



Territory of Guam
Territorion Guam

OFFICE OF THE GOVERNOR
LBSINAN I MAGA LAHI
AGANA, GUAM 96910 USA

AUG 22 1990

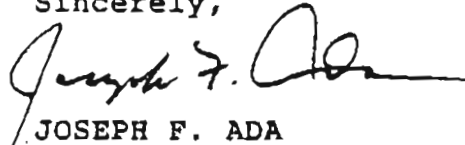


The Honorable Joe T. San Agustin
Speaker, Twentieth Guam Legislature
155 Herman Cortez Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 980, which I have signed
into law this date as Public Law 20-213.

Sincerely,


JOSEPH F. ADA
Governor

Attachment


Commonwealth Now!

TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 980 (LS), "AN ACT TO CREATE THE GOVERNOR'S COMMISSION ON PERSONS WITH DISABILITIES, AND TO APPROPRIATE FUNDS TO PROVIDE FOR ITS OPERATIONAL COSTS," was on the 1st day of August, 1990, duly and regularly passed.



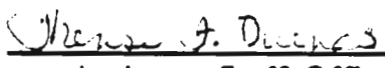
JOE T. SAN AGUSTIN
Speaker

Attested:



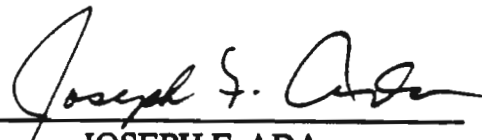
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 10th day of August,
1990, at 11:53 o'clock A.m.



Mercedes F. Duenas
Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: August 22, 1990

Public Law No. 20-213

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 980 (LS)
As substituted by the Committee
on Health, Welfare and Ecology and
as further substituted by the
Committee on Rules

Introduced by:

M. Z. Bordallo
T. S. Nelson
M. D. A. Manibusan
E. P. Arriola
F. J. A. Quitugua
G. Mailloux
H. D. Dierking
P. C. Lujan
J. P. Aguon
C. T. C. Gutierrez
D. Parkinson
E. D. Reyes
J. T. San Agustin
F. R. Santos
J. G. Bamba
D. F. Brooks
E. R. Duenas
E. M. Espaldon
M. C. Ruth
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO CREATE THE GOVERNOR'S
COMMISSION ON PERSONS WITH DISABILITIES,
AND TO APPROPRIATE FUNDS TO PROVIDE FOR
ITS OPERATIONAL COSTS.

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

1 Section 1. Establishment of Commission. There is established within
2 the Office of the Governor the Governor's Commission on Persons with
3 Disabilities (the "Commission") to be composed of fifteen (15) voting members
4 to be appointed by the Governor, with the consent of the Legislature, for
5 terms of four (4) years, except of the first members appointed, eight (8) shall
6 be appointed for two (2) years and seven (7) for four (4) years. The Governor
7 shall appoint at least ten (10) of the voting members to represent the variety
8 of persons afflicted with disabling conditions, by selecting persons from
9 private and non-profit advisory and advocacy groups which are organized
10 primarily to serve persons with disabilities or parents or guardians of
11 disabled persons. The remaining voting members shall be the Directors of
12 Public Health and Social Services, Mental Health and Substance Abuse, Labor,
13 Vocational Rehabilitation, and Education. The Administrator of the Agency
14 for Human Resources Development, the Attorney General, and the Presidents
15 of the Guam Community College and the University of Guam shall be ex-officio
16 nonvoting members. Nine (9) voting members shall constitute a quorum to
17 do business and a concurrence of a majority of the voting members shall be
18 necessary to validate any act of the Commission.

19 Every member of the Commission who is not in the service of the
20 government for which he receives an annual compensation shall be paid Fifty
21 Dollars (\$50) per day for each day on which the Commission meets; provided,
22 however, that such compensation shall not exceed One Hundred Dollars (\$100)
23 per month.

24 The members of the Commission shall be reimbursed their necessary
25 and reasonable expenses incurred in the performance of their duties,
26 including off-island travel expenses. The chairperson shall be elected
27 annually by the members; provided, that only a nongovernmental member
28 may be elected chairperson; and provided, further, that no member may
29 serve as chairperson for more than two (2) consecutive years.

30 Section 2. Same: duties. The Commission shall perform the following
31 powers, duties and functions:

32 (a) Serve as a central clearing house for public and private
33 activities which address the needs of disabled persons in Guam, review all
34 grant applications, proposed state-level plans and program descriptions in

1 matters affecting the disabled prior to submittal for the Governor's approval,
2 and serve as a repository and disseminator of program information relating to
3 the disabled;

4 (b) Review and assess problems and needs, and the availability of
5 adequate services and resources for disabled persons in Guam through
6 research and studies with regard to but not limited to employment, education,
7 health, social services, recreation, civil rights, public facilities, housing,
8 vocational training and rehabilitation, and other matters pertinent to the
9 well-being and independence of disabled persons, and to publicize the results
10 thereof;

11 (c) Compile and maintain a data base on the incidence of
12 disabling conditions in Guam, and on resources allocated to address the needs
13 of disabled persons;

14 (d) Serve as public advocate for persons with disabilities by
15 advising and making recommendations to the Governor and the Legislature
16 on matters relating to disabled persons, and on matters which affect disabled
17 persons;

18 (e) Develop short- and long-term goals to meet the needs of
19 disabled persons, to be pursued by the Commission through facilitating the
20 coordination of services and programs;

21 (f) Conduct public education and awareness activities on the
22 problems, needs, potentials, and rights of disabled persons through
23 affirmative public education programs, including conferences, workshops and
24 forums;

25 (g) Seek improvements in existing conditions to identify and
26 address specific needs of disabled persons;

27 (h) Initiate and maintain contact with public and private, local
28 and national organizations, agencies, and individuals generally engaging in
29 activities relating to disabled persons, or otherwise interested in the general
30 or specific well-being of the disabled;

31 (i) Shall not administer programs or services specifically
32 provided by any other public agency.

