated and agreed upon between the Department of Land Management
15 and Lorenzo C. Rosario, evidenced in October 25, 1985 memorandum and
16 attachments from the Administrator, Land Management Programs to the
17 Director of Land Management and again in November 14, 1985 memorandum
18 and attachments from Director, Department of Land Management to the
19 Governor, both on the subject: Amount needed to carry out the intent of
20 Public Law 17-54, 17-75, and Public Law 18-14:7.

21 Section 19. Notwithstanding any other provision of law, the sum of
22 Thirty Thousand Five Hundred Sixty Dollars (\$30,560.00) is appropriated
23 from the Government Claims Fund to the Department of Land Management to
24 pay Alfred and Carmen Sablan for replacement cost of wood and frame
25 building on Lot No. 5384, Mangilao, Barrigada and incidental costs as
26 negotiated and agreed upon between the Department of Land Management
27 and Alfred and Carmen Sablan, evidenced in October 25, 1985 memorandum
28 and attachments from the Administrator, Land Management Programs to the
29 Director of Land Management and again in November 14, 1985 memorandum
30 and attachments from Director, Department of Land Management to the
31 Governor, both on the subject: Amount needed to carry out the intent of
32 Public Law 17-54, 17-75, and Public Law 18-14:7.

1 Section 20. The Attorney General shall continue to evaluate and
2 negotiate all current claims against the government of Guam for the period
3 of time provided by law to settle each claim, and shall prepare and forward
4 to the Legislature a list in the form of a request for an appropriation, of
5 all claims against the government of Guam which the Attorney General has
6 settled.

7 Section 21. Line 5 of Subsection B. (1) of 4 GCA §6206 which reads:
8 "Director of Education 1 \$36,000" is repealed."

9 Section 22. Subsection (a) of 17 GCA §3102 is amended to read:

10 "(a) The Territorial Board of Education which shall be the
11 governing and policy determining body of the Department and shall set
12 the salary of the Director and the Deputy Director of the Department
13 of Education in accordance with 4 GCA §6206.1."

14 Section 23. Subsection B.(2) of 4 GCA §6206 is amended to read:

15 "(2) Deputy Directors, except
16 for the Department of Education -
17 one (1) per Department as enumerated
18 in §6206 B.(1), not to exceed \$ 30,000"

19 Section 24. A new 4 GCA §6206.1 is added to read:

20 "6206.1. Limitation on Salaries of Directors and Deputy
21 Directors. If the salary level of a Director or Deputy Director, by
22 whatever title denominated, is not specifically set out in law but is set
23 by a Board, Commission or other administrative body, that Board,
24 Commission or other administrative body shall not set the salary level
25 of a Director to exceed the current salary level of the Governor, and
26 shall not set the salary level of a Deputy Director to exceed the
27 current salary level of the Lieutenant Governor. This Section shall
28 apply to all departments, agencies, corporations expending funds
29 appropriated by the government of Guam or instrumentalities of the
30 government of Guam, and whether or not the agency is a line,
31 autonomous, or semi-autonomous agency."

32 Section 25. 4 GCA §6206.1 shall not apply to persons occupying
33 Director or Deputy Director positions under the terms of a contract in
34 effect on the effective date of this Act, however 4 GCA §6206.1 shall be

1 effective for any subsequent contract or renewal of a current contract when
2 salary is negotiable.

3 Section 26. A new Subsection (d) is added to 17 GCA §31113 to read:

4 "(d) Any person employed as a Vice-President of the College
5 shall be compensated at at least Step 7 of Professor, IV - Level for
6 Administrators as shown on the proposed Salary Schedule for Teachers
7 passed by the GCC Board of Trustees March 11, 1985 and approved by
8 the Governor March 13, 1985."

9 Section 27. Notwithstanding any other provision of law, funds
10 contained in the Guam Community College Budget for FY 1986 are to be
11 utilized to implement Section 26 of this Act.

12 Section 28. Sections 26 and 27 of this Act shall be retroactive to
13 October 1, 1985.

14 Section 29. The last sentence of Subsection (e) of 17 GCA §4104 is
15 amended to read:

16 "The Board shall act on the recommendation of the subcommittees
17 and Textbook Selection Committee within thirty (30) days after
18 submission."

19 Section 30. The Director of the Department of Commerce shall transfer
20 any lapsed funds from any available appropriation made to the Department
21 of Commerce in Public Law 18-15 for the purpose of paying costs and
22 attorney fees not to exceed Twenty Thousand Dollars (\$20,000) pursuant to
23 Section 1022.1 of the Code of Civil Procedure to present or former
24 employees of the Department of Commerce.

25 Section 31. Three Hundred Thousand Dollars (\$300,000) is
26 appropriated from the Exxon Overcharge Fund to the Department of
27 Education for the purchase of energy conservation devices under
28 competitive bid for the purpose of reducing power expenses.

29 Section 32. The sum of Thirty-six Thousand Dollars (\$36,000) is
30 hereby appropriated from the Exxon overcharge account to the Guam
31 Memorial Hospital Authority for the purpose of funding an energy technical
32 assistance audit to enable the hospital to justify the use of an available One
33 Hundred Nine Thousand Dollar (\$109,000) Energy Grant by April 30, 1986

1 and to justify future Energy Grant applications of the Authority to the
2 U.S. Department of Energy.

3 Section 33. There is hereby appropriated the sum of Thirty Five
4 Thousand Dollars (\$35,000) from the Department of Youth Affairs lapsed
5 funds to Sanctuary to fund their programs until July 1986 that have been
6 affected by the budget cuts mandated by the Gramm-Rudman-Hollings Act.

7 Section 34. (a) Legislative Intent. The Legislature finds that there
8 is an urgent need to increase the salaries of Guam's public school teachers.
9 Guam's teachers are the lowest paid in the entire nation, and this has
10 seriously impeded efforts to retain the needed contingent of good teachers.
11 Also, recruitment of good teachers is dependent on the offering of an
12 adequate professional salary.

13 Adequate teacher salaries are an important prerequisite to improving
14 the quality of education on Guam. As long as the salaries offered to
15 Guam's teachers are a dis-incentive to continuing a professional teaching
16 career, the children of Guam may not acquire the quality education they
17 deserve. In addition, Guam's economic development will be stymied since all
18 industries, including the military, will be handicapped in recruiting
19 personnel on Guam as long as Guam's educational system remains below
20 average.

21 (b) Option 1 of the proposed salaries recommended by the Civil
22 Service Commission in the Classification and Pay Maintenance Review Task
23 Force Phase I Report transmitted to the Governor from the Executive
24 Director of the Civil Service Commission and dated November 7, 1985 shall
25 be implemented at the beginning of School Year 1986-87 for the positions of
26 Teachers I-A, I-B, I-C, I-D, II, III, IV, V, and VI as follows:

	P/R	Min.	Max.	%	%	
27						
28	Teacher I-A	22	12,662	16,198	16	22
29	Teacher I-B	24	12,286	17,238	17	23
30	Teacher I-C	32	16,719	22,178	32	37
31	Teacher I-D	34	17,758	23,738	34	38
32	Teacher II	36	18,798	25,298	31	35
33	Teacher III	38	20,098	26,858	33	34

1	Teacher IV	40	21,398	28,418	28	28
2	Teacher V	42	22,958	29,978	29	26
3	Teacher VI	44	24,518	32,183	22	20

4 Each teacher shall receive salary according to the schedule in this
5 Subsection at the same range and step at which they were paid prior to the
6 implementation of this Subsection.

7 (c) The sum of One Million Five Hundred Ninety Thousand Dollars
8 (\$1,590,000) is appropriated from the General Fund to the Department of
9 Education for the sole purpose of funding the increased portion of the
10 teachers' pay raise from the start of the 1986-87 school year to September
11 30, 1986. The appropriation made in this Section is derived from increased
12 estimated revenues, reductions in government expenditures and lapses, all
13 as set out in Sections 35, 36, 37, 38, and 39 of this Act. Any sums
14 remaining from the appropriation made in this Section shall revert to the
15 General Fund on September 30, 1986.

16 (d) 17 GCA §§5120 through 5123, inclusive, and Section 2 of P.L.
17 15-138 are repealed.

18 (e) The administrators of the Department of Education, whether or
19 not their positions require teaching experience, shall receive an increase in
20 salary of five percent (5%) of their present salary. Such increase of salary
21 shall be effective at the beginning of School Year 1986-87. The Department
22 of Education is authorized to implement the increase in salary in this Sub-
23 section from any lapsed funds of the budget of the Department of
24 Education.

25 (f) The Civil Service Commission shall reevaluate all Department of
26 Education Administrators positions and shall set a new classification
27 schedule for such positions to be effective October 1, 1986.

28 Section 35. The line in Section 2 of Chapter 1 of the General
29 Appropriation Act of 1986 which reads:

30 "Gross Receipts Tax 46,113,948"

31 is amended to read:

32 "Gross Receipts Tax 46,173,948"

33 Section 36. Section 8 of P.L. 18-24, amended by Section 7 of P.L.
34 18-30, is further amended to read:

1 "The sum of Four Hundred Eighty-one Thousand Seven Hundred
 2 Dollars (\$481,700) is appropriated from the General Fund to the Guam
 3 Fire Department to implement the provisions of Section 7 of this Act."
 4 Section 37. Item I 4. of Section 2 of Chapter VI (Public Health and
 5 Social Services) of the General Appropriation Act of 1986 is amended to
 6 read:

	<u>General</u>	<u>Other</u>	<u>Federal</u>	<u>Total</u>
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	
9 "4. Direct Transfer				
10 Payments	2,380,641	61,500	3,300,000	5,742,141"

11 Section 38. Except for Guam Council on the Arts and Humanities
 12 (CAHA), Guam Environmental Protection Agency, Department of Military
 13 Affairs, Civil Defense and Department of Vocational Rehabilitation, all sums
 14 appropriated in the General Appropriation Act of 1986 to a territorial
 15 agency for payment of power are reduced by one and six hundred sixty
 16 seven thousandths of one percent (1.667%). All amounts by which the sums
 17 appropriated for power are reduced shall be placed into the General Fund.

18 Section 39. The following departments are directed to place the
 19 following sums into the General Fund from sums appropriated for personnel
 20 services in the General Appropriation Act of 1986:

- 21 (a) Fifty-seven Thousand Two Hundred Eighty Dollars and
- 22 Twenty-six Cents (\$57,280.26) from the Department of Agriculture,
- 23 (b) One Thousand Seven Hundred Thirty-one Dollars and Four
- 24 Cents (\$1,731.04) from the Chief Medical Examiner,
- 25 (c) Six Thousand Three Hundred Ninety-eight Dollars and
- 26 Seventy-five Cents (\$6,398.75) from the Civil Service Commission,
- 27 (d) Thirty Thousand Four Hundred Thirty Dollars and Sixty-five
- 28 Cents (\$30,430.65) from the Commissioners Council,
- 29 (e) Ten Thousand Five Hundred Twenty-one Dollars and
- 30 Fifty-one Cents (\$10,521.51) from Guam Educational Telecommunications
- 31 Corporation (KGTF),
- 32 (f) Thirty-five Thousand Four Hundred Forty-seven Dollars and
- 33 Fifty Cents (\$35,447.50) from the Guam Public Library,

1 (g) Seventy-four Thousand Three Hundred Forty-three Dollars
2 (\$74,343.00) from the Department of Mental Health and Substance
3 Abuse,

4 (h) Nine Hundred Sixty-seven Dollars (\$967.00) from Guam
5 Museum,

6 (i) Eighty-one Thousand Four Hundred Ninety-three Dollars and
7 Eight-seven Cents (\$81,493.87) from the Department of Parks and
8 Recreation.

9 The above sums are savings derived by the government of Guam from
10 personnel services lapses.

11 Section 40. The Governor shall submit to the Legislature, in time to
12 be implemented by October 1, 1986, a description of funding source and
13 amounts necessary to implement Option 2 of the proposed salaries
14 recommended by the Civil Service Commission in the Classification and Pay
15 Maintenance Review Task Force Phase I Report dated November 7, 1985, for
16 all positions contained in the Report.

17 Section 41. Findings of the Legislature. The Legislature finds that
18 water and sewer services are essential to the health and well-being of the
19 people of Guam. The Legislature has traditionally subsidized water and
20 sewer services in order to insure that all residents of Guam have adequate
21 and safe drinking water and a safe environment in which to live. In Fiscal
22 Year 1986, the Legislature granted the Public Utility Agency of Guam a
23 subsidy of approximately Six Million One Hundred Thousand Dollars
24 (\$6,100,000). The new rate structure proposed by the Public Utility
25 Agency of Guam and the Public Utilities Commission apparently does not
26 take into account the subsidy of the Legislature as contained in Public Law
27 18-15, nor does it reflect the manifest intent of the Legislature to lessen
28 the impact of the increased water rates by providing a temporary subsidy
29 to small water users, to be phased out over a period of years. It is the
30 intent of the Legislature that the subsidy herein be phased out over a
31 five-year period and at the end of that period the Public Utility Agency of

1 Guam be self-sustaining.

2 Section 42. The Public Utility Agency of Guam shall:

3 a. Formulate and approve a subsidy structure that provides for
4 subsidies for a minimal level of water services and sewer services for
5 residences and nonprofit organizations.

6 b. The subsidy amount shall be structured to be reflected as an
7 adjustment on each month's water and sewer bill, to apply on any
8 amount used up to the first nine thousand (9,000) gallons of water
9 used each month, and, for PUAG accounts of consumers hooked up to
10 sewer, to apply on any amount generated, or equivalent, up to the
11 first nine thousand (9,000) gallons per month of sewage generated, or
12 equivalent.

13 c. The subsidy shall apply only to PUAG for accounts of
14 residential consumers, consumers having three-fourths inch (3/4")
15 water meters, and consumers who are billed by the Public Utility
16 Agency of Guam at a rate based on the three-fourths inch (3/4")
17 meter rate.

18 d. The structure of the subsidy for PUAG shall call for the
19 utilization of the entire subsidy appropriated by the Legislature to
20 the Public Utility Agency of Guam by Public Law 18-15 as pro rated in
21 Subsection (g) and (h) of this Section, to be allocated among PUAG
22 accounts of consumers in a fair and equitable manner based on the
23 amount of usage up to amounts set out in subsection (b) of this
24 Section.

25 e. For Fiscal Year 1986, the structure of the subsidy shall be
26 such that no residential consumer on a program of public assistance as
27 certified by the Department of Public Health and Social Services
28 through an identification card using five thousand (5,000) gallons of
29 water or less shall pay more in water and sewer charges than that
30 consumer would have paid under the rates in effect on September 1,
31 1985.

32 f. For Fiscal Year 1986, the structure of the subsidy shall
33 allow no consumer to pay less than the rates in effect on the
34 September 1, 1985.

1 g. For Fiscal Year 1986, the total subsidy to PUAG to be
2 applied according to this Section shall be Five Hundred Thirteen
3 Thousand Dollars (\$513,000) per month for each month in Fiscal Year
4 1986 after the effective date of an increase in water and sewer rates.

5 h. The Public Utility Agency of Guam may utilize amounts
6 appropriated by P.L.18-15 only at the rate of Five Hundred Thirteen
7 Thousand Nine Hundred Thirty-seven Dollars and Sixty-six Cents
8 (\$513,937.66) per month until the new water and sewer rate structure
9 including the subsidy goes into effect. Thereafter, all sums
10 appropriated to the Public Utility Agency of Guam by Public Law 18-15
11 which have not been utilized or encumbered are hereby reprogrammed
12 for subsidy purposes, as set forth in this section effective upon the
13 date of implementation of any increase in water and sewer rates over
14 the rates in effect on September 1, 1985. If the Fiscal Year 1986
15 budget becomes the Fiscal Year 1987 budget as part of a two year
16 budget, then in Fiscal Year 1987 the subsidy amount per month shall
17 be Five Hundred Thirteen Thousand Nine Hundred Thirty-seven
18 Dollars and Sixty-six Cents (\$513,937.66). Thereafter, the subsidy
19 shall be allocated as indicated in the legislation appropriating amounts
20 for that purpose. This subsection hereby reprograms and
21 appropriates all sums previously appropriated to the Public Utility
22 Agency of Guam in Public Law 18-15 and not utilized or encumbered on
23 the effective date of an increase of water and sewer rates to the
24 Public Utility Agency of Guam, for the subsidy program as provided in
25 this Section.

26 i. The monthly subsidy amount shall be transferred monthly by
27 the Director of Administration from the General Fund to the Public
28 Utility Agency of Guam. Such payments shall be made by the Director
29 of Administration within thirty (30) days after receipt of billing from
30 the Public Utility Agency of Guam.

31 j. The Public Utility Agency of Guam shall develop an initial
32 subsidy formula within the provisions of this Section.

1 k. The formula for subsidy developed by the Public Utility
2 Agency of Guam shall be such that if the total amount of legislative
3 subsidy changes in future years, the amount of subsidy to be applied
4 to PUAG accounts of consumers can be calculated according to formula
5 without the need for changes in the formula, rules, or regulations.

6 1. Because the subsidy deals with appropriated funds from the
7 General Fund, it is deemed appropriate that the Legislature and
8 Governor also have an opportunity to consider the final subsidy
9 program. Therefore, the rules, regulations, and formulas relating to
10 the subsidy shall be transmitted to the Speaker of the Legislature and
11 to the Governor. Notwithstanding any other provision of law, for
12 purposes of approving the subsidy formula as provided, the Public
13 Utilities Agency of Guam shall give notice to the public in the manner
14 required by law of all necessary hearings; except that solely for the
15 purpose of considering, modifying, rejecting or approving the initial
16 subsidy formula and related matters only seven (7) days notice of such
17 hearings need be given. The new and final rules, regulations and
18 formulas relating to the subsidy shall not take affect until fifteen (15)
19 days after transmission to the Speaker and to the Governor.

20 Section 43. 2 GCA §7102 is amended to read:

21 "§7102. Functions. The Guam Youth Congress shall act as a
22 youth, part-time legislative body with the power to make its own
23 rules, establish committees, hold hearings, pass resolutions, and to
24 prepare and pass bills, which would be forwarded to the Rules
25 Committee of the Guam Legislature for action as with a legislative bill,
26 in such appropriate manner not-inconsistent with the laws, standing
27 rules and practices of the legislative branch of the territory of Guam.

28 The Youth Congress will represent the Youth of Guam, their
29 desires and aspirations, and will serve as a training and action area
30 for Guam's future leaders."

31 Section 44. 2 GCA §7103 is amended to read:

32 "§7103. Membership. The Congress shall be composed of not to
33 exceed thirty-five (35) members, to be known as Youth
34 Representatives, to be elected from the areas listed below:

1 1. Village Representation.

2 a. One (1) youth representative from each organized
3 village with a population below 15,000.

4 b. Two (2) youth representatives from each village with a
5 population over 15,000.

6 2. School Representation.

7 a. One (1) youth representative from each private and
8 public senior high school with a student population
9 below 1,000.

10 b. Two (2) youth representatives from each private and
11 public senior high school with a student body above
12 1,000.

13 c. Three (3) youth representatives from the University of
14 Guam."

15 Section 45. 2 GCA §7105 is amended to read:

16 "§7105. Vacancies. Vacancies occurring in the Congress shall be
17 filled as the Congress shall provide, except that no person filling a
18 vacancy shall hold office longer than for the remainder of the term for
19 which his predecessor was elected. If no election is held in a village
20 or school, that jurisdiction shall have no representative for that year."

21 Section 46. 2 GCA §7109 is amended to read:

22 "§7109. Operations. The Congress is authorized to employ on a
23 part-time basis under contract a basic staff consisting of an
24 Administrative Officer, an audio-technician, attaches including a Legal
25 Counsel, a recording secretary, and a sergeant-at-arms. Additional
26 logistic support, clerical and technical assistance, will be provided by
27 the Guam Legislature and the legislative staff."

28 Section 47. 2 GCA §7110 is amended to read:

29 "§7110. Compensation. Representatives of Congress shall be
30 compensated at the rate of Ten Dollars (\$10.00) for each regular
31 monthly or special session they attend."

32 Section 48. Sections 44 and 45 of this Act shall be effective for the
33 Twelfth and subsequent Youth Congresses.

1 Section 49. The sum of One Hundred Twenty Thousand Dollars
2 (\$120,000) is hereby appropriated from the lapsed personnel funds
3 generated by the Executive Branch pursuant to Chapter X, Section 2 of
4 Public Law 18-15, to the Department of Public Works for the construction of
5 the Agat Solid Waste Transfer Station.

6 Section 50. Government of Guam property consisting of Lot No. 474,
7 Facpi, Municipality of Agat (17,537 square meters) as identified by the
8 Department of Land Management drawing number 14-85T 251, is hereby
9 declared for use as the site for the Agat Solid Waste Transfer Station.

10 Section 51. Notwithstanding the provisions of any law, rule or
11 regulation, all references to "pay ranges" in the Guam Code Annotated,
12 Government Code and Code of Civil Procedure shall be deemed to apply only
13 to classified employees of the government of Guam.

EIGHTEENTH GUAM LEGISLATURE

ROLL CALL SHEET

Bill No.: 586

DATE: 4-4-86

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	✓			
██████████	██████████	██████████	██████████	██████████
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	✓			

18

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EIGHTEENTH GUAM LEGISLATURE

ROLL CALL SHEET

override

Bill No.: 586

DATE: 4-24-86

Resolution No.: _____

QUESTION: 130 (586 of 1986) (009)

<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				✓
_____	_____	_____	_____	_____
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	✓			

18

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EIGHTEENTH GUAM LEGISLATURE

CHAIRMAN, COMMITTEE ON RULES

Memoers: Speaker Carl T.C. Gutierrez
Sens. Elizabeth P. Arriola,
Bernina D. Dicking,
Franklin J. Gutierrez,
Pilar C. Lujan,
Ted S. Nelson,
Don Parkinson,
Franklin J. Quitugua,
Joe T. San Agustin,
Francisco R. Santos,
Edward R. Duenas



SENATOR JOHN PEREZ AGUON
P.O. Box CB-1
Agana, Guam USA 96910
472-2990, 472-3426, 472-6614

MEMBER

Committee on General Governmental
Operations
Committee on Economic Development,
Housing and Community Development
Committee on Tourism, Transportation
and Communications
Committee on Federal, Foreign and
Legal Affairs

April 3, 1986

P.L. 19.02

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

Dear Mr. Speaker:

The Committee on Rules at its meeting on April 3, 1986, approved the placement of Bill No. 586 on top of the Second Reading File; and hereby transmits to the full Legislature Bill No. 586 as Substituted by the Committee on Education and further Substituted by the Committee on Rules.

The Committee voting record for passage of Bill No. 586 is as follows:

TO DO PASS	<u>10</u>
TO NOT PASS	<u>0</u>
ABSTAIN	<u>1</u>
COMMENTS	<u> </u>

A copy of the Committee Report and all pertinent documents are attached for your information.

Sincerely yours,

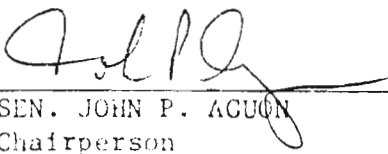

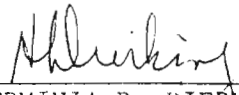
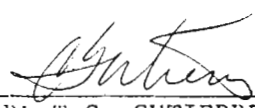
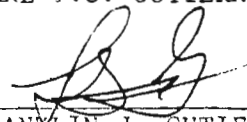
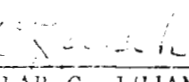
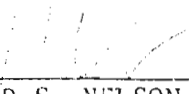
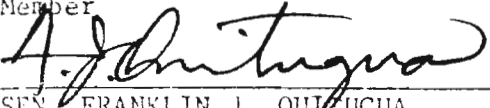
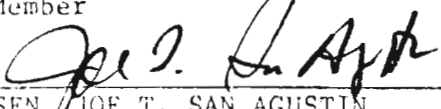
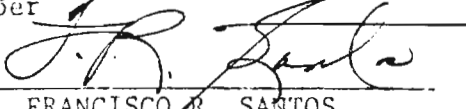
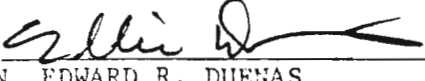
Handwritten signature of John P. Aguon in black ink.

JOHN P. AGUON
Chairman

Attachments

2

VOTING SHEET ON BILL NO. 586 As Substituted by the Committee on Education and further
 COMMITTEE ON RULES Substituted by the Committee on Rules.

<u>MEMBERS</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>ABSTAINED</u>	<u>COMMENTS</u>
 SEN. JOHN P. AGUON Chairperson	✓			
 SEN. ELIZABETH P. ARRIOLA Member	✓			
 SEN. HERMINIA D. DIERKING Member	✓			
 SEN. CARL T.C. GUTIERREZ Member	✓			
 SEN. FRANKLIN J. GUTIERREZ Member	✓			
 SEN. PILAR C. LUJAN Member	✓			
 SEN. TED S. NELSON Member	✓			
SEN. DON PARKINSON Member				
 SEN. FRANKLIN J. QUIÑIGUA Member	✓			
 SEN. JOE T. SAN AGUSTIN Member	✓			
 SEN. FRANCISCO R. SANTOS Member	✓			
 SEN. EDWARD R. DUENAS Member			✓	

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 586 (LS)
Substitute by Committee on Education
as further substituted by Committee
on Rules

Introduced by:

F. J. Quitugua
C. T. C. Gutierrez
T. S. Nelson

E. P. Arriola
J. P. Aguon
J. T. San Agustin
H. D. Dierking
P. C. Lujan
F. J. Gutierrez
F. R. Santos
D. Parkinson

AN ACT TO REPEAL AND REENACT 17 GCA CHAPTER
41 RELATIVE TO ESTABLISHING A DEPARTMENT OF
VOCATIONAL REHABILITATION AND FOR OTHER
PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. 17 GCA Chapter 41 is repealed and reenacted to read:
3 "Chapter 41
4 Vocational Rehabilitation
5 §41101. Definitions. For the purpose of this Chapter:
6 (a) 'Board' means the Board of Control for Vocational
7 Rehabilitation.
8 (b) 'Department' means the Department of Vocational
9 Rehabilitation.
10 (c) 'Director' means the Director of the Department of Vocational
11 Rehabilitation who shall be the Executive officer of the Board. The
12 Director must have at least a bachelors degree in Special Education,
13 Rehabilitative Services or related subject, or at least ten (10) years of
14 experience in vocational rehabilitation service to the handicapped of
15 which two (2) years shall be administrative.

1 (d) 'Handicapped Individual' means any individual who has a
2 physical or mental disability and substantial handicap to employment,
3 which is of such a nature that vocational rehabilitation services may
4 reasonably be expected to render him fit to engage in a gainful
5 occupation which is consistent with his capacities and abilities. A
6 'handicapped individual' also means any individual who has physical or
7 mental disability and a substantial handicap to employment for whom
8 vocational rehabilitation services are necessary for the purpose of
9 extended evaluation to determine his rehabilitation potential.

10 (e) 'Non-profit' when used with respect to a rehabilitation
11 facility means a rehabilitation facility which is owned and operated by
12 a corporation or association, no part of the net earnings of which
13 accrues or may lawfully accrue, to the benefit of any private
14 shareholder or individual, and the income of which is exempt from
15 taxation under §501(c)(3) of the Internal Revenue Code of 1954.

16 (f) 'State' means any one of the several states, territories or
17 possessions of the United States.

18 (g) 'Workshop' means a place where any manufacture of
19 handwork or other products is carried on, or from which services are
20 performed, and which is operated for the primary purpose of providing
21 remunerative employment to severely handicapped individuals either as
22 an interim step in the rehabilitation process for those who cannot be
23 readily absorbed in the competitive labor market or during such time
24 as employment opportunities for the individuals do not exist in the
25 competitive labor market.

26 (h) 'Rehab Services' or 'Vocational Rehabilitation Services' when
27 provided to an individual means any one or any combination of the
28 following services:

29 (1) Evaluation of vocational rehabilitation potential,
30 including diagnostic and related services incidental to the
31 determination of eligibility for services to be provided and the
32 nature and scope of such services;

1 (2) Counseling and guidance, including personal adjustment
2 counseling in order to maintain a sound rehabilitation program
3 throughout a handicapped individual's program of services, and
4 referral necessary to help handicapped individuals secure needed
5 services from other agencies;

6 (3) Physical and mental restoration services necessary to
7 correct or substantially modify a physical or mental condition
8 which is stable or slowly progressive;

9 (4) Vocational and other training services, including
10 personal and vocational adjustment, books, tools, and other
11 training materials, except that no training or training services in
12 institutions of higher education such as universities, colleges,
13 community or junior colleges, vocational schools, technical
14 institutes, or hospital schools of nursing may be paid for under
15 this Act unless maximum efforts have been made by the
16 Department to secure grant assistance in whole or in part from
17 other sources first;

18 (5) Maintenance, including payments not exceeding the
19 estimated cost of subsistence, can be provided at any time in
20 connection with diagnostic training, physical restoration, and
21 placement through the course of the rehabilitation program.
22 Maintenance covers a handicapped individual's basic living
23 expenses such as food, shelter, clothing, and other subsistence
24 expenses which are directly related to the individual's
25 rehabilitation plan. These services shall not replace other basic
26 living expenses which can be provided by the family;

27 (6) Transportation, including necessary travel and related
28 expenses and subsistence during travel, or per diem payments in
29 lieu of subsistence, in connection with transporting handicapped
30 individuals and their attendants or escorts for the purpose of
31 supporting and deriving the full benefit of the other vocational
32 rehabilitation services being provided. Transportation may
33 include relocation and moving expenses necessary for achieving a
34 vocational rehabilitation objective;

1 (7) Services to members of a handicapped individual's family
2 when necessary to the vocational rehabilitation of the handicapped
3 individual;

4 (8) Interpreter services and note-taking services for the
5 deaf, including tactile interpreting for deaf-blind individuals;

6 (9) Reader services, rehabilitation teaching services,
7 note-taking services and orientation and mobility services for the
8 blind;

9 (10) Telecommunications, sensory and other technological
10 aids and devices;

11 (11) Outreach and training services to provide new
12 employment opportunities in the fields of rehabilitation, health,
13 welfare, public safety, law enforcement and other appropriate
14 public service employment;

15 (12) Placement in suitable employment;

16 (13) Post-employment services necessary to maintain suitable
17 employment;

18 (14) Occupational licenses, including any license, permit or
19 other written authority required to be obtained in order to enter
20 an occupation or enter a small business. Needed tools,
21 equipment, initial stocks including livestock, and supplies can be
22 provided; and

23 (15) Other goods and services which can reasonably be
24 expected to benefit a handicapped individual in terms of
25 employability.

26 (i) 'State Agency' or 'State Vocational Rehabilitation Agency'
27 means the sole state agency designated to administer or supervise
28 administration of the State Plan for Vocational Rehabilitation Services.
29 The term includes the State Agency for the Blind, if designated as the
30 sole state agency with respect to that part of the plan relating to the
31 vocational rehabilitation of the blind.

32 (j) 'State Plan' means the annual State Plan for Vocational
33 Rehabilitation Services, or the vocational rehabilitation services part of
34 a consolidated rehabilitation Plan for Vocational Rehabilitation Services

1 and the State Plan for its program for persons with developmental
2 disabilities developed under the Development Disabilities Services and
3 Facilities Construction Act.

4 (k) 'Rehabilitation Facility' means a facility which is operated for
5 the primary purpose of providing vocational rehabilitation services to
6 handicapped individuals and which provides singly, or in combination
7 with one or more of the following, services to handicapped individuals:
8 (1) vocational rehabilitation services which shall include under one
9 management medical, psychological, social and vocational services; (2)
10 testing, fitting, or training in the use of prosthetic and orthotic
11 services; (3) prevocational conditioning or recreational therapy; (4)
12 physical and occupational therapy; (5) speech and hearing therapy;
13 (6) psychological and social services; (7) evaluation of rehabilitation
14 potential; (8) personal and work adjustment; (9) vocational training
15 with a view toward career advancement in combination with other
16 rehabilitation services (10) evaluation or control of specific disabilities;
17 (11) orientation and mobility services and other adjustment services to
18 the blind; and (12) transitional or extended employment for those
19 handicapped individuals who cannot be readily absorbed in the
20 competitive labor market.

21 §41102. Department. There is within the government of Guam a
22 Department of Vocational Rehabilitation which shall, as a free public
23 service, provide rehab services to qualifying handicapped individuals,
24 and which shall be designated as the state agency or sole state agency
25 to administer the state plan for vocational rehabilitation services and
26 for the Blind.