33 Section 3. Same: meetings. The Commission shall meet at least twice
34 quarterly. At least two (2) public hearings shall be held each year to solicit

1 public comment on subjects of interest to disabled persons. All meetings of
2 the Commission shall be conducted according to the Open Government Law.

3 Section 4. Same: report. The Commission shall annually submit a
4 detailed report of expenditures on its activities to the Governor and the
5 Legislature.

6 Section 5. Same: staff. The Commission may hire staff to assist in the
7 performance of its duties. The staff of the Commission shall be members of
8 the unclassified service; provided, that salaries shall be determined in
9 consultation with the Director of Administration. Staff shall be eligible for
10 participation in employee plans generally inuring to the benefit of
11 government of Guam employees.

12 Section 6. Appropriation. Seventy Thousand Dollars (\$70,000) are
13 appropriated from the General Fund to the Office of the Governor to establish
14 an office for the Commission and to employ staff so as to facilitate its powers,
15 duties and functions.

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 980

Date: 8/1/90

Resolution No. _____

QUESTION: _____

	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. Bamba	✓			
M. Z. Bordallo	✓			
D. F. Brooks	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
E. M. Espaldon				✓
C. T. C. Gutierrez	✓			
P. C. Lujan	✓			
G. Mailloux	✓			
M. D. A. Manibusan	✓			
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. A. Quitugua	✓			
E. D. Reyes	✓			
M. C. Ruth	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

(20)

(1)



Senator Madeleine Z. Bordallo

Chairperson, Committee on Health, Welfare & Ecology
Twentieth Guam Legislature

December 28, 1989

VICE CHAIRPERSON:

COMMITTEE ON
HOUSING & COMMUNITY
DEVELOPMENT

COMMITTEE ON
ECONOMIC DEVELOPMENT

MEMBER:

Committee on Energy,
Utilities & Consumer
Protection

Committee on
General Governmental
Operations

Committee on
Justice, Judiciary &
Criminal Justice

Committee on
Youth, Human Resources,
Senior Citizens &
Cultural Affairs

Committee on Rules

Legislative Member
Commission on
Self-Determination

Honorable Joe T. San Agustin
Speaker, Twentieth Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Health, Welfare and Ecology, to which was referred Bill No. 980: "AN ACT TO CREATE THE GOVERNOR'S COMMISSION ON PERSONS WITH DISABILITIES, AND AND TO PROVIDE FOR OPERATIONAL COSTS" does recommend that the Bill, as Substituted, be Passed by the Twentieth Guam Legislature.

Votes of the Committee Members are as follow:

To Pass	<u>9</u>
To Not Pass	<u>0</u>
To Report Out Only	<u>0</u>
To Place In The Inactive File	<u>0</u>
Abstained	<u>0</u>
Off-Island	<u>1</u>
Not Available	<u>2</u>

Respectfully submitted,

Madeleine Z. Bordallo
MADELEINE Z. BORDALLO

Enclosures

COMMITTEE ON HEALTH, WELFARE AND ECOLOGY

COMMITTEE REPORT ON SUBSTITUTE BILL NO. 980

AN ACT TO CREATE THE GOVERNOR'S COMMISSION ON
PERSONS WITH DISABILITIES, AND TO PROVIDE FOR OPERATIONAL COSTS

PREFACE

A Public Hearing on Bill No. 980 was conducted by the Committee on Health, Welfare and Ecology on November 1, 1989 at 2:00 P.m. in the Legislative Session Hall.

Members Present: Chairperson Madeleine Z. Bordallo and Senators Martha C. Ruth, Tommy Tanaka and Tony Unpingco.

Witnesses Heard: Ms. Rosa T.P. Salas, Director of Vocational Rehabilitation; Ms. Karen Cruz, Department of Public Health and Social Services; Mr. Luis S.N. Reyes, Department of Education; Ms. Patricia R. Botten, President of Western Pacific Association for the Disabled; Mr. William F. Rymer, Developmental Disabilities Council; Dr. Eddie Del Rosario, Administrator, Advocacy Office; Ms. Diane Boone-Wallis, Parent; Ms. Gerardlyn Mandell; Ms. Evelyn Duenas and Mr. Ollie Mueden, WPAD.

Written Testimony: Dr. Leticia V. Espaldon, Director of Public Health and Social Services; Ms. Rosa T.P. Salas, Director of Vocational Rehabilitation; Ms. Anita Sukola, Director of the Department of Education; Dr. Eddie Del Rosario, Administrator Advocacy Office; Mr. William F. Rymer, Developmental Disabilities Council; Ms. Diane Boone-Wallis, Parent; and Ms. Gerardlyn Mandell.

SUMMARY OF TESTIMONY

All witnesses expressed their support for Bill No. 980, to improve coordination services by public agencies and private assistance organizations. Each witness suggested amendments to the bill, including a name change, placement in the Governor's Office, representation by advocacy and advisory groups, and funding.

SECTION BY SECTION ANALYSIS

In Section 1, the name of the proposed Commission, and the bill generally are changed to address "disabilities," which replaces "handicapped" in the parlance of current advocates. References to Title 10 GCA were deleted when the Commission was moved from Public Health to the Governor's Office. Commission voting membership of 15 includes representatives from 10 advisory and advocacy organizations, and nine voting members must be either disabled or personally responsible for disabled persons. Government agency directors are ex-officio members. Distribution by village has been deleted. Commission members will be compensated for attendance. Chairmanship is attained through election by members, is limited to non-governmental members, and to two consecutive years.

Section 2 spells out powers and duties of the Commission, which are broad enough to encompass both developmental disabilities as well as disabilities acquired through illness or accident.

Section 3 specifies frequency of meetings and requires open and accessible meetings.

Section 4 requires an annual report to the Governor and the Legislature.

Section 5 authorizes the hiring of unclassified staff.

Section 6 redirects funds accruing to the Disabled Parking Fund from Public Works to the Commission.

Section 7 appropriates \$70,000 for the initial start-up of the Commission.

COMMITTEE FINDINGS/RECOMMENDATIONS

The Committee finds the viewpoints of witnesses to be helpful to improving Bill No. 980. The bill has therefore been substituted to incorporate many of the suggested changes. Some were not included to avoid an unnecessarily restrictive mandate, for example, a particular staffing pattern and appointment of certain classified positions to voting membership.

The Committee recommends that Bill No. 980, as Substituted by the Committee on Health, Welfare and Ecology, be Passed by the Twentieth Guam Legislature.

ATTACHMENTS

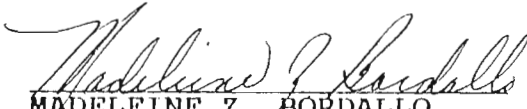
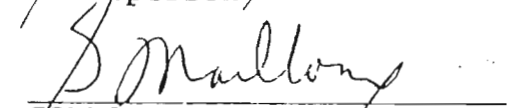
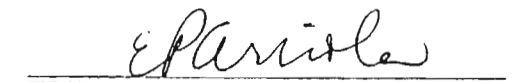
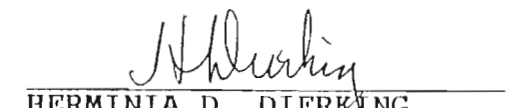
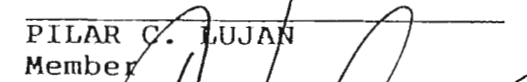
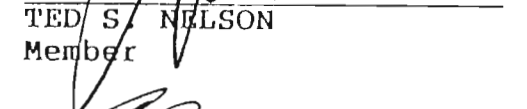

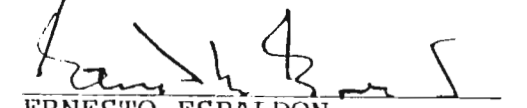
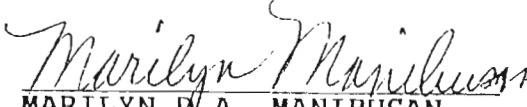
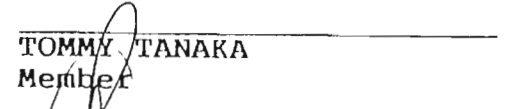
1. Committee Voting Sheet on Substitute Bill No. 980.
2. Substitute Bill No. 980.
3. Bill No. 980, as referred to Committee.
4. Testimony of Ms. Leticia V. Espaldon; Director of the Department of Public Health and Social Services.
5. Testimony of Ms. Rosa T.P. Salas, Director of Vocational Rehabilitation.
6. Testimonies of Ms. Anita Sukola, Director of Education, received November 1 and 30, 1989.
7. Testimony of Dr. Eddie Del Rosario, Administrator, Advocacy Office.
8. Testimony of Mr. William F. Rymer, Developmental Disabilities Council.
9. Testimony of Ms. Diane Boone-Wallis, Court Appointed Special Advocate.
10. Testimony of Ms. Gerardlyn Mandell.
11. Fiscal Note from the Bureau of Budget & Management Research.
12. Committee Attendance Sheet.
13. Witness Attendance Sheet.

COMMITTEE ON HEALTH, WELFARE AND ECOLOGY

VOTING SHEET

SUBSTITUTE BILL NO. 980

"AN ACT TO CREATE THE GOVERNOR'S COMMISSION ON PERSONS WITH DISABILITIES, AND TO PROVIDE FOR OPERATIONAL COSTS"

<u>COMMITTEE MEMBER</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
 MADELEINE Z. BORDALLO Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 GORDON MAILLOUX Vice-Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ELIZABETH P. ARRIOLA Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 HERMINIA D. DIERKING Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 PILAR C. LUJAN Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 TED S. NELSON Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 EDWARD D. REYES Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ERNESTO ESPALDON Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 MARILYN D.A. MANIBUSAN Member	<input checked="" type="checkbox"/> 12/27/89	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARTHA C. RUTH Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOMMY TANAKA Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ANTONIO R. UNPINGCO Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) REGULAR SESSION

Bill No. 980
As Substituted by the Committee on
Health, Welfare and Ecology

Introduced By:

M. Z. BORDALLO *MZB*
J. S. ...
E. ...

AN ACT TO CREATE THE GOVERNOR'S COMMISSION ON
PERSONS WITH DISABILITIES, AND TO PROVIDE FOR OPERATIONAL COSTS

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. There is established the "Governor's Commission on
3 Persons with Disabilities" within the Office of the Governor for
4 administrative purposes, to be composed of fifteen (15) members to
5 be appointed by the Governor for staggered terms, with the consent
6 of the Legislature. One member shall be appointed by the Governor
7 from each of the following advisory and advocacy groups: the
8 Interagency Coordinating Council for Special Education, Marianas
9 Association for Retarded Citizens, Developmental Disabilities
10 Council, Protection and Advocacy Office, Guam Association of the
11 Deaf, Western Pacific Association of the Disabled, Goodwill
12 Industries of Guam, Parent Agency Networking Association,
13 Interfaith Volunteer Caregivers and Guam Legal Services
14 Corporation. The voting members of the commission shall include at
15 least nine persons who are either disabled persons representative
16 of various disabling conditions, or parents or guardians of
17 disabled persons. The directors of Public Health and Social
18 Services, Mental Health and Substance Abuse, Labor, Vocational
19 Rehabilitation, and Education, the Administrator of the Agency for
20 Human Resources Development, the Attorney General, and the

1 Presidents of the Guam Community College and the University of Guam
2 shall be ex-officio nonvoting members. Nine voting members shall
3 constitute a quorum to do business and a concurrence of the
4 majority of the voting members of the quorum shall be necessary to
5 validate any act of the commission.

6 Every member of the Board who is not in the service of the
7 Government, for which he receives an annual compensation, shall be
8 paid twenty five dollars (\$25.00) per day for each day on which the
9 Board meets, provided, however, that such compensation shall not
10 exceed fifty dollars (\$50.00) per month.