27 §41103. Administration. (a) The Board shall be the governing
28 and the policy making body of the Department. All executive and
29 administrative functions of the Department are vested in the Director
30 who is the Executive Officer of the Board. The Director is appointed
31 by the Board with the approval of the Governor and with the advice
32 and consent of the Legislature. The Director's salary and benefits
33 shall be established by the Board in accordance with 4 GCA.

1 (b) The authority and responsibility of the Director shall include
2 the following: (1) to see that all rules and regulations of the
3 Department are enforced; (2) to attend all meetings of the Board and
4 submit a general report of the affairs of the Department; (3) to keep
5 the Board advised of the needs of the Department; (4) to devote his
6 or her entire time to the business of the Department; (5) to select and
7 appoint the employees of the Department consistent with 4 GCA and
8 personnel rules and regulations promulgated pursuant thereto; (6) to
9 plan, organize, coordinate and control the services of such employees
10 as to achieve the goals of the Department; and (7) to perform such
11 other executive and administrative duties as the Board may require.

12 §41104. Board of Control for Vocational Rehabilitation. (a) The
13 Board shall consist of seven (7) members of which six (6) are to be
14 appointed by the Governor with the advice and consent of the
15 Legislature: one (1) member shall be from the medical profession, two
16 (2) shall be representatives of the handicapped who are themselves
17 handicapped, or parents of a handicapped person, one (1) shall be
18 from the business community, two (2) shall be from the community at
19 large and the seventh member shall be the Associate Superintendent
20 for Special Education or the Principal of Chief Brodie School. The
21 appointments shall be submitted to the Legislature within thirty (30)
22 days after the enactment of this Chapter, except for the seventh
23 member, who shall serve by virtue of his or her position.

24 (b) Of the members first appointed, three (3) shall serve for
25 two (2) years and three (3) shall serve for four (4) years. Initial
26 tenure shall be determined by lot. Subsequent appointments shall be
27 for four (4) year terms, provided however that members shall serve
28 until their successors are qualified.

29 (c) The Board shall hold its initial meeting within thirty (30)
30 days after the confirmation of its members. Thereafter, a meeting
31 shall be held at least once each quarter of each fiscal year.

32 (d) Board members shall serve without compensation; except that
33 each member shall be paid a per diem of Fifty Dollars (\$50.00) for
34 each day of attendance at a meeting of the Board, such compensation

1 not to exceed One Hundred Dollars (\$100.00) per month. Each member
2 shall also be allowed actual expenses incurred in the discharge of the
3 member's duties.

4 §41105. Same:Powers and Duties. (a) In carrying out the
5 provisions of this Chapter the Board shall:

6 (1) At its first meeting, elect a Chairman by majority vote
7 for a two (2) year term.

8 (2) Adopt reasonable rules and regulations for the purpose
9 of carrying out the duties, powers and responsibilities conferred
10 in this Chapter. The regulations shall establish that an applicant
11 or a recipient of vocational rehabilitation services who is
12 dissatisfied with any action with regard to the furnishing or
13 denial of such services may file a request for review in
14 accordance to federal law. Each applicant or individual being
15 provided vocational rehabilitation services must be informed of the
16 review procedures available under this Section, including the
17 names and addresses of individuals with whom appeals are to be
18 filed.

19 (3) Prepare, adopt and implement a vocational rehabilitation
20 program in cooperation and coordination with other departments
21 and agencies, private interests and other jurisdictions including
22 the Federal Government.

23 (4) Determine the eligibility of all applicants for vocational
24 and rehabilitation services and determine the scope and nature of
25 vocational rehabilitation services.

26 (5) Cooperate with the Federal Government in carrying out
27 the purpose of any federal statute pertaining to vocational
28 rehabilitation.

29 §41106. In carrying out the provisions of this Chapter the
30 Department shall:

31 (1) Enter into reciprocal agreements with other jurisdictions
32 within the United States to provide for rehabilitation services to
33 residents of those jurisdictions.

1 (2) Establish, construct, and operate rehabilitation facilities
2 and workshops and to enter into contracts not to exceed three
3 (3) years per contractual period, with a non-profit corporation
4 qualified to provide training for handicapped persons and the
5 operation of the non-profit rehabilitation facilities or workshops
6 with the provision that the Director is a liaison to the Board of
7 Directors of the non-profit corporation managing the rehabilitation
8 facility or workshop. A contract renewal option may be provided.

9 The responsibility for production and sales of all handicrafts
10 and other products, production of services by a workshop or
11 rehabilitation facility and control of funds derived thereby
12 through such sales and services is vested in the Board of
13 Directors of the non-profit corporation in accordance with its
14 Articles and By-laws with the following provisions:

15 (i) The first priority for use of funds derived from
16 sales and services is for salary and benefits of workshop
17 extended or sheltered employees; and

18 (ii) The second priority is payment of overhead such
19 as utilities, supplies and materials. The third priority for
20 use of funds derived from sales and services is the
21 'amortized depreciation fund' into which the annual
22 depreciation of government-owned equipment shall be
23 deposited. The fund is to be used for the sole purpose of
24 equipment replacement or purchase of new equipment. The
25 Board of Directors of the non-profit corporation shall
26 annually recommend to the Board the use of the fund for
27 approval or disapproval. All equipment purchased by this
28 fund is property of the Government of Guam.

29 (3) Accept grants, gifts, contributions and appropriations.

30 (4) License blind individuals to operate vending stands,
31 under its supervision and control, on property of the government
32 of Guam and on federal or other property, pursuant to the
33 Randolph-Sheppard Act or any other Act of Congress relating to
34 the subject; supervise the operation of vending stands and other

1 small businesses established pursuant to this Chapter to be
2 operated by severely handicapped individuals.

3 (5) Adopt such methods of administration as are found by
4 the Federal Government to be necessary for the proper and
5 efficient operation of any agreement or plan for vocational
6 rehabilitation and comply with such conditions as are necessary to
7 secure the full benefits of such federal statutes to Guam and its
8 residents.

9 (6) With the approval of the Governor, to perform functions
10 and services for the Federal Government relating to individuals
11 who have a physical or mental disability.

12 (7) Take such action as the Board deems necessary and
13 appropriate to carry out the purposes of this Chapter.

14 (8) Enter into agreements to provide that:

15 (i) The non-profit corporation shall lease the
16 government facility or portions thereof, located in Tumon
17 and now used as a workshop for the sum of \$1 per year;

18 (ii) The non-profit corporation may use all equipment
19 at the facility provided that the corporation replaces needed
20 equipment as it becomes obsolete or used;

21 (iii) The non-profit corporation shall be compensated
22 for management in an amount necessary to pay needed
23 professional staff and ninety percent of overhead during the
24 first contractual period. Thereafter the amount shall
25 decrease at least twenty percent each contractual period
26 until the operation is self-sufficient. Fiscal Year 1986
27 shall be used as the base year.

28 (9) Annually review the status of client employment,
29 environment, and training. A report on the status of client
30 conditions shall be forwarded each year to the Governor of Guam
31 and the Speaker of the Guam Legislature by August 1.

32 §41107. Employment of Clients.

33 (a) Departments and agencies of the Government of Guam shall
34 adopt departmental rules and regulations for the hiring of handicapped
35 individuals referred by the Department and to include in their annual

1 appropriation requests identification for available positions. Such
2 rules shall include the granting of preference credits allowed under 4
3 GCA §4104.

4 (b) The department or agency head shall consult with the
5 Director of the Department of Vocational Rehabilitation to determine
6 positions for which handicapped applicants may be certified and for
7 which funds may then be requested in the budget.

8 (c) Each department or agency shall employ at least one percent
9 of the work force or one handicapped individual, whichever is greater,
10 certified by the Department of Vocational Rehabilitation. Such
11 employment shall be on a temporary, limited-term appointment not to
12 exceed a total of seven hundred (700) hours per annum regardless of
13 whether the position being filled is budgeted as temporary or
14 permanent. A department may be excused from this requirement if the
15 Director advises that not enough individuals are available.

16 (d) A handicapped person employed on a temporary limited seven
17 hundred-hour appointment may be given permanent employment in the
18 same or another position prior to the expiration of the seven
19 hundred-hour appointment provided that the person is certified as
20 qualified for permanent employment and that the appointment is
21 consistent with the provisions of the merit system.

22 (e) Time spent in the seven hundred-hour appointment shall be
23 credited towards the probationary period requirement.

24 §41108. Misuse of Lists and Records. It shall be unlawful,
25 except for purposes directly connected with the administration of the
26 Vocational Rehabilitation Program, and in accordance with applicable
27 rules and regulations, for any person to solicit, disclose, receive,
28 make use of, authorize, knowingly permit, participate in, or acquiesce
29 in, the use of any name of or any information concerning a person
30 applying for or receiving vocational rehabilitation directly or indirectly
31 derived from the records, papers, files or communications of the Board
32 or Departments thereof acquired in the course of performance of
33 official duties. Any violation of this Section shall be a misdemeanor.

1 §41109. Certification. Notwithstanding any other provision of
2 law, the authority for employment certification of clients of the
3 Workshop is vested in the Department of Vocational Rehabilitation.
4 Certification and employment of handicapped workers at sub-minimum
5 wage rates shall be governed, where applicable, by the rules and
6 regulations prescribed by the Wage and Hour Commissioner, approved
7 by the Governor and promulgated by Executive Order of the
8 Governor."

9 Section 2. A new Section 19543.1024 of the Government Code is added
10 to read:

11 ".1024. Amounts paid by the contractor out of the contract gross
12 proceeds to individual clients or to the rehabilitation center or
13 workshop pursuant to the provisions of 17 GCA §41106."

14 Section 3. (a) It is the intent of the Legislature that Sections 1 and
15 2 of this Act be deemed an amendment of existing law. To that end the
16 persons occupying the positions of Director of the Department of Vocational
17 Rehabilitation and members of the Board of Control for Vocational
18 Rehabilitation need not be reappointed to their positions and undergo
19 legislative confirmation. Upon the expiration of a person's term or upon
20 other vacancy in office, the new appointee shall meet the qualifications set
21 forth in Section 1 of this Act.

22 (b) The Director of the Department of Vocational Rehabilitation shall
23 enter into a contract as required in 17 GCA §41106 no later than One
24 Hundred Twenty (120) days after this Act takes effect.

25 Section 4. Transition of the Department of Vocational Rehabilitation
26 Employees serving at the Workshop Center. Should a qualified non-profit
27 corporation be contracted to operate and manage the Workshop, the Director
28 and the Board of Control shall establish a plan and schedule a gradual
29 transition into the Department's functions and tasks those employees
30 assigned at the Workshop Center. Employment in other government
31 departments or private business shall also be actively pursued for the
32 displaced workers. Such transfer of personnel shall not negatively affect
33 the training and employment of the clients. Likewise, the new assignments
34 of employees throughout the government of Guam shall be closely related to

1 their expertise, training and experience. Placement or retraining needs
2 shall be determined upon the effective date of this Act and shall be
3 provided for by the government of Guam at no cost to the employees
4 undergoing job placement or retraining.

5 Section 5. The sum of Three Thousand Five Hundred Dollars
6 (\$3,500.00) is appropriated from the General Fund to the Department of
7 Education for use in purchasing a computer to be used in the PACE
8 Program. If this appropriation is not used for the purpose stated in this
9 Section, it shall revert to the General Fund on September 30, 1986.

10 Section 6. The Governor of Guam is authorized to lease Lot No.
11 10120.10, Dededo, Guam to the qualified applicant upon such terms and
12 conditions as provided by rules and regulations.

13 Section 7. 10 GCA §34119 is amended to read:

14 "§34119. Dog Control Unit. The Department of Public Health and
15 Social Services shall maintain a Dog Control Unit. The Dog Control
16 Unit shall maintain a dog pound, provide and carry out a
17 territory-wide plan to collect and place under observation biting dogs,
18 reduce the number of dogs running at large and, upon request, to
19 collect and dispose of humanely any sick, aged, injured or unwanted
20 small animal. [The Commissioners of Guam shall have the concurrent
21 responsibility within their respective jurisdictions of collecting all dogs
22 running at large and turning them over to the Dog Control Unit.] At
23 the discretion of the Director or his designated representative, a
24 biting dog may be confined by the owner of such dog in accordance
25 with regulations specified by the Director."

26 Section 8. Subsection (h) of Section 17202 of the Government Code of
27 Guam is repealed and reenacted to read:

28 (h) Accessory buildings or structures may be located and
29 maintained in a rear yard, except in the required ten (10) foot rear
30 yard which is that portion adjoining the rearmost main building on the
31 lot. Such buildings or structures may also be located and maintained
32 in any side yard, except in the required eight (8) foot side yards
33 adjoining each of the side lot lines. When such buildings or
34 structures are to be used exclusively for storage or as outdoor

1 cooking facilities, they may be located in a side or rear yard with
2 walls erected on the rear and/or side lot lines; provided that such
3 buildings or structures shall not exceed two hundred (200) square feet
4 of floor space and the roofs thereof shall not project beyond the rear
5 or side lot lines and shall be sloped in such a manner as to prevent
6 rain run off from flowing to adjacent property. A storage or cooking
7 facility may only be constructed on residential lots which meet the
8 yard requirements provided by Section 17200 of this Code.

9 Section 9. Public Law 18-24, Section 12 is hereby amended to read:

10 "Notwithstanding any other law, rule or regulation, funds derived
11 from the sale of residue from cafeteria operations, otherwise known as
12 wet garbage, shall be deposited to the Student Activity Fund. These
13 funds shall be used exclusively to benefit students and their various
14 educational activities in accordance with approved procedures
15 established by Board of Education policies. Deposits from fiscal year
16 1983 shall constitute the original proceeds of the Student Activity
17 Fund. Expenditures from the Student Activity Fund shall not be
18 limited to the fiscal year in which the funds are collected. From these
19 funds, the amount of Sixteen Thousand Five Hundred Sixty-seven
20 Dollars (\$16,567.00) shall also be used for the purpose of sending a
21 delegation from two public high schools to participate in the Close Up
22 Program in Washington D.C. from March 22, 1986 through April 5,
23 1986, to be expended as follows:

- 24 (a) John F. Kennedy High School
25 students and one (1) teacher \$9,415.00
26 (b) Simon Sanchez High School
27 students and one (1) teacher 7,152.00

28 Section 10. Notwithstanding any other provision of law, the sum of
29 One Hundred Forty-Four Thousand Dollars (\$144,000) is appropriated from
30 the Funds received by the government of Guam from the cases of U.S. v.
31 Exxon and in re Department of Energy Stripper Well Exemption Litigation to
32 the Guam Mass Transit Authority for the operations of March, April, May
33 and June, 1986. The Guam Mass Transit Authority shall reimburse these
34 funds when federal grant money is received by GMTA.

1 Section 11. There is hereby appropriated the sum of One Hundred
2 Thirty Thousand Dollars (\$130,000) from the General Fund to the Guam
3 Election Commission for the purpose of moving to and renovating the old
4 Guam Memorial Hospital Staff Housing in Tamuning for their new office
5 location. Any money not expended by the Commission relative to the
6 transfer of office from Agana to Tamuning, shall revert back to the General
7 Fund.

8 Section 12. Section 3 of Public Law 12-61, as amended by P.L.
9 12-226, P.L. 15-131 and P.L. 15-133, is codified as Section 13008 of the
10 Government Code and is further amended to read:

11 "[Section 3.] Section 13008. Notwithstanding any other provision
12 of law, [to the contrary, the Land Transfer Board, the Governor of
13 Guam and the Director of the Department of Land Management shall
14 not, lease or exchange] government-owned real property shall not be
15 sold, leased, exchanged or otherwise transferred without the prior
16 approval of the Legislature by duly enacted legislation which
17 specifically authorizes a particular sale, lease, exchange or transfer
18 and includes the real property description of the government-owned
19 real property with particularity. [This Section shall not apply to Land
20 Use Permits issued pursuant to Chapter VII of the Government Code of
21 Guam.]"

22 Section 13. Section 13654 of the Government Code, amended by
23 Section 7 of P.L. 18-14, is repealed and reenacted to read:

24 "Section 13654. The land exchanges authorized by Section 13652
25 of this Chapter shall be accomplished by June 1, 1986. The purchase
26 of homes located on private land described in Section 13652 which is
27 authorized by Section 13653 of this Chapter shall be accomplished by
28 June 1, 1986. The property of Jose and Victoria Perez is also
29 included within the deadlines set out in this Section."