11 The members shall be reimbursed their necessary and reasonable
12 expenses incurred in the performance of their duties, including
13 travel expenses. The chairperson shall be elected annually by the
14 members; provided that only nongovernmental members shall be
15 elected chairperson; and provided further that no member may serve
16 as chairperson for more than two consecutive years.

17 Section 2. The commission shall have and perform the following
18 powers, duties and functions:

19 (a) Serve as a central coordinator of public and private
20 activities which address the needs of disabled persons, review all
21 grant applications, state plans and program descriptions prior to
22 submittal for governor's approval, and serve as a repository and
23 disseminator of program information relating to the disabled.

24 (b) Review and assess the problems and needs, and the
25 availability of adequate services and resources for disabled
26 persons in the territory with regard but not limited to employment,
27 education, health, social services, recreation, civil rights,
28 public facilities, housing, vocational training and rehabilitation,
29 and other matters pertinent to the well-being and independence of
30 disabled persons.

1 (c) Conduct research, studies, and others appropriate
2 activities designed to generate additional information on the
3 disabled, including specific needs of disabled persons, and to
4 publicize the results thereof. The Commission shall compile and
5 maintain a data base on the incidence of disabling conditions in
6 the territory, and on resources allocated to address the needs of
7 disabled persons.

8 (d) Advise and make recommendations to the Governor and the
9 Legislature on matters relating to disabled persons, and on matters
10 which affect disabled persons.

11 (e) Develop short and long-term goals in fulfilling the
12 needs of disabled persons, to be undertaken by the commission in
13 facilitating the coordination of services and programs for
14 disabled persons.

15 (f) Educate the public and the handicapped on the problems,
16 needs, potentials, and rights of disabled persons through
17 affirmative public education programs.

18 (g) Seek improvements in existing systems to recognizing
19 specific needs of the disabled.

20 (h) Serve as public advocate of the disabled.

21 (i) Seek and receive funds and other forms of assistance
22 from public and private sources to be used in providing improved
23 circumstances for the disabled in Guam.

24 (j) Initiate and maintain contact with public and private,
25 local and national organizations, agencies, and individuals
26 generally engaging in activities relating to the disabled, or
27 otherwise interested in the general or specific well-being of the
28 disabled.

29 (k) Administer funds allocated for its work, including
30 disbursement and allocation of funds which may be available from

1 public and private sources; provided that such disbursement and
2 allocation shall be consistent with specific requirements thereof,
3 or in the absence of designated requirements, consistent with the
4 purposes of this Act. The commission may require, at its
5 discretion, matching in-kind or financial participation by
6 Commission recipients of disbursements and allocations.

7 Section 3. The Commission shall meet at least twice
8 quarterly. At least two (2) public hearings shall be held each
9 year to solicit public comment on subjects of interest to disabled
10 persons. All meetings of the commission shall be conducted
11 according to the Open Government Law.

12 Section 4. The commission shall annually report on its
13 activities to the Governor and the Legislature, and may include
14 recommendations consistent with the purposes of this Act.

15 Section 5. The commission may hire staff to assist in the
16 performance of its duties, provided that volunteer assistance shall
17 be utilized to the greatest possible extent. The staff of the
18 commission shall be members of the unclassified service, provided
19 that salaries shall be determined in consultation with the director
20 of personnel services. Hired staff shall be eligible for
21 participation in employee plans generally inuring to the benefit of
22 territorial employees.

23 Section 6. Subsection 10001.9 (c) of the Government Code as
24 amended by Section 6 of Public Law 18-28, is further amended to
25 read:

26 "(c) A fund to be known as the 'Disabled Parking Fund' is
27 hereby created, separate and apart from any other fund of the
28 government of Guam. The [Director of the Department] Commission
29 shall maintain the fund, and shall utilize the fund for the
30 [purpose of maintenance of disabled parking areas including

1 painting of lines and curbing, preparation and erection of signs
2 necessary to mark the spaces, and any other identification markings
3 necessary, and for the funding of registration plates and display
4 devices issued pursuant to Subsection (d) of 16 GCA §7120] powers,
5 duties and functions listed in Section 2 of this Act. Funding for
6 the Disabled Parking Fund shall be derived solely from fines
7 collected pursuant to 16 GCA §3401."

8 Section 7. The sum of Seventy Thousand Dollars (\$70,000)
9 is appropriated from the General Fund to the Office of the Governor
10 for the purpose of establishing an office and employing staff, to
11 facilitate the power, duties and functions of the Governor's
12 Commission on Persons with Disabilities.

Bill No. 980

Introduced By:

M. Z. BORDALLO 

AN ACT TO ADD A NEW CHAPTER _____ TO 10 GCA;
RELATIVE TO CREATING A COMMISSION ON THE HANDICAPPED

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

2 Section 1. A new chapter _____ is added to Title _____, Guam
3 Code Annotated: Entitled "Commission on the Handicapped," to read
4 as follows:

5 Section _____. Definitions. As used in this chapter, unless
6 the context requires otherwise:

7 "Commission" means the commission on the handicapped.

8 "Members" means the members of the commission on the
9 handicapped.

10 Section _____. Commission on the Handicapped. There is
11 established the Commission on the Handicapped within the Department
12 of Public Health and Social Services for administrative purposes,
13 to be composed of fifteen (15) members to be appointed by the
14 governor for staggered terms. The members of the commission shall
15 include at least nine persons who are either handicapped persons
16 representative of various handicapping conditions, or parents or
17 guardians of handicapped persons. The directors of Public Health
18 and Social Services, Attorney General, Department of Labor, Agency
19 for Human Resources Development, Department of Vocational
20 Rehabilitation, Department of Education and the President of the
21 University of Guam shall be ex officio nonvoting members. The

22 members appointed shall include at least one resident from the
23 villages of Yigo, Agat, Merizo and Inarajan/Malojloj. Eight voting
24 members shall constitute a quorum to do business and a concurrence
25 of the majority of the voting members of the quorum shall be
26 necessary to validate any act of the commission.

27 The members shall serve without compensation but shall be
28 reimbursed their necessary and reasonable expenses incurred in the
28 performance of their duties, including travel expenses. The
30 chairman shall be elected annually by the members; provided that
31 only nongovernmental members shall be elected chairman; and
32 provided further that no member may serve as chairman for more than
33 two consecutive years.

34 Section _____. Powers, duties and functions of the
35 commission. The commission shall have and perform the following
36 powers, duties and functions:

- 37 (1) Serve as a central coordinative clearing house of public
38 and private activities relating to the handicapped and
39 as a repository and disseminator of activities and
40 information relating to the handicapped.
- 41 (2) Review and assess the problems and needs, and the
42 availability of adequate services and resources for the
43 handicapped in the territory with regard but not limited
44 to employment, education, health, social services,
45 recreation, civil rights, public facilities, housing,
46 vocational training and rehabilitation, and other
47 matters pertinent to the well-being and independence of
48 the handicapped.

- 49 (3) Conduct research, studies, and others appropriate
50 activities designed to provide additional information
51 on the handicapped, with particular reference to
52 specific needs of the handicapped, and to publicize the
53 results thereof.
- 54 (4) Advise and make recommendations to the Governor and the
55 Legislature matters relating to the handicapped, and on
56 matters which affect the handicapped.
- 57 (5) Develop short and long-term goals in fulfilling the
58 needs of the handicapped, to be undertaken by the
59 commission in facilitating the coordination of services
60 and programs for the handicapped.
- 61 (6) Educate the public and the handicapped on the
62 problems, needs, potentials, and rights of the
63 handicapped through affirmative public education
64 programs.
- 65 (7) Seek improvements in existing systems to recognizing
66 specific needs of the handicapped.
- 67 (8) Serve as public advocate of the handicapped.
- 68 (9) Seek and receive funds and other forms of assistance
69 from public and private sources to be used in providing
70 improved circumstances for the handicapped in Guam.
- 71 (10) Initiate and maintain contact with public and
72 private, local and national organizations, agencies, and
73 individuals generally engaging in activities relating to
74 the handicapped, or otherwise interested in the general
75 or specific well-being of the handicapped.

76 (11) Administer funds allocated for its work, including
77 disbursement and allocation of funds which may be available from
78 public and private sources; provided that such disbursement and
79 allocation shall be consistent with specific requirements thereof,
80 or in the absence of designated requirements, consistent with the
81 purpose of this chapter. The commission may require, in its
82 discretion, matching participation by the recipients of
83 disbursements and allocations hereunder.

84 Section _____. Meetings. All meetings of the commission shall
85 be conducted according to the Open Government Law.

86 Section _____. Annual report. The commission shall annually
87 report on its activities to the governor and the legislature, and
88 may include recommendations consistent with the purposes of this
89 chapter.

90 Section _____. Staff. The commission may hire staff to assist
91 in the performance of its duties; provided that volunteer
92 assistance shall be utilized to the greatest possible extent. The
93 staff of the commission shall be members of the unclassified
94 service, provided that salaries shall be determined in consultation
95 with the director of personnel services. Hired staff shall be
96 eligible for participation in employee plans generally inuring to
97 the benefit of territorial employees.



GOVERNMENT OF GUAM
AGANA, GUAM 96910

OCT 31 1989

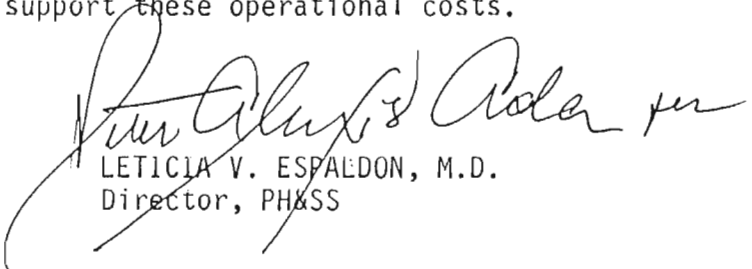
COMMENTS ON BILL 980
RELATIVE TO CREATING A COMMISSION ON THE HANDICAPPED

The intent of Bill 980 is supported; however, the organizational placement of the Commission within the Department of Public Health and Social Services is not. It would seem that for optimal support to the Commission and coordination within the community, the Commission should be organizationally placed within the Department of Vocational Rehabilitation.

Even with this change, it is not clear what the relationship is to be between the Commission and the Department within which it is organizationally placed. According to the description of the Commission's powers, duties, functions, and reporting requirements, it seems that the Commission is an administratively independent entity. To place it within any government department is perhaps then inappropriate.

It is recommended that members be appointed to assure representation from all regions/areas of Guam rather than specific villages as itemized on page two, line 23.

The Bill allows for reimbursement of expenses incurred by the Commission, allows the commission to hire staff and conduct studies, etc.; and yet, there are no funds appropriated to support these operational costs.


LETICIA V. ESPALDON, M.D.
Director, PH&SS



DEPARTMENT OF VOCATIONAL REHABILITATION
GOVERNMENT OF GUAM
122 HARMON PLAZA - ROOM B201
HARMON INDUSTRIAL PARK, GUAM 96911
TELS: (671) 646-9468/9

October 31, 1989

Bill #980
TESTIMONY

To: Senator Madeleine Z. Bordallo
Chairperson, Committee on Health, Welfare & Ecology
Twentieth Guam Legislature

Dear Senator Bordallo,

I am Rosa T.P. Salas, Director, Department of Vocational Rehabilitation. The Department of Vocational Rehabilitation supports the paramount intent of Bill #980 for the establishment of a Commission for Persons with Disabilities. This Commission ought to be located in the Governor's Office. More specifically, it could be called the Governor's Commission for Persons with Disabilities. We object to the recommended placement at the Department of Public Health and Social Services. We find that placement with Public Health and Social Services would only perpetuate the myth that persons with a disability are sick and remain sick for life. A person may be disabled physically or mentally, but his problems go beyond his disability. A disabled person is more concerned about reaccessing opportunities for employment and being in an integrated and productive relationship with his family and his community.