30 Section 14. Notwithstanding any other provision of law, the sum of
31 One Hundred Ninety Thousand Four Hundred Fifty-four Dollars
32 (\$190,454.00) is appropriated from the Government Claims Fund to the
33 Department of Land Management to pay Vincent M. Rosario for replacement
34 cost of concrete building on Lot No. 5384-8, Mangilao, Barrigada and

1 incidental costs as negotiated and agreed upon between the Department of
2 Land Management and Vincent M. Rosario, evidenced in October 25, 1985
3 memorandum and attachments from the Administrator, Land Management
4 Programs to the Director of Land Management and again in November 14,
5 1985 memorandum and attachments from Director, Department of Land
6 Management to the Governor, both on the subject: Amount needed to carry
7 out the intent of Public Law 17-54, 17-75, and Public Law 18-14:7.

8 Section 15. Notwithstanding any other provision of law, the sum of
9 One Hundred Fifty-three Thousand Six Hundred Forty-three Dollars
10 (\$153,643.00) is appropriated from the Government Claims Fund to the
11 Department of Land Management to pay Ana M. Rosario for replacement cost
12 of concrete building on Lot No. 5384-11, Mangilao, Barrigada and incidental
13 costs as negotiated and agreed upon between the Department of Land
14 Management and Ana M. Rosario, evidenced in October 25, 1985 memorandum
15 and attachments from the Administrator, Land Management Programs to the
16 Director of Land Management and again in November 14, 1985 memorandum
17 and attachments from Director, Department of Land Management to the
18 Governor, both on the subject: Amount needed to carry out the intent of
19 Public Law 17-54, 17-75, and Public Law 18-14:7.

20 Section 16. Notwithstanding any other provision of law, the sum of
21 One Hundred Two Thousand Four Hundred Thirty Dollars (\$102,430.00) is
22 appropriated from the Government Claims Fund to the Department of Land
23 Management to pay Lorenzo C. Rosario for replacement cost of concrete
24 building on Lot No. 5384-R1, Mangilao Barrigada and incidental costs as
25 negotiated and agreed upon between the Department of Land Management
26 and Lorenzo C. Rosario, evidenced in October 25, 1985 memorandum and
27 attachments from the Administrator, Land Management Programs to the
28 Director of Land Management and again in November 14, 1985 memorandum
29 and attachments from Director, Department of Land Management to the
30 Governor, both on the subject: Amount needed to carry out the intent of
31 Public Law 17-54, 17-75, and Public Law 18-14:7.

1 Section 17. Notwithstanding any other provision of law, the sum of
2 Thirty Thousand Five Hundred Sixty Dollars (\$30,560.00) is appropriated
3 from the Government Claims Fund to the Department of Land Management to
4 pay Alfred and Carmen Sablan for replacement cost of wood and frame
5 building on Lot No. 5384, Mangilao, Barrigada and incidental costs as
6 negotiated and agreed upon between the Department of Land Management
7 and Alfred and Carmen Sablan, evidenced in October 25, 1985 memorandum
8 and attachments from the Administrator, Land Management Programs to the
9 Director of Land Management and again in November 14, 1985 memorandum
10 and attachments from Director, Department of Land Management to the
11 Governor, both on the subject: Amount needed to carry out the intent of
12 Public Law 17-54, 17-75, and Public Law 18-14:7.

13 Section 18. The Attorney General shall continue to evaluate and
14 negotiate all current claims against the government of Guam for the period
15 of time provided by law to settle each claim, and shall prepare and forward
16 to the Legislature a list in the form of a request for an appropriation, of
17 all claims against the government of Guam which the Attorney General
18 intends to settle.

19 Section 19. Line 5 of Subsection B. (1) of 4 GCA §6206 which reads:
20 "Director of Education 1 \$36,000" is repealed."

21 Section 20. Subsection (a) of 17 GCA §3102 is amended to read:

22 "(a) The Territorial Board of Education which shall be the
23 governing and policy determining body of the Department and shall set
24 the salary of the Director and the Deputy Director of the Department
25 of Education."

26 Section 21. Subsection B.(2) of 4 GCA §6206 is amended to read:

27 "(2) Deputy Directors, except
28 for the Department of Education -
29 one (1) per Department as enumerated
30 in §6206 B.(1), not to exceed \$ 30,000"

31 Section 22. A new Subsection (d) is added to 17 GCA §31113 to read:

32 "(d) Any person employed as a Vice-President of the College
33 shall be compensated at at least Step 7 of Professor, IV - Level for
34 Administrators as shown on the proposed Salary Schedule for Teachers

1 passed by the GCC Board of Trustees March 11, 1985 and approved by
2 the Governor March 13, 1985."

3 Section 23. Notwithstanding any other provision of law, funds
4 contained in the Guam Community College Budget for FY 1986 are to be
5 utilized to implement Section 22 of this Act.

6 Section 24. Sections 22 and 23 of this Act shall be retroactive to
7 October 1, 1985.

8 Section 25. The last sentence of Subsection (e) of 17 GCA §4104 is
9 amended to read:

10 "The Board shall act on the recommendation of the subcommittees
11 and Textbook Selection Committee within thirty (30) days after
12 submission."

13 Section 26. The Director of the Department of Commerce shall transfer
14 any lapsed funds from any available appropriation made to the Department
15 of Commerce in Public Law 18-15 for the purpose of paying costs and
16 attorney fees not to exceed Twenty Thousand Dollars (\$20,000) pursuant to
17 Section 1022.1 of the Code of Civil Procedure to present or former
18 employees of the Department of Commerce.

19 Section 27. Three Hundred Thousand Dollars (\$300,000) is
20 appropriated from the Exxon Overcharge Fund to the Department of
21 Education for the purchase of energy conservation devices under
22 competitive bid for the purpose of reducing power expenses.

23 Section 28. The sum of Thirty-six Thousand Dollars (\$36,000) is
24 hereby appropriated from the Exxon overcharge account to the Guam
25 Memorial Hospital Authority for the purpose of funding an energy technical
26 assistance audit to enable the hospital to justify the use of an available One
27 Hundred Nine Thousand Dollar (\$109,000) Energy Grant by April 30, 1986
28 and to justify future Energy Grant applications of the Authority to the
29 U.S. Department of Energy.

30 Section 29. There is hereby appropriated the sum of Thirty Five
31 Thousand Dollars (\$35,000) from the Department of Youth Affairs lapsed
32 funds to Sanctuary to fund their programs until July 1986 that have been
33 affected by the budget cuts mandated by the Gramm-Rudman-Hollings Act.

1 Section 30. (a) Legislative Intent. The Legislature finds that there
2 is an urgent need to increase the salaries of Guam's public school teachers.
3 Guam's teachers are the lowest paid in the entire nation, and this has
4 seriously impeded efforts to retain the needed contingent of good teachers.
5 Also, recruitment of good teachers is dependent on the offering of an
6 adequate professional salary.

7 Adequate teacher salaries are an important prerequisite to improving
8 the quality of education on Guam. As long as the salaries offered to
9 Guam's teachers are a dis-incentive to continuing a professional teaching
10 career, the children of Guam may not acquire the quality education they
11 deserve. In addition, Guam's economic development will be stymied since all
12 industries, including the military, will be handicapped in recruiting
13 personnel on Guam as long as Guam's educational system remains below
14 average.

15 (b) Option 1 of the proposed salaries recommended by the Civil
16 Service Commission in the Classification and Pay Maintenance Review Task
17 Force Phase I Report transmitted to the Governor from the Executive
18 Director of the Civil Service Commission and dated November 7, 1985 shall
19 be implemented at the beginning of School Year 1986-87 for the positions of
20 Teachers I-A, I-B, I-C, I-D, II, III, IV, V, and VI as follows:

	P/R	Min.	Max.	%	%
21 Teacher I-A	22	12,662	16,198	16	22
22 Teacher I-B	24	12,286	17,238	17	23
23 Teacher I-C	32	16,719	22,178	32	37
24 Teacher I-D	34	17,758	23,738	34	38
25 Teacher II	36	18,798	25,298	31	35
26 Teacher III	38	20,098	26,858	33	34
27 Teacher IV	40	21,398	28,418	28	28
28 Teacher V	42	22,958	29,978	29	26
29 Teacher VI	44	24,518	32,183	22	20

30 Each teacher shall receive salary according to the schedule in this
31 Subsection at the same range and step at which they were paid prior to the
32 implementation of this Subsection.
33

1 (c) The sum of One Million Five Hundred Ninety Thousand Dollars
2 (\$1,590,000) is appropriated from the General Fund to the Department of
3 Education for the sole purpose of funding the increased portion of the
4 teachers' pay raise from the start of the 1986-87 school year to September
5 30, 1986. The appropriation made in this Section is derived from increased
6 estimated revenues, reductions in government expenditures and lapses, all
7 as set out in Sections 31, 32, 33, 34, and 35 of this Act. Any sums
8 remaining from the appropriation made in this Section shall revert to the
9 General Fund on September 30, 1986.

10 (d) 17 GCA §§5120 through 5123, inclusive, and Section 2 of P.L.
11 15-138 are repealed.

12 (e) The administrators of the Department of Education, whether or
13 not their positions require teaching experience, shall receive an increase in
14 salary of five percent (5%) of their present salary. Such increase of salary
15 shall be effective at the beginning of School Year 1986-87. The Department
16 of Education is authorized to implement the increase in salary in this Sub-
17 section from any lapsed funds of the budget of the Department of Education.

18 (f) The Civil Service Commission shall reevaluate all Department of
19 Education Administrators positions and shall set a new classification
20 schedule for such positions to be effective October 1, 1986.

21 Section 31. The line in Section 2 of Chapter 1 of the General
22 Appropriation Act of 1986 which reads:

23 "Gross Receipts Tax 46,113,948"

24 is amended to read:

25 "Gross Receipts Tax 46,173,948"

26 Section 32. Section 8 of P.L. 18-24, amended by Section 7 of P.L.
27 18-30, is further amended to read:

28 "The sum of [Seven Hundred Fifty Thousand Dollars (\$750,000)]
29 Four Hundred Eighty-one Thousand Seven Hundred Dollars (\$481,700)
30 is appropriated from the General Fund to the Guam Fire Department to
31 implement the provisions of Section 7 of this Act."

1 Section 33. Item I 4. of Section 2 of Chapter VI (Public Health and
 2 Social Services) of the General Appropriation Act of 1986 is amended to
 3 read:

	<u>General</u>	<u>Other</u>	<u>Federal</u>	<u>Total</u>
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	
6 "4. Direct Transfer	[3,204,288]	61,500	3,300,000	[6,565,788]
7 Payments	<u>2,380,641</u>			<u>5,742,141"</u>

8 Section 34. Except for Guam Council on the Arts and Humanities
 9 (CAHA), Guam Environmental Protection Agency, Department of Military
 10 Affairs, Civil Defense and Department of Vocational Rehabilitation, all sums
 11 appropriated in the General Appropriation Act of 1986 to a territorial
 12 agency for payment of power are reduced by one and six hundred sixty
 13 seven thousandths of one percent (1.667%). All amounts by which the sums
 14 appropriated for power are reduced shall be placed into the General Fund.

15 Section 35. The following departments are directed to place the
 16 following sums into the General Fund from sums appropriated for personnel
 17 services in the General Appropriation Act of 1986:

- 18 (a) Fifty-seven Thousand Two Hundred Eighty Dollars and
 19 Twenty-six Cents (\$57,280.26) from the Department of Agriculture,
- 20 (b) One Thousand Seven Hundred Thirty-one Dollars and Four
 21 Cents (\$1,731.04) from the Chief Medical Examiner,
- 22 (c) Six Thousand Three Hundred Ninety-eight Dollars and
 23 Seventy-five Cents (\$6,398.75) from the Civil Service Commission,
- 24 (d) Thirty Thousand Four Hundred Thirty Dollars and Sixty-five
 25 Cents (\$30,430.65) from the Commissioners Council,
- 26 (e) Ten Thousand Five Hundred Twenty-one Dollars and
 27 Fifty-one Cents (\$10,521.51) from Guam Educational Telecommunications
 28 Corporation (KGTF),
- 29 (f) Thirty-five Thousand Four Hundred Forty-seven Dollars and
 30 Fifty Cents (\$35,447.50) from the Guam Public Library,
- 31 (g) Seventy-four Thousand Three Hundred Forty-three Dollars
 32 (\$74,343.00) from the Department of Mental Health and Substance
 33 Abuse,

1 (h) Nine Hundred Sixty-seven Dollars (\$967.00) from Guam
2 Museum,

3 (i) Eighty-one Thousand Four Hundred Ninety-three Dollars and
4 Eight-seven Cents (\$81,493.87) from the Department of Parks and
5 Recreation.

6 The above sums are savings derived by the government of Guam from
7 personnel services lapses.

8 Section 36. The Governor shall submit to the Legislature, in time to
9 be implemented by October 1, 1986, a description of funding source and
10 amounts necessary to implement Option 1 of the proposed salaries
11 recommended by the Civil Service Commission in the Classification and Pay
12 Maintenance Review Task Force Phase I Report dated November 7, 1985, for
13 all positions contained in the Report.

14 Section 37. Findings of the Legislature. The Legislature finds that
15 water and sewer services are essential to the health and well-being of the
16 people of Guam. The Legislature has traditionally subsidized water and
17 sewer services in order to insure that all residents of Guam have adequate
18 and safe drinking water and a safe environment in which to live. In Fiscal
19 Year 1986, the Legislature granted the Public Utility Agency of Guam a
20 subsidy of approximately Six Million One Hundred Thousand Dollars
21 (\$6,100,000). The new rate structure proposed by the Public Utility
22 Agency of Guam and the Public Utilities Commission apparently does not
23 take into account the subsidy of the Legislature as contained in Public Law
24 18-15, nor does it reflect the manifest intent of the Legislature to lessen
25 the impact of the increased water rates by providing a temporary subsidy
26 to small water users, to be phased out over a period of years. It is the
27 intent of the Legislature that the subsidy herein be phased out over a
28 five-year period and at the end of that period the Public Utility Agency of
29 Guam be self-sustaining.

30 Section 38. The Public Utility Agency of Guam shall:

31 a. Formulate and approve a subsidy structure that provides for
32 subsidies for a minimal level of water services and sewer services for
33 residences and nonprofit organizations.

1 b. The subsidy amount shall be structured to be reflected as an
2 adjustment on each month's water and sewer bill, to apply on any
3 amount used up to the first nine thousand (9,000) gallons of water
4 used each month, and, for PUAG accounts of consumers hooked up to
5 sewer, to apply on any amount generated, or equivalent, up to the
6 first nine thousand (9,000) gallons per month of sewage generated, or
7 equivalent.

8 c. The subsidy shall apply only to PUAG for accounts of
9 residential consumers, consumers having three-fourths inch (3/4")
10 water meters, and consumers who are billed by the Public Utility
11 Agency of Guam at a rate based on the three-fourths inch (3/4")
12 meter rate.

13 d. The structure of the subsidy for PUAG shall call for the
14 utilization of the entire subsidy appropriated by the Legislature to
15 the Public Utility Agency of Guam by Public Law 18-15 as pro rated in
16 Subsection (g) and (h) of this Section, to be allocated among PUAG
17 accounts of consumers in a fair and equitable manner based on the
18 amount of usage up to amounts set out in subsection (b) of this
19 Section.

20 e. For Fiscal Year 1986, the structure of the subsidy shall be
21 such that no residential consumer on a program of public assistance as
22 certified by the Department of Public Health and Social Services
23 through an identification card using five thousand (5,000) gallons of
24 water or less shall pay more in water and sewer charges than that
25 consumer would have paid under the rates in effect on September 1,
26 1985.

27 f. For Fiscal Year 1986, the structure of the subsidy shall
28 allow no consumer to pay less than the rates in effect on the
29 September 1, 1985.

30 g. For Fiscal Year 1986, the total subsidy to PUAG to be
31 applied according to this Section shall be Five Hundred Thirteen
32 Thousand Dollars (\$513,000) per month for each month in Fiscal Year
33 1986 after the effective date of an increase in water and sewer rates.

1 h. The Public Utility Agency of Guam may utilize amounts
2 appropriated by P.L.18-15 only at the rate of Five Hundred Thirteen
3 Thousand Nine Hundred Thirty-seven Dollars and Sixty-six Cents
4 (\$513,937.66) per month until the new water and sewer rate structure
5 including the subsidy goes into effect. Thereafter, all sums
6 appropriated to the Public Utility Agency of Guam by Public Law 18-15
7 which have not been utilized or encumbered are hereby reprogrammed
8 for subsidy purposes, as set forth in this section effective upon the
9 date of implementation of any increase in water and sewer rates over
10 the rates in effect on September 1, 1985. If the Fiscal Year 1986
11 budget becomes the Fiscal Year 1987 budget as part of a two year
12 budget, then in Fiscal Year 1987 the subsidy amount per month shall
13 be Five Hundred Thirteen Thousand Nine Hundred Thirty-seven
14 Dollars and Sixty-six Cents (\$513,937.66). Thereafter, the subsidy
15 shall be allocated as indicated in the legislation appropriating amounts
16 for that purpose. This subsection hereby reprograms and
17 appropriates all sums previously appropriated to the Public Utility
18 Agency of Guam in Public Law 18-15 and not utilized or encumbered on
19 the effective date of an increase of water and sewer rates to the
20 Public Utility Agency of Guam, for the subsidy program as provided in
21 this Section.

22 i. The monthly subsidy amount shall be transferred monthly by
23 the Director of Administration from the General Fund to the Public
24 Utility Agency of Guam. Such payments shall be made by the Director
25 of Administration within thirty (30) days after receipt of billing from
26 the Public Utility Agency of Guam.

27 j. The Public Utility Agency of Guam shall develop an initial
28 subsidy formula within the provisions of this Section.

29 k. The formula for subsidy developed by the Public Utility
30 Agency of Guam shall be such that if the total amount of legislative
31 subsidy changes in future years, the amount of subsidy to be applied
32 to PUAG accounts of consumers can be calculated according to formula
33 without the need for changes in the formula, rules, or regulations.

1 1. Because the subsidy deals with appropriated funds from the
2 General Fund, it is deemed appropriate that the Legislature and
3 Governor also have an opportunity to consider the final subsidy
4 program. Therefore, the rules, regulations, and formulas relating to
5 the subsidy shall be transmitted to the Speaker of the Legislature and
6 to the Governor. Notwithstanding any other provision of law, for
7 purposes of approving the subsidy formula as provided, the Public
8 Utilities Agency of Guam shall give notice to the public in the manner
9 required by law of all necessary hearings; except that solely for the
10 purpose of considering, modifying, rejecting or approving the initial
11 subsidy formula and related matters only seven (7) days notice of such
12 hearings need be given. The new and final rules, regulations and
13 formulas relating to the subsidy shall not take affect until fifteen (15)
14 days after transmission to the Speaker and to the Governor.

15 Section 39. 2 GCA §7102 is amended to read:

16 "§7102. Functions. The Guam Youth Congress shall act as a
17 youth, part-time legislative body with the power to make its own
18 rules, establish committees, hold hearings, pass resolutions, and to
19 prepare and pass bills, which would be forwarded to the Rules
20 Committee of the Guam Legislature for action as with a legislative bill,
21 in such appropriate manner not-inconsistent with the laws, standing
22 rules and practices of the legislative branch of the territory of Guam.

23 The Youth Congress will represent the Youth of Guam, their
24 desires and aspirations, and will serve as a training and action area
25 for Guam's future leaders."

26 Section 40. 2 GCA §7103 is amended to read:

27 "§7103. Membership. The Congress shall be composed of not to
28 exceed thirty-five (35) members, to be known as Youth
29 Representatives, to be elected from the areas listed below:

30 1. Village Representation.

31 a. One (1) youth representative from each organized
32 village with a population below 15,000.

33 b. Two (2) youth representatives from each village with a
34 population over 15,000.

- 1 2. School Representation.
- 2 a. One (1) youth representative from each private and
- 3 public senior high school with a student population
- 4 below 1,000.
- 5 b. Two (2) youth representatives from each private and
- 6 public senior high school with a student body above
- 7 1,000.
- 8 c. Three (3) youth representatives from the University of
- 9 Guam."

10 Section 41. 2 GCA §7105 is amended to read:

11 "§7105. Vacancies. Vacancies occurring in the Congress shall be

12 filled as the Congress shall provide, except that no person filling a

13 vacancy shall hold office longer than for the remainder of the term for

14 which his predecessor was elected. If no election is held in a village

15 or school, that jurisdiction shall have no representative for that year."

16 Section 42. 2 GCA §7109 is amended to read:

17 "§7109. Operations. The Congress is authorized to employ on a

18 part-time basis under contract a basic staff consisting of an

19 Administrative Officer, an audio-technician, attaches including a Legal

20 Counsel, a recording secretary, and a sergeant-at-arms. Additional

21 logistic support, clerical and technical assistance, will be provided by

22 the Guam Legislature and the legislative staff."

23 Section 43. 2 GCA §7110 is amended to read:

24 "§7110. Compensation. Representatives of Congress shall be

25 compensated at the rate of Ten Dollars (\$10.00) for each regular

26 monthly or special session they attend."

27 Section 44. Sections 40 and 41 of this Act shall be effective for the

28 Twelfth and subsequent Youth Congresses.

29 Section 45. The sum of One Hundred Twenty Thousand Dollars

30 (\$120,000) is hereby appropriated from the lapsed personnel funds

31 generated by the Executive Branch pursuant to Chapter X, Section 2 of

32 Public Law 18-15, to the Department of Public Works for the construction of

33 the Agat Solid Waste Transfer Station.

1 Section 46. Government of Guam property consisting of Lot No. 474,
2 Facpi, Municipality of Agat (17,537 square meters) as identified by the
3 Department of Land Management drawing number 14-85T 251, is hereby
4 declared for use as the site for the Agat Solid Waste Transfer Station.

COMMITTEE REPORT
COMMITTEE ON RULES

The Committee on Rules met at 4 p.m. on April 3, 1986, and discussed Bill No. 586. Bill No. 586 was reported out of the Committee on Education by report dated March 12, 1986 with a recommendation to pass the bill as substituted by the Committee.

The Committee on Rules voted to further Substitute Bill 586 as reported out. The substitute version used by the Committee on Rules was a product of numerous meetings between the members of the Committee on Education and persons from the Community involved in Vocational Rehabilitation.

Bill 586 substitute version by Committee on Rules keeps generally the format used by the Committee on Education by repealing and reenacting Chapter 41 of 17 GCA. The definitions section in the Committee on Rules' substitute version was changed somewhat from the Committee on Education's substitute version.

Various other sections of the Bill were changed to clarify the functioning of the Board of Control and the Department of Vocational Rehabilitation. Some minor and technical amendments were made throughout the Substitute Bill version used by the Committee on Rules of Sub Bill 586, all reflecting clarifications in the way the Board and the Department are to operate. Since much of the bill is derived from federal requirements, all of those portions in the Sub Bill prepared by the Committee on Rules are the same as in the Substitute version reported out by the Committee on Education. The Committee on Rules version, however, makes technical changes to Section 2, which is an exemption from gross receipts tax of proceeds paid to clients of the Rehab Workshop Center, by correcting the section numbers cited within that Section.

Substitute Bill 586 as reported out by the Committee on Rules also adds a Section 3 to the Bill indicating that the changes in the

Department of Vocational Rehabilitation and the Board of Control made by the Bill are not abolishing the existing system but are continuing the existing system, with the same persons occupying the same positions in the Department, but that personnel changes will be made according to the new law set out in Sub Bill 586 when persons leave their present positions. Section 3 also mandates that the Department of Vocational Rehabilitation enter into a contract as provided for in 17 GCA §41106 within a hundred twenty days of the enactment of the Act.

A Section 4 was added to Sub Bill 586 describing the transition process between the present functioning of the Department of Vocational Rehabilitation and the functioning mandated in the Substitute version of the bill. Employees assigned at the Workshop shall continue to be employed; transfer of employees and pursuit of other employment in other government departments or private business areas shall be actively pursued with an aim to avoid negatively affecting the training and employment of the clients of the Workshop Center.

A number of other sections were added to the Substitute Bill 586 as reported out by the Committee on Rules. These sections, many of which had previously been contained in other bills, are as follows:

Section 5 of the Bill appropriates Three Thousand Five Hundred Dollars (\$3,500.00) from the General Fund to DOE to purchase a Computer for the PACE Program.

Section 6 of the Bill authorizes the Governor to lease Lot No. 10120.10, Dededo, Guam.

Section 7 of the Bill amends 10 GCA §34119 to delete the requirement that the Commissioners of Guam have responsibility for collecting loose dogs and turning them over to the Dog Control Unit.

Section 8 of the Bill repeals and reenacts Subsection (h) of Section 17202 of the Government Code regarding accessory buildings or structures which may be built in residential yards. This new wording of Subsection (h) in Section 17202 allows accessory buildings or structures to be built in side yards as well as rear yards.

Section 9 of the Bill amends Section 12 of P.L. 18-24, to indicate that the Student Activity Fund shall also contain funds from Fiscal Year 1983 and that the funds expended from the Student Activity Fund do not have to be spent in the same year that they are collected.

Section 10 of the Bill appropriates One Hundred Forty-four Thousand Dollars (\$144,000) from the Exxon Overcharge Account to Guam Mass Transit Authority for four (4) months of operations in 1986, to be reimbursed as soon as GMTA receives its federal grant money.

Section 11 appropriates One Hundred Thirty Thousand Dollars (\$130,000) to the Guam Election Commission to renovate the Guam Memorial Hospital Staff Housing for their new offices and to pay for moving the Commission into them.

Section 12 amends Section 3 of P.L. 12-61, which has been previously amended a number of times, in regard to government land transfers. The amendment is to make crystal clear any ambiguity which may remain in the law regarding transfer of government land and to clarify the fact that all government land can only be sold, leased, exchanged or otherwise transferred by a special statute authorizing the particular sale, lease, exchange or transfer.

Section 13 of the Bill amends Section 13654 of the Government Code and allows certain land exchanges concerning land located in the perimeter of the Guam Penitentiary to be accomplished by June 1, 1986. This Section merely extends the deadline for these land exchanges.

Sections 14, 15, 16, and 17 of the Bill appropriate certain sums of money from the Government Claims Fund to the Department of Land Management to pay certain individuals for real property located within the perimeter of the Guam Penitentiary. These individuals have already negotiated and agreed upon the amounts needed for the replacement costs with the Department of Land Management.

Section 18 of the Bill indicates that the Attorney General shall continue to evaluate and negotiate claims against the government of

Guam, whether or not there is any particular level of appropriations at any particular time in the Government Claims Fund. This Section also mandates the Attorney General to make a list of the claims that the Attorney General wishes to settle and to forward such descriptions and amounts in the form of a request for an appropriation to the Legislature.

Section 19 of the Bill deletes the portion in the Personnel Law requiring the Director of Education to receive Thirty-six Thousand Dollars (\$36,000) as a salary.

Section 20 of the Bill is a companion section to Section 19, and indicates that the Territorial Board of Education shall set the salary of Director and Deputy Director of the Department of Education.

Section 21 is a companion section to Sections 19 and 20 and deletes that portion of the personnel code that requires the Deputy Director of the Department of Education to receive Thirty Thousand Dollars (\$30,000) in salary.

Section 22 of the Bill adds a new Subsection (d) to 17 GCA §31113 to indicate that anyone employed as a Vice President at GCC shall be paid at at least Step 7 of Professor, IV-Level for administrators as shown on the latest approved salary schedule for teachers adopted by the GCC Board of Trustees.

Sections 23 and 24 of the Bill are companion sections to Section 22 and indicate that any funds contained in the GCC budget for FY 1986 may implement the salary level mandated in Section 22, and that the salary shall be retroactive to October 1, 1985.

Section 25 of the Bill amends the last sentence of Subsection (e) of 17 GCA §4104 to require that the Board of Education act on the recommendations of the Textbook Selection Committee within thirty days after they are submitted.

Section 26 of the Bill authorizes the Department of Commerce to utilize lapsed funds from the FY 1986 Budget for the Department of Commerce to pay attorney fees to persons entitled to them pursuant to Section 1022.1 of the Code of Civil Procedure.

Section 27 appropriates Three Hundred Thousand Dollars (\$300,000) from the Exxon Overcharge Fund to DOE for the purchase of energy conservation devices.

Section 28 appropriates Thirty-six Thousand Dollars (\$36,000) from the Exxon Overcharge Account to GMHA to fund an energy technical assistance audit.

Section 29 appropriates Thirty-five Thousand Dollars (\$35,000) from DYA lapsed funds to Sanctuary to continue the sanctuary program until July of 1986.

Section 30 is divided into Subsections (a) through (f). Subsection (a) gives the Legislative intent of Section 30, which is to fund an increase in salaries of public school teachers in order to improve the quality of education on Guam, among other reasons.

Subsection (b) of Section 30 mandates that option 1 of proposed salaries recommended by the Civil Service Commission for all the positions of teachers I-A through teacher VI are to be implemented at the beginning of school year 1986-87. Subsection (b) sets out the salary pay ranges as they appear in the Classification and Pay Maintenance Review Task Force Phase I Report dated November 7, 1985. Subsection (b) also indicates that the teachers who are now at certain ranges and steps in their salary scale shall receive the increased salary set out in Subsection (b) at the same range and step that they were paid prior to the implementation of the new salary schedule.

Subsection (c) of Section 30 appropriates One Million Five Hundred Ninety Thousand Dollars (\$1,590,000) from the General Fund to DOE to fund the teachers pay raise and indicates that the sources in the General Fund for this appropriation are set out in Sections 31 through 35, inclusive, of Bill 586.

Subsection (d) repeals certain sections in the Guam Code Annotated and P.L. 15-138 which sets out a different pay rate for administrators in the Department of Education and ties administrators salaries to teachers salaries.

Subsection (e) of Section 30 gives an across-the-board pay raise of five percent (5%) for all Department of Education administrators, whether or not their positions require teaching experience, from the beginning of school year 1986-87. The administrators' five percent (5%) raise is to be implemented from lapsed funds of the Department of Education.

Subsection (f) of Section 30 indicates that the Civil Service Commission shall reclassify all the DOE administrators positions and shall have the new reclassification schedule available and effective on October 1, 1986 for the new budget year.

Section 31 of the Bill amends the expected revenues in the General Appropriations Act of 1986 to reflect that an additional Sixty Thousand dollars will be expected from the Gross Receipts Tax than was previously estimated in P.L. 18-15.

Section 32 of the Act reduces the appropriation from the General Fund to the Guam Fire Department which was first implemented in Section 8 of P.L. 18-24, to reflect the fact that the original appropriation was too large and that the full appropriation will not be used by the end of this fiscal year.

Section 33 of the Bill reduces the appropriation from the General Fund for direct transfer payments for the Department of Public Health and Social Services, as that appropriation is made in P.L. 18-15, because the amount needed for Fiscal Year 1986 will not be as large as originally estimated.

Section 34 of the Bill indicates that amounts needed for agencies of the government to pay their power bills will be reduced during the remainder of fiscal year 1986 and all amounts, except for certain named departments, of appropriations for power payments are reduced by 1.667%. All funds saved by reduced power bills shall be placed into the General Fund.

Section 35 indicates that certain named agencies have at the present time certain levels of lapsed funds from personnel services appropriated in P.L. 18-15. The named departments are directed to place named amounts into the General Fund. Lapses of personnel services are supposed to be placed into the General Fund pursuant to the provisions of P.L. 18-15. The sums listed represent savings derived by the government of Guam.

Section 36 of the Bill mandates the Governor to draw up a description of funding sources and amounts necessary to implement option 1 of proposed salary increases for all government of Guam employees as recommended by the Civil Service Commission in the

Classification and Pay Maintenance Review Task Force Phase 1 Report.

Section 37 of the Bill, as well as Section 38, deals with a subsidy provided by legislative appropriations to the Public Utility Agency of Guam. Section 37 contains the findings of the Legislature which indicate that the subsidy from the Legislature to PUAG is necessary and that a subsidy has already been provided in P.L. 18-15.

Section 38 of the Bill indicates that PUAG shall draw up a formula for applying the subsidy to accounts of users of small levels of water and a description of how the subsidy is to be applied is contained in the Subsections of this Section. The subsidy is appropriated directly to the agency and the consumers' bills are to be adjusted accordingly. No change of rates is provided in this Section, and no rebate to consumers is provided. The subsidy is to be applied to the Agency.