We also recommend that the Commission be called the Commission for Persons with Disabilities. A person with a disability may not necessarily be handicapped; and persons with a disability often resent the label or referred to as a noun - the Handicapped.

We recognize that the Commission for Persons with Disabilities ought to be located under the Governor's Office. The force of the Governor's Office reduces interdepartmental power struggles and ego status battles. The Commission for Persons with Disabilities should be for persons with disabilities or concerned with the objectives of the Commission.

The creation of a Governor's Commission for persons with Disabilities is exceptionally crucial in view of the soon to be passed into law the Americans with Disabilities Act. The Americans with Disabilities Act empowers all persons with disabilities with rights comparable to the Civil Rights. It will impact on all public and private employers on Guam. This Commission will be in a position to provide technical information and assistance.


The paramount purpose of the Commission ought to include the following suggested objectives:

- . To study the problems of people with disabilities in obtaining and retaining suitable employment with assistance from professional and technical authorities in the field of disability and employment.
- . To review and develop plans and projects for promoting the employment of people with disabilities.
- . To study and recommend programs in the employment preparation of youths with disabilities.
- . To study and recommend programs on employment related issues facing disabled veterans.
- . To review programs in vocational education that provides new opportunities for individuals with disabilities at the secondary, post secondary and adult levels.
- . To promote a climate of public awareness and understanding of both barriers to employment faced by disabled persons and the laws ensuring equal opportunity.
- . To promote a better understanding among handicapped persons of opportunities available for habilitation and rehabilitation in order that more will have marketable skills.

- . To provide information and referral services to the community.
- . To sponsor forums relating to issues relating to the needs of people with disabilities.
- . To examine federal and territorial laws for people with disabilities and to provide assistance where greater coordination is needed between federal, territorial and municipal governments.
- . To study and determine the unmet needs of disabled men, women and children, their potential and specific problems faced in attaining their needs.
- . To study various technologies to improve the circumstances of the severely disabled and to study the financial accessibility for such technologies.

We endorse the creation of a Commission for Persons with Disabilities under the Governor's Office. All members of the Commission ought to be appointed by the Governor with the consent of the Legislature.

Thank you,


ROSA T.P. SALAS

ASA

Myths & Facts About People Who Have Disabilities

(Reprinted Courtesy of the
National Easter Seal Society)

The estimated 35 million Americans who have physical disabilities constitute the largest, fastest growing minority in the United States. As individuals, these men, women, and children are as different as the illnesses, accidents, birth conditions or other factors that caused their disabilities. Nevertheless, generalities concerning disabilities and those who have them persist. The following myths are commonly held. The facts can be enlightening.

Myth 1: Persons who have disabilities are brave and courageous.

Fact: Adjustment to a disability actually requires adaption to lifestyle rather than bravery and courage.

Myth 2: All persons who use wheelchairs are chronically ill or sick.

Fact: The association between wheelchair use and illness has probably evolved through the traditional use of wheelchairs by hospitals to transport sick people. A person may use a wheelchair for a variety of reasons, none of which may have anything to do with lingering illness.

Myth 3: Wheelchair use is confining; users of these devices are literally wheelchair bound.

Fact: A wheelchair, like an automobile, is a personal assistive device that enables a person to get around.

Myth 4: All persons with hearing impairments can read lips.

Fact: Lip-reading skill varies greatly among individuals and is never wholly reliable.

Myth 5: People with blindness acquire a sixth sense.

Fact: Although most people with blindness develop their remaining senses more highly than others, they have no sixth sense.

Myth 6: People with disabilities are more comfortable being with "their own kind."

Fact: Years of grouping people with disabilities in separate schools and institutions has reinforced this misconception. Today more and more persons with disabilities are living in the mainstream.

Myth 7: People without disabilities are obligated to "take care of" their fellow citizens who have disabilities.

Fact: People may offer assistance to anyone they choose, but in this country are not obligated to do so.

Myth 8: Curious children should never be allowed to ask persons about their disability.

Fact: Many children are endowed with a natural, uninhibited curiosity and ask questions that some adults consider embarrassing. Reprimanding children for asking questions may cause them to think there is something "bad" about disability. Most people with disabilities will not mind answering a child's question.

Myth 9: The lives of people with disabilities are totally different from those of most other people.

Fact: People with disabilities go to school, get married, work, have families, do laundry, grocery shop, laugh, cry, pay taxes, get angry, have prejudices, vote, plan and dream like anyone else.

Myth 10: It's all right for people without disabilities to park in "handicap" parking places for a short time.

Fact: Because "handicap" parking is specially designed and situated to meet the needs of persons who have disabilities, the space should only be used by people who need it.

Myth 11: Most people with disabilities are unable to have sexual relationships.

Fact: Any person can have a sexual relationship by adapting the sexual activity. People with disabilities can have children naturally as well as adopt them. Persons with disabilities, like other people, are sexual beings.

Myth 12: People with disabilities always need help.

Fact: Many people with disabilities are quite independent and capable of giving help.

Myth 13: There's nothing one person can do to help eliminate the barriers confronting persons with disabilities.

Fact: Every individual can contribute to change. You can help remove barriers by:

- understanding the need for "handicap" parking and leaving it for those who need it.
- encouraging participation of people with disabilities in community activities by making sure community meeting and event places are accessible.
- understanding children's curiosity regarding disabilities and people who have them.
- encouraging a barrier-free environment.
- speaking up when negative words or phrases are used in connection with disability.
- writing producers and editors a note of support when they portray persons with disabilities in the same way as others in the media.
- accepting people with disabilities as individual human beings with many of the same needs and feelings you might have.

Rehab Review is published bimonthly by the California State Department of Rehabilitation.

STATE OF CALIFORNIA
George Deukmejian, Governor
HEALTH AND WELFARE AGENCY
Clifford Allenby, Secretary
DEPARTMENT OF REHABILITATION
P. Cecile Fontanoza, Director

Russ Enyart, Editor

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ANITA A. SUKOLA
Director of Education

Deputy Director

Senator Madeliene Z. Bordallo
Chair-person
Committee on Health Education and Ecology
Twentieth Guam Legislature
Agana, Guam 96910

RE: Testimony on Bill 980-An Act Relative to Creating A Commission on the Handicapped

Dear Senator Bordallo:

Thank you for this opportunity to present testimony on Bill No. 980, an Act Relative to Creating a Commission on the Handicapped. The Department of Education has long been committed to providing a full continuum of quality educational and related service programs to eligible handicapped children on Guam. These services include; traditional classroom - based programs as well as individualized services such as speech therapy, physical therapy, occupational therapy, leisure education, counseling, parent training, and several others.

With the interest of handicapped children and their families in mind, the Department of Education supports the intent of Bill No. 980. Presently, within the Department of Education there are two Governor appointed advisory groups responsible for the needs of handicapped children. The Inter-Agency Coordinating Council serving children aged birth to two and the Territorial Advisory Committee on the Handicapped. These groups provide advise and input concerning disabled children through aged twenty-one. Additionally, there are other groups representing the needs of the disabled community. These groups include; the Marianas Association for Retarded Citizens, The Developmental Disabilities Council, The Protection and Advocacy Office, The Guam Association of the Deaf, The Western Pacific Association of the Disabled, Goodwill Industries of Guam and The Parent Agency Networking Organization. There are also many service organizations, such as the Lions Club, which provide essential services to disabled individuals in our community. What is lacking in our community is an organization that serves to coordinate and facilitate the efforts of these various groups and the service providers and consumers they represent. All too often disabled individuals in our community meet with frustration because the mandates of individual organizations and individual agencies and advisory groups do not readily provide for coordination of services. These groups each represent various interests and aspirations within the disabled community. There does not exist any single organization with the oversight to facilitate coordinated services.

To ensure equal access and full opportunity to participate in the community, disabled individuals should be assured that services designed to provide access and opportunity are well coordinated and designed to meet the real needs of disabled individuals. The intent of Bill No. 980 would create a commission to serve as an umbrella watching over the various organizations and service providers within our community. This organization could provide the vehicle for much needed coordination and articulation of services for the disabled .

The Department of Education stands ready to continue in its comittment to provide qualtiy service to disabled individuals including participating on the commission should it be activated. The following comments are provided to the committee as suggestions to help strengthen the language of Bill No. 980:

1. In Line 10, we recommend that the commission be administratively established within the Governor's office. To have a commission as proposed, under a line agency would invite a possible conflict of interest. The importance of such a commission would be enhanced by being directly associated with the highest level of government.
2. In Line 23, we recommend the deletion of village representation per-se. As written this would only serve to discriminate against individuals from villages not included on the list.
3. In order to achieve a true coordinating function, we recommend that represenatives from each of the organizations providing services to the disabled mentioned above be included as either voting or nonvoting ex-offical members. This would allow service coordination and facilitation issues to be dealt with in a more direct manner.
4. In Line 30 and elsewhere, we recommend that the use of the term "chairman" be changed to "chair-person" to reflect a more gender-neutral distinction.
5. In Line 37, we recommend that "The Clearing House" responsibility of the commission be clearly defined. Similar to The Clearing House establishment in the governor's office for approval of federal program applications, possibly the commission could be charged with reviewing all applications, state plans, and program descriptions prior to submission for the governor's approval to ensure that the proposed activites are a true reflection of the needs of the disabled community.
6. In Line 68, we recommend that the commision not be responsible for seeking and receiving funds to provide direct services. The primary need for such a commission is to ensure the coordination of services and the

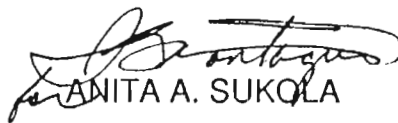
establishment of services where they are lacking. To become a direct service provider would only serve to detract from the advocacy mission the commission must provide.

7. In Line 76, we recommend deletion of the language after the word "work". It is sufficient to charge the commission with the administration of funds allocated. The implication of the last sentence of this section enforces that the commission might be in the business of making direct disbursements to handicapped individuals based on need. This again, would detract from the primary purpose of the commission.
8. In line 84, we recommend that the commission meet at least quarterly.
9. In Line 90, we recommend that if the commission is to hire staff, those positions be clearly specified and that funding sources be identified within the language of the Bill to ensure timely implementation.

Again, thank you for the opportunity to present input on this important proposed legislation. If the Department of Education can be of any further assistance in helping to facilitate an enactment of this legislation, please contact us.

Si Yuuse Maase.

Sincerely,



ANITA A. SUKOLA



OFFICE OF THE DIRECTOR

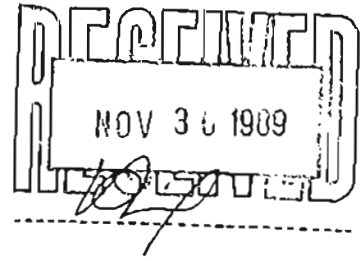
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ANITA A. SUKOLA
Director of Education

Deputy Director

Senator Madeliene Bordallo
Chair-person
Committee on Health Education and Ecology
Twentieth Guam Legislature
Agana, Guam 96910



Dear Senator Bordallo:

At the Public Hearing on Bill No. 980, your committee requested for a written clarification of what appeared to be conflicting sections of the Department of Education testimony regarding funding. These sections are number 6 and number 7 of the Department of Education recommendations.

On number 6, the Department of Education was simply recommending that when the Commission on the Handicapped is created, it should not be allocated funds to provide direct services. We perceive the commission's role as an agency which should coordinate information and referral services.

Number 7, also would charge the commission with the administration of funds, to the extent of making direct disbursements to handicapped individuals based on need. As we stated on number 6, we do not perceive the commission's role as providing direct services. It should be a coordinating and referral agency.