Section 39 of the Bill, as well as Sections 40, 41, 42, 43, and 44, all relate to the Guam Youth Congress and amend portions of the law relative to the Guam Youth Congress in order to clarify the original law and streamline the functioning of the present Guam Youth Congress.

Section 45 of the Bill appropriates One Hundred Twenty Thousand Dollars (\$120,000) from lapsed personnel funds to the Department of Public Works for construction of the Agat Solid Waste Transfer Station.

Section 46 of the Bill also relates to the Agat Solid Waste Transfer Station and identifies a certain lot in the municipality of Agat to be for used as a site for the Agat Solid Waste Transfer Station.

During the discussion of the Committee on Rules substitute version of Bill 586, an amendment was made on page 9, line 26. The sentence "Fiscal Year 1986 shall be used as the base year," was added. Also, on page 19, lines 15 and 16, the phrase "and shall be effective until September 30, 1986" was deleted and a period placed after "1986-87".

The Committee on Rules voted to place Bill No. 586, substitute by the Committee on Education as further substituted by the Committee on Rules, as described above, on the top of the Second Reading for the Agenda of the Legislative Session on Friday, April 4, 1986 at 10:00 a.m.

Teachers on Guam are tired of being faced with the lowest salaries in the nation. The problem is compounded by the fact that we must use those salaries to pay some of the highest prices in the nation for essentials like food, gasoline, health insurance, and electricity.

At the GFT General Membership meeting last Friday, a policy was unanimously adopted for the Union to seek an eight pay range increase in teachers' salaries. The specific goals as they would effect DOE teachers are as follows:

CLASSIFICATION	CURRENT RANGE	GFT PROPOSAL
Teacher I-A	R15=\$10,934-\$13,286	R23=\$12,974-\$16,718
Teacher I-B	R17=\$11,354-\$13,988	R25=\$13,598-\$17,758
Teacher I-C	R22=\$12,662-\$16,198	R30=\$15,678-\$20,748
Teacher I-D	R24=\$13,286-\$17,238	R32=\$16,718-\$22,178
* Teacher II	R27=\$14,278-\$18,798	R35=\$18,278-\$24,518
Teacher III	R29=\$15,158-\$20,098	R37=\$19,448-\$26,078
Teacher IV	R32=\$16,718-\$22,178	R40=\$21,398-\$28,418
Teacher V	R34=\$17,758-\$23,738	R42=\$22,958-\$29,278
Teacher VI	R38=\$20,098-\$26,858	R46=\$26,078-\$34,575

*beginning salary for fully certified bachelor's degree teacher

A year ago the national average for classroom teachers' salaries was \$23,546, while the Guam average is about \$18,500. A review of the states at that time showed that only three states -- Maine, South Dakota, and Mississippi -- had average salaries that low. And those are not areas with a high cost of living! Guam teachers need and deserve a decent salary more in line with pay received by their colleagues in other areas.

The Executive Council is now working on the details of this campaign and seeking ideas and persons interested in working in this effort. The Council meets Tuesdays at 4 p.m. and welcomes participation of any GFT member.

GFT

*Matterings
used in discussion
of the Teachers
of pay - B-586*

SALARY SCHEDULE INDEX JAN 1, 1987

HORIZONTAL INCREMENT: .0485
 VERTICAL INCREMENT: .0485

SE SALARY: 19810

EP	AB	AB+30	AB+60	M.A.	MA+30	MA+60	DOCTOR
1	1,000	1,048	1,097	1,097	1,145	1,194	1,291
2	1,048	1,097	1,145	1,145	1,194	1,242	1,339
3	1,097	1,145	1,194	1,194	1,242	1,291	1,388
4	1,145	1,194	1,242	1,242	1,291	1,339	1,436
5	1,194	1,242	1,291	1,291	1,339	1,388	1,485
6	1,242	1,291	1,339	1,339	1,388	1,436	1,533
7	1,291	1,339	1,388	1,388	1,436	1,485	1,582
8	1,339	1,388	1,436	1,436	1,485	1,533	1,630
9	1,388	1,436	1,485	1,485	1,533	1,582	1,679
10	1,436	1,485	1,533	1,533	1,582	1,630	1,727
11	1,485	1,533	1,582	1,582	1,630	1,679	1,776
12	1,533	1,582	1,630	1,630	1,679	1,727	1,824
13	1,582	1,630	1,679	1,679	1,727	1,776	1,873
14	1,630	1,679	1,727	1,727	1,776	1,824	1,921
15	1,679	1,727	1,776	1,776	1,824	1,873	1,970
16	1,727	1,776	1,824	1,824	1,873	1,921	2,018
17	1,776	1,824	1,873	1,873	1,921	1,970	2,067
18	1,824	1,873	1,921	1,921	1,970	2,018	2,116
19	1,873	1,921	1,970	1,970	2,018	2,067	2,164
20	1,921	1,970	2,018	2,018	2,067	2,116	2,213
21	1,970	2,018	2,067	2,067	2,116	2,164	2,261

SALARY SCHEDULE INDEX SEP 1, 1987

HORIZONTAL INCREMENT: .0470
 VERTICAL INCREMENT: .0470

SE SALARY: 19513

EP	AB	AB+30	AB+60	M.A.	MA+30	MA+60	DOCTOR
1	1,000	1,047	1,094	1,094	1,141	1,188	1,282
2	1,047	1,094	1,141	1,141	1,188	1,235	1,329
3	1,094	1,141	1,188	1,188	1,235	1,282	1,376
4	1,141	1,188	1,235	1,235	1,282	1,329	1,423
5	1,188	1,235	1,282	1,282	1,329	1,376	1,470
6	1,235	1,282	1,329	1,329	1,376	1,423	1,517
7	1,282	1,329	1,376	1,376	1,423	1,470	1,564
8	1,329	1,376	1,423	1,423	1,470	1,517	1,611
9	1,376	1,423	1,470	1,470	1,517	1,564	1,658
10	1,423	1,470	1,517	1,517	1,564	1,611	1,705
11	1,470	1,517	1,564	1,564	1,611	1,658	1,752
12	1,517	1,564	1,611	1,611	1,658	1,705	1,799
13	1,564	1,611	1,658	1,658	1,705	1,752	1,846
14	1,611	1,658	1,705	1,705	1,752	1,799	1,893
15	1,658	1,705	1,752	1,752	1,799	1,846	1,940
16	1,705	1,752	1,799	1,799	1,846	1,893	1,987
17	1,752	1,799	1,846	1,846	1,893	1,940	2,034
18	1,799	1,846	1,893	1,893	1,940	1,987	2,081
19	1,846	1,893	1,940	1,940	1,987	2,034	2,128
20	1,893	1,940	1,987	1,987	2,034	2,081	2,175
21	1,940	1,987	2,034	2,034	2,081	2,128	2,224

(OVER)

SE SALARY: 17724
RIZONTAL INCREMENT: .0485
RIZONTAL INCREMENT: .0485
SALARY SCHEDULE INDEX - SEP 1, 1986

1	1.000	17724	1.0485	18584	1.0970	19443	1.1455	20303	1.1940	21162	1.2425	22022	1.2910	22882	1.3395	23741	1.3880	24601	1.4365	25461	1.4850	26320	1.5335	27180	1.5820	28039	1.6305	28899	1.6790	29759	1.7275	30618	1.7760	31478	1.8245	32337	1.8730	33197	1.9215	34057	1.9700	34916	2.0185	35776	2.0670	36636	2.1155	37495	2.1640	38355	2.2125	39214
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2	1.050	18568	1.100	19412	1.150	20255	1.200	21100	1.250	21944	1.300	22788	1.350	23632	1.400	24476	1.450	25320	1.500	26164	1.550	27008	1.600	27852	1.650	28696	1.700	29540	1.750	30384	1.800	31228	1.850	32072	1.900	32916	1.950	33760	2.000	34604	2.050	35448	2.100	36292	2.150	37136	2.200	37980	2.250	38824
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3	1.100	18568	1.150	19412	1.200	20255	1.250	21100	1.300	21944	1.350	22788	1.400	23632	1.450	24476	1.500	25320	1.550	26164	1.600	27008	1.650	27852	1.700	28696	1.750	29540	1.800	30384	1.850	31228	1.900	32072	1.950	32916	2.000	33760	2.050	34604	2.100	35448	2.150	36292	2.200	37136	2.250	37980	2.300	38824
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4	1.150	19412	1.200	20255	1.250	21100	1.300	21944	1.350	22788	1.400	23632	1.450	24476	1.500	25320	1.550	26164	1.600	27008	1.650	27852	1.700	28696	1.750	29540	1.800	30384	1.850	31228	1.900	32072	1.950	32916	2.000	33760	2.050	34604	2.100	35448	2.150	36292	2.200	37136	2.250	37980	2.300	38824
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Proposed Salary Schedules for 1986 and 1987

Longwood, Co

PITTSBURGH FEDERATION OF TEACHERS
PFT-NEGOTIATED SALARY SCHEDULES FOR PITTSBURGH TEACHERS*
 1985-86 School Year through 1987-88 School Year
BACHELOR'S DEGREE SALARY SCHEDULES

September 1985	January 1986	September 1986	February 1987	September 1987	February 1988
1- \$15,400	1- \$15,400	1- \$16,400	1- \$17,600	1- \$18,600	1- \$20,000
2- 16,025	2- 16,025	2- 17,025	2- 18,025	2- 19,025	2- 20,445
3- 17,200	3- 17,200	3- 18,200	3- 19,200	3- 20,200	3- 21,620
4- 18,050	4- 18,050	4- 19,050	4- 20,050	4- 21,050	4- 22,470
5- 19,000	5- 19,000	5- 20,000	5- 21,000	5- 22,000	5- 23,420
6- 20,350	6- 20,350	6- 21,350	6- 22,350	6- 23,350	6- 24,770
7- 21,525	7- 21,525	7- 22,525	7- 23,525	7- 24,525	7- 25,945
8- 22,425	8- 22,425	8- 23,425	8- 24,425	8- 25,425	8- 26,845
9- 23,325	9- 23,325	9- 24,325	9- 25,325	9- 26,325	9- 27,745
10- 32,190	10- 33,290	10- 35,500	10- 35,500	10- 37,710	10- 37,710

B. + 10 Credits----add \$100 B. + 20 Credits----add \$200 Longevity Increment---see below

MASTER'S DEGREE, MASTER'S EQUIVALENT, BACHELOR'S DEGREE + 30 CREDITS SALARY SCHEDULES

September 1985	January 1986	September 1986	February 1987	September 1987	February 1988
1- \$16,500	1- \$16,500	1- \$17,500	1- \$18,700	1- \$19,700	1- \$21,200
2- 17,300	2- 17,300	2- 18,300	2- 19,300	2- 20,300	2- 21,720
3- 18,700	3- 18,700	3- 19,700	3- 20,700	3- 21,700	3- 23,120
4- 19,700	4- 19,700	4- 20,700	4- 21,700	4- 22,700	4- 24,120
5- 20,800	5- 20,800	5- 21,800	5- 22,800	5- 23,800	5- 25,220
6- 21,900	6- 21,900	6- 22,900	6- 23,900	6- 24,900	6- 26,320
7- 22,700	7- 22,700	7- 23,700	7- 24,700	7- 25,700	7- 27,120
8- 23,500	8- 23,500	8- 24,500	8- 25,500	8- 26,500	8- 27,920
9- 24,300	9- 24,300	9- 25,300	9- 26,300	9- 27,300	9- 28,720
10- 34,410	10- 35,580	10- 37,790	10- 37,790	10- 40,000	10- 40,000

1985-86 and 1986-87 School Years

M.+10 Credits, M. Equiv. + 10 Credits----add \$200
M.+20 Credits, M. Equiv. + 20 Credits----add \$400
M.+30 Credits-----add \$600
M.+40 Credits-----add \$700
M.+50 Credits-----add \$800
M.+60 Credits-----add \$900
Doctorate-----add \$1200

1987-88 School Year

M.+10 Credits, M. Equiv. + 10 Credits----add \$200
M.+20 Credits, M. Equiv. + 20 Credits----add \$400
M.+30 Credits-----add \$600
M.+40 Credits-----add \$800
M.+50 Credits-----add \$1000
M.+60 Credits/Doctorate-----add \$1200

Longevity Increment

Applies after 22 Years of Teaching*:
 Continuing through First Semester of 1987-88 School Year----\$300

*Also for School Social Workers, Nurses, and Dental Hygienists

FLOOR AMENDMENT

BY Senator J. Rivera

Section _____. Notwithstanding any law, rule or regulation to the contrary all references to "pay ranges" in the Government Code and Code of Civil Procedure shall be deemed to apply only to classified employees of the government of Guam.

Public Law No. 18-15

Section 24. Items (4) and (5) of Subsection (a) of Section 6959 of the Government Code are amended and a new item (6) is added to the same subsection so that items (4), (5), and (6) of that same subsection read:

- "(4) Section 6959.5 of this article;
- (5) Section 6959.6 of this article for services specified in Section 6954.7 of this Title; or
- (6) Section 6959.7 of this Article."

Section 25. A new Section 6959.7 is added to the Government Code to read:

"§6959.7. Procurement from Non-Profit Corporations.

A contract may be awarded for a supply or service without competition when the contractor is a non-profit corporation employing sheltered or handicapped workers. As a condition of the award of the contract the contractor must certify that labor on the project will be performed by handicapped persons except that supervisory personnel do not have to be handicapped. A contractor awarded a contract pursuant to this Section shall not be required to post any of the bonds required under Chapter 5 of this Title."

Section 26. A new Subsection (d) is added to Section 6950 of the Government Code to read:

"(d). Policy concerning sheltered or handicapped workers. If any entity of the government of Guam intends to procure any supply or service which is offered by a non-profit corporation employing sheltered or handicapped workers or a government of Guam entity employing sheltered or handicapped workers, then that entity shall procure such supply or service from the non-profit corporation or government entity if the supply or service is available within the period required by the entity."

Section 27. A new Subsection (w) is added to Section 6952 of the Government Code to read:

"(w) 'entity' means any department, agency, board, commission, instrumentality, public corporation or branch of the government of Guam."

Section 28. Notwithstanding the provisions of Subsection (k) of Section 6952 of Title VII-A of the Government Code which except Guam Community College, the University of Guam, the Department of Education and the Guam Memorial Hospital from the definition of "government body", all items for which appropriations are made in Chapter IX of the General Appropriations Act of 1986 shall be purchased pursuant to the remainder of the provisions of Title VII-A of the Government Code and items of like kind shall be purchased in bulk or fleet except specialized educational and medical equipment.

PFT-NEGOTIATED SALARY SCHEDULES FOR PITTSBURGH TEACHERS (continued)

1985-86 School Year through 1987-88 School Year

ADVANCED STUDY SALARY CREDIT

<u>1985-86 and 1986-87 School Years</u>	<u>1987-88 School Year</u>
M./M.Equiv.+10 Credits---\$200	M./M.Equiv.+10 Credits---\$200
M./M.Equiv.+20 Credits---\$400	M./M.Equiv.+20 Credits---\$400
M.+30 Credits-----\$600	M.+30 Credits-----\$600
M.+40 Credits-----\$700	M.+40 Credits-----\$800
M.+50 Credits-----\$800	M.+50 Credits-----\$1000
M.+60 Credits-----\$900	M.+60 Credits/Doctorate---\$1200
Doctorate-----\$1200	

LONGEVITY INCREMENT (after 22 Years of Teaching)

1985-86 and 1986-87 School Years, First Semester of 1987-88 School Year---\$300
Second Semester of 1987-88 School Year-----\$500

SELECT TEACHER SALARY DIFFERENTIAL

<u>1985-86 School Year</u>	<u>1986-87 School Year</u>	<u>1987-88 School Year</u>
1 - \$300	1 - \$300	1 - \$300
2 - \$600	2 - \$600	2 - \$600
3 - \$900	3 - \$900	3 - \$900
4 - \$1200	4 - \$1200	4 - \$1200
		5 - \$1500

SPECIAL EDUCATION SALARY DIFFERENTIAL

No Change (1985-86 School Year through 1987-88 School Year):

- 1 - \$300 or \$600, whichever applies, for Special Education teachers initially employed on or before September 30, 1980
- 2 - \$300 for Special Education teachers initially employed on or after October 1, 1980

AF:mp/pjdopei33af1-c10

9/3/85

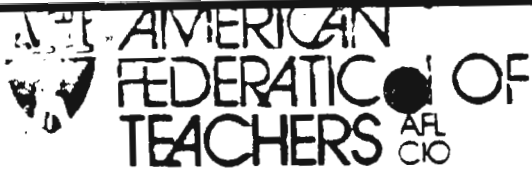
Teacher Pay, State by State

Thanks to higher taxes in more than half the states, classroom teachers this year are being paid an average salary of \$22,019—up 6.3 percent from 1983.

That report came from the National Education Association, which said the federal share of public-school financing has fallen to its lowest level since 1965. The NEA said federal aid pays 6.4 percent of school budgets, compared with 8.7 percent when President Reagan took office.

Teacher pay by states—

	Average Salary	1-year Change
Alaska	\$36,564	+ 7.6%
Michigan.....	\$28,877	+ 8.7%
Dist. of Columbia	\$27,659	+ 8.0%
New York	\$26,750	+ 7.0%
California	\$26,403	+ 9.9%
Washington	\$24,780	+ 5.5%
Rhode Island....	\$24,641	+ 6.3%
Wyoming	\$24,500	+ 3.4%
Minnesota	\$24,480	+ 9.8%
Hawaii	\$24,357	- 1.7%
Maryland	\$24,095	+ 5.7%
Illinois	\$23,345	+ 4.6%
New Jersey	\$23,044	+ 7.0%
Nevada	\$23,000	+ 4.2%
Wisconsin	\$23,000	+ 7.0%
Colorado	\$22,895	+ 6.6%
Oregon	\$22,833	+ 5.0%
Pennsylvania....	\$22,800	+ 7.7%
Connecticut.....	\$22,624	+ 9.1%
Massachusetts ..	\$22,500	+ 4.9%
U.S. average	\$22,019	+ 6.3%
Arizona	\$21,605	+ 8.2%
Indiana	\$21,587	+ 7.3%
Ohio	\$21,421	+ 7.1%
Delaware	\$20,925	+ 1.5%
New Mexico.....	\$20,760	+ 1.4%
Montana	\$20,657	+ 6.0%
North Dakota....	\$20,363	+10.7%
Utah	\$20,256	+ 2.0%
Iowa	\$20,140	+ 4.6%
Texas	\$20,100	+ 2.8%
Kansas	\$19,958	+ 7.5%
Virginia	\$19,867	+ 7.2%
Kentucky	\$19,780	+ 7.6%
Florida	\$19,545	+ 6.9%
Missouri	\$19,300	+10.2%
Louisiana	\$19,100	+ 3.7%
Nebraska	\$18,785	+ 7.9%
Idaho	\$18,640	+ 6.0%
Georgia	\$18,505	+ 6.3%
Oklahoma	\$18,490	+ 1.2%
North Carolina...	\$18,014	+ 2.4%
Alabama	\$18,000	+ 0.8%
Vermont	\$17,931	+10.2%
Tennessee	\$17,900	+ 3.0%
South Carolina ..	\$17,500	+ 5.9%
West Virginia ...	\$17,482	+ 0.9%
New Hampshire	\$17,376	+ 5.0%
Maine	\$17,328	+ 6.6%
Arkansas	\$16,929	+12.6%
South Dakota ...	\$16,480	+ 5.7%
Mississippi	\$15,895	+11.0%



600 NEW JERSEY AVE. E. 11A
WASHINGTON, D.C. 20007
202-639-4400

August 23, 1985

RECEIVED
AUG 28 1985
3:34 pm
JES

The Honorable Franklin J. Arceo Quitugua
Chairman, Committee on Education
Eighteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

Dear Senator Quitugua:

It is an honor to respond to your request for information concerning salary levels for administrative positions. Mr. Robert Bates, Director of Organizing has asked that I provide you with comments and suggestions on the matter.

The most recent comparative data I could locate that included Guam was for the average salary of full-time instructional faculty on nine month contracts. Guam, at \$24,304, was \$2,625, or 9.7 percent under the average of \$26,929 for the 50 states and the District of Columbia. The District of Columbia, used in determining cost of living allowance ratios for the U.S. Office of Personnel Management, was \$27,624 for full-time faculty. (Attachment No. 1).

The 1982 weekly earnings of school administrators at the elementary and secondary levels was \$517, or the equivalent of \$26,884 annually. College administrators earned \$505 weekly, or \$26,260 annually. (Attachment No. 2).

In the 1984-85 school year, Education Research Service, Inc., a respected national school data company, reported the following (attachment no. 3):

Average Salaries, All Reporting Systems

Category	Salary	Ratio
Teachers	\$25,587	1:1.00
Principals		
Elementary	\$36,452	1:1.55
Junior High	\$39,650	1:1.63
Senior High	\$42,094	1:1.78

I have included school business official data as well as attachment no. 4 to show the salaries and fringe benefits now paid in the better paid ranks of school administrators. Future opportunities for significantly increased responsibility and compensation are not generally available to teachers, so those who seek administrative positions may well be seeking both immediate rewards and long term opportunities.

The National Association of Secondary School Principals (NASSP) publishes a full report on 1984-85 scheduled salaries and on salaries paid principals. I have included copies of their reports in attachments no. 5 and no. 6. Salaries paid are higher than those scheduled due to length of service recognition. Attachments no. 7 and no. 8 are similar reports for 1983-84.

NASSP also published a report "Constructing Salary Schedules for Principals and Assistant Principals. Salaries now tend to be developed independent of the teachers' schedule, and their report suggests ways in which you might proceed to check your current schedule or develop a new one. (Attachment No. 9). William Parish, Assistant Director of Research for NASSP, was very helpful in providing their reports. I have also included a speech by Albert Shanker which may be helpful in improving conditions for teachers and encouraging them to remain in the classroom.

To increase the salary level without increasing productivity may create some problems. Some schools allow professors and administrators to earn 1.22 percent of their base salary by working an additional two weeks during the summer vacations. That might be an avenue worth exploring.

I hope this information will be of use to you. Please feel free to direct additional inquiries to Robert Bates, or through our local president, Lon Bottner. I wish you and your committee well in their commendable effort.

Sincerely,



Jewell C. Gould
Associate Director
Department of Research

Enclosures

JCG:hjn
opeiu#2
afl-cio

cc: Bob Bates
Lon Bottner

FLOOR AMENDMENT

By Senators Tanaka, Unpingco & Bamba

Add the following Sections to read:

Section _____. Section 19543.0023 of the Government Code is repealed.

Section _____. Subsection (e) of Section 19200 of the Government Code is amended to read:

"(e) On each video horse or greyhound race machine and each poker machine, ~~Six-Hundred-Dollars-(\$600-00)~~ One Thousand Dollars (\$1,000);"

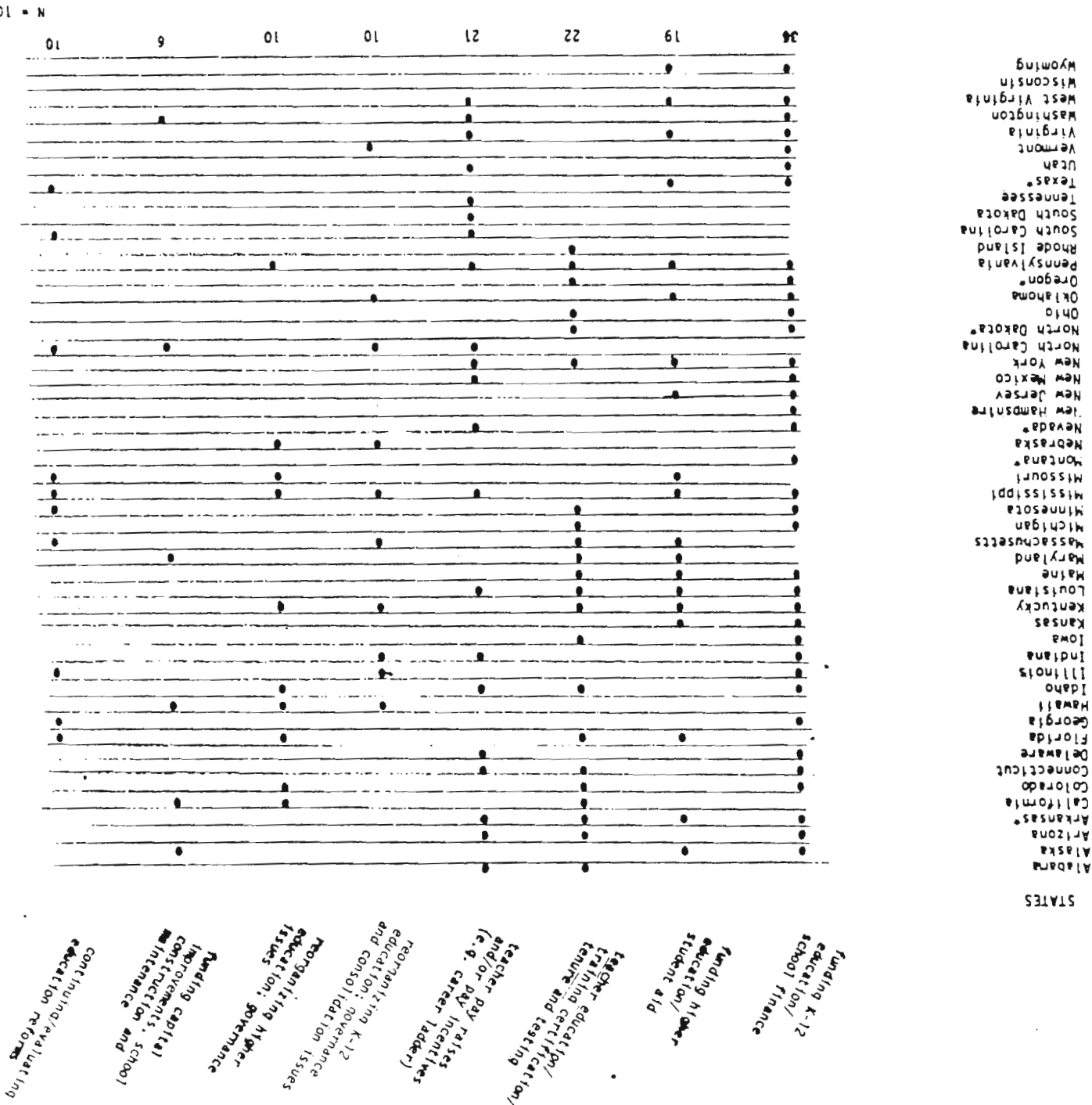
Section _____. Emergency School Teacher Tax. For the purpose of raising revenue for the increase of teacher salaries, there is hereby imposed a luxury tax on the gross receipts from video horse or greyhound machines and poker machines licensed pursuant to Section 19200(e) of the Government Code. The rate of the tax shall be ten percent of the gross receipts earned by each machine. The tax imposed in this Section shall be paid in the same manner as the business privilege tax and shall be administered in accordance with Chapter VI of Title XX of the Government Code.

Section _____. Sections__ and__ of this Act shall take effect May 1, 1986.

Section _____. Section__ of this Act shall take effect for licenses issued for 1986/87 on July 1, 1986.

Section _____. Within ninety (90) days after this Act becomes law the Department Revenue and Taxation shall promulgate regulations requiring the placement of meters on video horse machines, greyhound machines and poker machines. The meters shall indicate the amount of money paid into each machine and the amount of the payouts.

MOST FREQUENTLY MENTIONED EDUCATION ISSUES BY HOUSE AND SENATE
 EDUCATION/HIGHER EDUCATION COMMITTEE CHAIRS
 FOR ACTION IN 1986



N = 101

* States with no regular session during 1986; responses indicate likely action during 1987.

STATES

- Alabama
- Alaska
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- Florida
- Georgia
- Hawaii
- Idaho
- Illinois
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Mississippi
- Missouri
- Montana
- Nebraska
- Nevada
- New Hampshire
- New Jersey
- New Mexico
- New York
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Oregon
- Pennsylvania
- Rhode Island
- South Carolina
- South Dakota
- Tennessee
- Texas
- Utah
- Vermont
- Virginia
- Washington
- West Virginia
- Wisconsin
- Wyoming

POSITION TITLE	CURRENT SALARIES				PORT AUTHORITY				DOA PROPOSED SALARIES				CIVIL SERVICE COMMISSION									
	P/R	MIN	MAX	MDN	DOE	AUTHORITY	MAX	MDN	P/R	MDN	MAX	%	P/R	MIN	MAX	%	P/R	MIN	MAX	%		
School Aide I	6	9,326	10,934	5,336	10,934								14	10,750	12,974	15	19	9	9,856	11,590	5	6
School Aide II	10	10,014	11,826	10,014	11,826								18	11,590	14,378	16	22	12	10,382	12,350	4	4
School Aide III	13	10,566	12,662	10,536	12,662								22	12,662	16,198	20	28	17	11,354	13,988	7	10
Lead Start Aide	10	10,014	11,826	10,014	11,826								18	11,590	14,378	16	22	12	10,382	12,350	4	4
Lead Start Teacher	13	10,566	12,662	10,506	12,662								22	12,662	16,198	20	28	17	11,354	13,988	7	10
Volunteer Program Coordinator	18	11,590	14,378	11,590	14,378								25	13,598	17,758	17	24	21	12,350	15,678	7	9
National Instructor	29	15,158	20,098	15,156	20,098								36	18,798	25,298	24	26	32	16,718	22,178	10	10
Teacher I-A	15	13,934	13,286	10,934	13,286								22	12,662	16,198	16	22	17	11,354	13,988	4	5
Teacher I-B	17	11,354	13,988	11,354	13,988								24	13,286	17,238	17	23	19	11,826	14,768	4	6
Teacher I-C	22	12,662	16,198	12,662	16,198								32	16,718	22,178	32	37	28	14,768	19,448	17	20
Teacher I-D	24	13,286	17,238	13,286	17,238								34	17,758	23,738	34	38	30	15,678	20,748	10	20
Teacher II	27	14,378	18,798	14,378	18,798								36	18,798	25,298	31	35	32	16,718	22,178	16	18
Teacher III	29	15,158	20,098	15,150	20,098								38	20,098	26,858	33	34	34	17,758	23,738	17	18
Teacher IV	32	16,718	22,178	16,718	22,178								40	21,398	28,418	28	28	36	18,798	25,298	12	14
Teacher V	34	17,758	23,738	17,758	23,738								42	22,958	29,978	29	26	38	20,098	26,858	13	13
Teacher VI	38	20,098	26,858	20,098	26,858								44	24,518	32,183	22	20	40	21,398	28,418	6	6
IC Instructor I	20	12,062	15,158	12,062	15,158								31	16,198	27,398	34	41	25	13,598	17,758	13	17
IC Instructor II	23	12,974	16,718	12,974	16,718								33	17,238	33,958	33	37	28	14,768	19,448	14	16
IC Instructor III	26	13,988	18,278	13,988	18,278								35	18,278	24,518	30	34	32	16,718	22,178	20	21
IC Instructor IV	28	14,768	19,448	14,768	19,448								37	19,448	26,078	32	34	34	17,758	23,738	20	22

Bill No. 586 (LS)

Introduced by:

F. J. A. Quitugua



AN ACT TO REPEAL CHAPTER 41 OF TITLE 17, GUAM CODE ANNOTATED AND TO ENACT A NEW CHAPTER 41 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING A DEPARTMENT OF VOCATIONAL REHABILITATION.

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

2 Section 1. Chapter 41 of Title 17, Guam Code Annotated is hereby
3 repealed in its entirety.

4 Section 2. A new Chapter 41 of Title 17, Guam Code Annotated is hereby
5 enacted to read as follows:

6 Chapter 41

7 Vocational Rehabilitation

8 §41101. Definitions

9 For the purpose of this Chapter:

10 (a) "Board" means the Board of Control for Vocational
11 Rehabilitation.

12 (b) "Department" means the Department of Vocational
13 Rehabilitation.

14 (c) "Executive Officer" means the Director of the Department
15 who shall be the Executive Officer of the Board.

16 (d) "Executive Secretary" means the Chairperson of the
17 Board, who is an ex officio member, and executive secretary of
18 the Board of Directors of any non-profit facility and workshop
19 which is, and remains property of the government of Guam.

20 (e) "Handicapped Individual" means any individual who has a
21 physical or mental disability and substantial handicap to employment,
22 which is of such a nature that vocational rehabilitation services may
23 reasonably be expected to render him fit to engage in a gainful occu-
24 pation which is consistent with his capacities and abilities. A
25 "handicapped individual" also means any individual who has physical or
26 mental disability and a substantial handicap to employment for whom

1 vocational rehabilitation services are necessary for the purpose
2 of extended evaluation to determine his rehabilitation potential.

3 (f) "Non-profit" when used with respect to a rehabilitation
4 facility means a rehabilitation facility which is owned and operated
5 by a corporation or association, no part of the net earnings of
6 which inures, or may lawfully inure to the benefit of any private
7 shareholder or individual, and the income of which is exempt from
8 taxation under §501(c)(3) of the Internal Revenue Code of 1954.

9 (g) "State" means several states, territories and possessions
10 of the United States.

11 (h) "Workshop" means a place where any manufacture or handwork
12 is carried on, and which is operated for the primary purpose of pro-
13 viding remunerative employment to severely handicapped individuals (1)
14 as an interim step in the rehabilitation process for those who cannot
15 be readily absorbed in the competitive labor market or (2) during such
16 time as employment opportunities for them in the competitive labor
17 market do not exist.

18 (i) "Rehab Services" or "Vocational Rehabilitation Services"
19 when provided to an individual means any one or any combination of the
20 following services.

21 (1) Evaluation of vocational rehabilitation potential, .
22 including diagnostic and related services incidental to the
23 determination of eligibility for, and the nature and scope
24 of services to be provided;

25 (2) Counseling and guidance, including personal adjust-
26 ment counseling to maintain a counseling relationship throughout
27 a handicapped individual's program of services, and referral
28 necessary to help handicapped individuals secure needed services
29 from other agencies.

30 (3) Physical and mental restoration services, necessary
31 to correct or substantially modify a physical or mental con-
32 dition which is stable or slowly progressive;

33 (4) Vocational and other training services, including
34 personal and vocational adjustment, books, tools, and other

1 training materials except that no training or training
2 services in institutions of higher education (universities,
3 colleges, community/junior colleges, vocational schools,
4 technical institutes, or hospital schools of nursing) may
5 be paid for with funds under this law unless maximum efforts
6 have been made by the Department to secure grant assistance
7 in whole or in part from other sources;

8 (5) Maintenance, including payments, not exceeding the
9 estimated cost of subsistence and provided at any time after
10 vocational rehabilitation services have begun through the time
11 when postemployment services are being provided. Maintenance
12 covers a handicapped individual's basic living expenses, such
13 as food, shelter, clothing, and other subsistence expenses
14 which are necessary to support and derive the full benefit of
15 the other vocational rehabilitation services being provided;

16 (6) Transportation, including necessary travel and re-
17 lated expenses including subsistence during travel (or per
18 diem payments in lieu of subsistence) in connection with trans-
19 porting handicapped individuals and their attendants or escorts
20 for the purpose of supporting and deriving the full benefit of
21 the other vocational rehabilitation services being provided. .
22 Transportation may include relocation and moving expenses
23 necessary for achieving a vocational rehabilitation objective;

24 (7) Services to members of a handicapped individual's
25 family when necessary to the vocational rehabilitation of the
26 handicapped individual;

27 (8) Interpreter services and note-taking services for
28 the deaf, including tactile interpreting for deaf-blind
29 individuals;

30 (9) Reader services, rehabilitation teaching services,
31 note-taking services and orientation and mobility services
32 for the blind;

33 (10) Telecommunications, sensory and other technological
34 aids and devices;

1 (11) Recruitment and training services to provide new
2 employment opportunities in the fields of rehabilitation,
3 health, welfare, public safety, law enforcement and other
4 appropriate public service employment;

5 (12) Placement in suitable employment;

6 (13) Post-employment service necessary to maintain
7 suitable employment;

8 (14) Occupational licenses, including any license, permit
9 or other written authority required by a state city or other
10 governmental unit to be obtained in order to enter an occupation
11 or enter a small business, tools, equipment, initial stocks
12 (including livestock) and supplies; and

13 (15) Other goods and services which can reasonably be
14 expected to benefit a handicapped individual in terms of
15 employability.

16 (j) "State Agency" or "State Vocational Rehabilitation Agency"
17 means the sole state agency designated to administer or supervise
18 administration of the State Plan for Vocational Rehabilitation
19 Services. The term includes the State Agency for the Blind, if
20 designated as the sole state agency with respect to that part of
21 the plan relating to the vocational rehabilitation of the blind.

22 (k) "State Plan" means the annual State Plan for Vocational
23 Rehabilitation Services, or the vocational rehabilitation services
24 part of a consolidated rehabilitation Plan for Vocational Rehabi-
25 litation Services and the State Plan for its program for persons
26 with developmental disabilities developed under the Development
27 Disabilities Services and Facilities Construction Act..

28 (l) "Rehabilitation Facility" means a facility which is
29 operated for the primary purpose of providing vocational rehabi-
30 litation services to handicapped individuals and which provides
31 singly or in combination of one or more of the following services
32 to the handicapped individuals: (1) vocational rehabilitation
33 services which shall include under one management medical, psycho-
34 logical, social and vocational services; (2) testing, fitting, or

1 training in the use of prosthetic and orthotic services; (3) pre-
2 vocational conditioning or recreational therapy; (4) physical and
3 occupational therapy; (5) speech and hearing therapy; (6) psycho-
4 logical and social services; (7) evaluation of rehabilitation po-
5 tential; (8) personal and work adjustment; (9) vocational training
6 with a view toward career advancement (in combination with other
7 rehabilitation services); (10) evaluation or control of specific
8 disabilities; (11) orientation and mobility services and other
9 adjustment services to the blind; and (12) transitional or extended
10 employment for those handicapped individuals who cannot be readily
11 absorbed in the competitive labor market.

12 §41102. Department

13 There is in the government of Guam a Department of Vocational
14 Rehabilitation which shall, as a free public service, provide rehab
15 services to qualifying handicapped individuals, and which shall be
16 designated as the state agency or sole state agency to administer
17 the state plan for vocational rehabilitation services and the Blind.

18 §41103. Administration

19 (a) The Department shall be administered through the Board
20 which shall be the governing and policy making body of the Depart-
21 ment and through the Director in whom all executive and adminis-
22 trative functions of the Department are vested and who is the
23 Executive Officer of the Board. The Director is appointed by the
24 Board with the approval of the Governor and with the advice and
25 consent of the Legislature. The Director's salary and benefits
26 shall be established by the Board in accordance with Chapter 4,
27 Title 4, Guam Code Annotated.

28 (b) The authority and responsibility of the Director shall
29 include the following: (1) To see that all rules and regulations
30 of the Department are enforced; (2) To attend all meetings of the
31 Board and submit a general report of the affairs of the Department;
32 (3) To keep the Board advised of the needs of the Department; (4)
33 To devote his or her entire time to the business of the Department,
34 to select and appoint the employees of the Department consistent

1 with Chapter 4, Title 4, Guam Code Annotated and personnel rules
2 and regulations promulgated pursuant thereto, and to plan, organize,
3 coordinate and control the services of such employees as to achieve
4 the goals of the Department; and (5) To perform such other executive
5 and administrative duties as the Board may require.

6 §41104. Board of Control for Vocational Rehabilitation

7 (a) The Board shall consist of seven (7) members to be
8 appointed by the Governor with the advice and consent of the Legis-
9 lature: one (1) member shall be of the medical profession, one (1)
10 member a representative of the handicapped who is himself handicapped,
11 one (1) member from the business community, one (1) member of the
12 clergy, two (2) members from the community at large and the seventh
13 member shall be the Director of Education, who shall be appointed for
14 the tenure of his office. Appointment shall be submitted to the
15 Legislature within thirty (30) days after the enactment of the Title.

16 (b) Of the members first appointed, three (3) shall serve for
17 two (2) years and three (3) for four (4) years. Initial tenure shall
18 be determined by lot. Subsequent appointments shall be for four (4)
19 year terms.

20 (c) The Board shall hold its initial meeting within thirty (30)
21 days after the confirmation of its members. Thereafter, a meeting
22 shall be held at least once each month of each fiscal year.

23 (d) Board members shall serve without compensation except that
24 each member shall be paid a per diem of Fifty Dollars (\$50) for each
25 day of attendance at a meeting of the Board, such compensation not to
26 exceed One Hundred Dollars (\$100) per month. Each member shall also
27 be allowed actual expenses incurred in the discharge of this duties.

28 §41105. Same: Powers and Duties

29 (a) In carrying out this Chapter the Board shall:

30 (1) At its first meeting, elect a Chairman by majority
31 vote for a two (2) year term.

32 (2) Adopt reasonable rules and regulations pursuant to
33 the laws of the United States and this Territory (a) for its
34 government (b) for the government of the Department, and (c)

1 for the purpose of carrying out all other duties, powers
2 and responsibilities herein conferred. Said regulations
3 shall establish that an applicant or a recipient of vocational
4 rehabilitation services who is dissatisfied with any action
5 with regard to the furnishing or denial of such services may
6 file a request for administrative review, and if he is dis-
7 satisfied with this review, he shall be granted an opportunity
8 for a fair hearing before the Director or his designee. When
9 an individual being provided vocational rehabilitation
10 services is dissatisfied with the final decision resulting
11 from the fair hearing provided herein, the individual may re-
12 quest the Secretary of the Department of Education to review
13 the decision. When this request is made, the Secretary or
14 the Secretary's designee reviews the Director's decision and
15 makes recommendations to the Director concerning action to be
16 taken to resolve the issue and dispose of the matter. Within
17 60 days of receiving these recommendations, the Director ad-
18 vises the handicapped individual and the Secretary of the final
19 disposition of the matter. Each applicant or individual being
20 provided vocational rehabilitation services must be informed of
21 the opportunities available under this Section, including the
22 names and addresses of individuals with whom appeals may be
23 filed.

24 (3) Prepare, adopt and implement a vocational rehabili-
25 tations program in cooperation and coordination with other
26 departments and agencies, private interests and other juris-
27 dictions including the Federal Government.

28 (4) Determine the eligibility of all applicants
29 for vocational and rehabilitation services and
30 determine the scope and nature of vocational rehabi-
31 litation services.

32 (5) Cooperate with the Federal Government in
33 carrying out the purposes of any federal statute pertaining
34 to vocational rehabilitation.

1 (b) In carrying out this Chapter the Board is authorized to:

2 (1) Enter into reciprocal agreements with other jurisdictions within
3 the United States for extending rehab services to residents of said
4 jurisdictions.

5 (2) Establish, construct, and operate rehabilitation facilities and
6 workshops, and to enter into contracts not to exceed three (3) years, for the
7 operation of non-profit facilities with the provision that the Executive
8 Secretary is an ex officio member of any Board of Directors of any non-
9 profit facility or workshop which is, and remains the property of the
10 Government of Guam, and shall solicit proposals for such contractual services.

11 The responsibility for production and sales of all artifacts, and
12 production of services by a workshop or rehabilitation facility, and
13 control of funds derived thereby through such sales is vested in the Board
14 of Directors of the Corporation in accordance with their Constitution
15 or By-laws with the following provisions:

16 (i) The first priority use of funds derived through sales
17 and services is the salary of workshop clients; and

18 (ii) The second priority use of funds derived through
19 sales and services is the "amortized depreciation fund" into
20 which the annual depreciation of government-owned equipment
21 shall be deposited. The fund is to be used for the sole purpose
22 of equipment replacement or purchase of new equipment. The
23 board of Directors of the non-profit Corporation shall annually
24 recommend to the Board the use of the fund for approval or
25 disapproval. All equipment purchased by this fund is property of
26 the Government of Guam.

27 (3) Accept grants, gifts, contributions and appropriations.

28 (4) License blind individuals to operate vending stands, under its super-
29 vision and control, on property of the government of Guam and on federal
30 or other property, pursuant to the Randolph-Sheppard Act or any other Act of
31 Congress relating the subject, supervise the operation of vending stands and
32 other small businesses established pursuant to this Chapter to be operated by
33 severely handicapped individuals.

34 (5) Adopt such methods of administration as are found by

1 the Federal Government to be necessary for the proper and
2 efficient operation of agreement or plans for vocational
3 rehabilitation and comply with such conditions as are necessary
4 to secure the full benefits of such federal statutes to Guam
5 and its residents.

6 (6) With gubernatorial approval, perform functions and
7 services for the Federal Government relating to individuals
8 under a physical and mental disability.

9 (7) Take such action as it deems necessary and appropriate
10 to carry out the purposes of this Chapter.

11 §41106. Employment of Clients.

12 (a) Departments and agencies of the Government of Guam are
13 required to adopt departmental rules and regulations for the
14 hiring of rehabilitation clients and include in their annual
15 appropriation requests identification of available positions as
16 may be appropriate. Such rules shall include the granting of
17 preference credits allowed under Section 4104, Chapter 4, Title
18 4, Guam Code Annotated.

19 (b) The department or agency head shall consult with the
20 Director of the Department of Vocational Rehabilitation to
21 determine positions for which handicapped applicants may be
22 certified and for which funds may then be requested in the budget.

23 (c) Each department or agency may employ handicapped
24 persons certified by the Department of Vocational Rehabilitation.
25 Such employment shall be on a temporary, limited-term appointment
26 not to exceed a total of 700 hours per annum regardless of whether
27 the position being filled is budgeted as temporary or permanent.

28 (d) A handicapped person employed on temporary limited 700-
29 hour appointment may be given permanent employment in the same or
30 another position prior to the expiration of the 700-hour appoint-
31 ment provided that the person is certified as qualified for
32 permanent employment and that the appointment is consistent with
33 the provisions of the merit system.

34 (e) Time spent in the 700-hour appointment shall be credited

1 towards the probationary period requirement.

2 §41107. Service to Contractors.

3 (a) All bids for service or supply contracts issued by
4 any government line or autonomous agency shall include information
5 on what services, if any, are available at the Guam Rehabilitation
6 Workshop Center which the clients are capable of providing through
7 sub-contract arrangement.

8 (b) All other bid factors being equal the bidder which
9 includes the utilization of rehabilitation clients either at the
10 jobsite or at the Workshop shall be awarded the contract. Where
11 two (2) or more bidders have in their bids the use of rehabili-
12 tation client services, all other factors being equal, the bid
13 shall be awarded to the one with the bigger subcontract amount
14 to the Workshop.

15 §41108. Misuse of Lists and Records.

16 It shall be unlawful, except for purposes directly connected
17 with the administration of the Vocational Rehabilitation Program,
18 and in accordance with regulations, for any person or persons to
19 solicit, disclose, receive or make use of or authorize, knowingly
20 permit, participate in or acquiesce in the use of any list of or
21 names of or any information concerning persons applying for or
22 receiving vocational rehabilitation directly or indirectly derived
23 from the records, papers, files or communications of the Board or
24 Departments thereof acquired in the course of performance of
25 official duties. Any violation of this Section shall be a misde-
26 meanor.

27 §41109. Certification.

28 Notwithstanding any other provision of law to the contrary,
29 the authority for employment certification of clients of the
30 Workshop is vested in the Department of Vocational Rehabilitation.
31 Certification and employment of handicapped workers at subminimum
32 wage rates shall be governed, where applicable, by the rules and
33 regulations prescribed by the Wage and Hour Commissioner and
34 approved by the Governor and promulgated by Executive Order of the

1 Governor.

2 Section 3. Section 19543 of the Government Code is hereby
3 amended by adding a new Subsection .1015 to read as follows:

4 '.1015. Amounts paid by the contractor out of the contract
5 gross proceeds to individual clients and/or to the Guam Rehabi-
6 litation Workshop Center pursuant to the provisions of Section
7 41107, Chapter 41, Title 17, Guam Annotated, as amended.

8 Section 4. Section 8105, Chapter 8, Title 4, Guam Code Annotated
9 is hereby amended by adding a new Subsection (f) to read as
10 follows:

11 (f) Any former full time employee of the Guam Rehabilitation
12 and Workshop Center, Inc. shall be eligible to receive retirement
13 service credit for all full time services rendered prior to the
14 enactment of Public Law 13-18, provided said employee is on full
15 time employment with the government of Guam as of the effective
16 date of this Act and, provided further, said employee pays into
17 the Fund an amount equal to what would have been the employee's
18 and employer's contributions had such service not been excluded,
19 together with regular interest thereon from the date on which
20 such contributions would have been made had such service not
21 been excluded to the date of actual payment.'