The Department of Education however does not object to funding for the commission's operation. A Commission Executive Director and staff will require salary and benefits.

It is the Department of Education's opinion that direct services including the disbursement of funds to handicapped individuals based on need is currently in existence. An agency however, like the Commission on the Handicapped is needed to coordinate these services and to make appropriate referrals since no such agency currently has this type of networking capability.

Thank you for giving the Department of Education the opportunity to clarify two (2) sections of its written testimony on Bill No. 980 submitted on Tuesday, October 31, 1989.

Sincerely,

ANITA A. SUKOLA
Director of Education



PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED
PROTECTION AND ADVOCACY FOR THE MENTALLY ILL INDIVIDUAL
CLIENT ASSISTANCE PROGRAM

Post Office Box 8830, Tamuning, Guam 96911
Telephone: (671) 646-9026 or 646-9027 or 646-6204
Fax: (671) 649-4390



November 1, 1989

Senator Madeleine Z. Bordallo
Chairperson, Committee on Health, Ecology & Welfare
20th Guam Legislature

Dear Senator Bordallo & members of the Committee:

On behalf of the Marianas Association for Retarded Citizens (M.A.R.C.), I wish to thank you all for permitting me to testify on Bill No. 980 which would affect the lives and fortunes of our disabled members of Guam's society for years to come. I am generally in favor of this bill subject to some changes in the language and assuming that the intent of this bill is to improve the services to the disabled population both in the policy and programmatic levels. I would like then to recommend the following:

1. The proposed Commission on the Handicapped ideally should be autonomous or independent from any line agency in order to more effectively carry out its mandate. It could perhaps be an arm of the Legislature like the Office of the Suruhano or under the Office of the Governor like in most States. The need for a holistic, interdependent and integrated service system for the disabled is so strong in order to close the existing gaps and to expand the so-called safety net. It thus becomes imperative to address these problems at the highest level possible. It is evident that the present state of fragmented services for the disabled is no longer working for the greater number of disabled persons in our island.

2. It is commendable that the majority of the Commission members to be appointed are disabled, or parents or guardians of disabled persons. We would like to be more specific though by including representatives of various non-profit organizations serving the disabled such as the Western Pacific Association of the Disabled, The Guam Association of the Deaf, Guma Mami, Parents/Agencies Networking, Interfaith Volunteer Caregivers, Goodwill Industries of Guam, Lytico & Bodig Association, etc. Such representatives should be disabled themselves or parents or guardians of disabled, not employed by the Government of Guam as a direct service provider to the disabled, and elected by each organizations as its authorized representative to be a possible member of the Commission.

In addition, the Administrator of the Advocacy Office, the Superintendent of the Division of Special Education, a senior attorney from the Guam Legal Services Corporation, the Administrator of the Health Care Financing Bureau, the Chairperson of the D.D. Council, the Chairperson of the DVR Board of Control, the Chairperson of the Interagency Coordinating Council, and the Chairperson of the Mental Health & Substance Abuse Advisory Council should be appointed as voting members of the Commission.

A private non-profit, independent Federally-funded Agency governed by
MARIANAS ASSOCIATION FOR RETARDED CITIZENS (M.A.R.C.); A N. A. P. A. S. Affiliate

3. May I suggest that, for the purposes of this bill, the Committee adopt the enclosed definition of "Disabled" and change the name of the proposed Commission to "Commission for the Disabled".

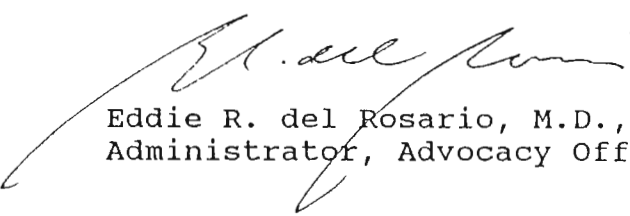
4. May I suggest that we leave the door open, relative to the powers, duties and functions of the Commission, to whatever else the forthcoming "Americans with Disabilities Act" pending in the U.S. Congress would call for.

5. I noticed that there was no funding provision in the Bill. May I suggest that seed money be identified and appropriated to take care of the first two years of operation. Such monies should be sufficient to pay for staff, rent and utilities, supplies and equipment, reproduction & printing costs, training & technical assistance costs, etc.

6. At a minimum, may I suggest that initial staffing should include an executive director, human services planner, and an administrative assistant. To be competitive, may I suggest that compensation and benefits be at least equal to GovGuam level.

We at the Advocacy Office consider this bill as a great milestone towards the improvement of the present system of services for the benefit of the greatest number of disabled people. This will definitely impact favorably on the ultimate goal of every disabled person on Guam towards independence, productivity, and integration with the community. Let us please remember what that great humanist, Ms. Pearl Buck once said, and I paraphrase, " The greatest test of civilization is how we take care of the less fortunate members of our society".

Thank you very much once again my dear Senators for this opportunity to testify on this bill. Si Yu'os Maase and Maraming Salamat Po.



Eddie R. del Rosario, M.D., M.P.H.
Administrator, Advocacy Office

Senator Madeliene Z. Bordallo
Chair-Person
Committee on Health Education and Ecology
Twentieth Guam Legislature
Agana, Guam 96910

RE: Testimony on Bill 980- An Act Relative to Creating a Commission on the Handicapped

Dear Senator Bordallo:

Thank you for this opportunity to present testimony on Bill No. 980, An Act Relative to Creating a Commission on the Handicapped. The Developmental Disabilities Council has long been committed to the establishment of programs which benefit Guams Handicapped population. With this in mind the Council supports the intent of Bill No. 980.

We must point out , however, that the Developmental Disabilities Council is already mandated by law to provide the services outlined in the act. During the past year the Council has been given the task of removing itself from the roll of a direct service provider to one of the provision of in-direct services which includes serving as a central coordinative clearing house of public and private activities relating to the handicapped as well as many of the sections mentioned in the act. The federal mandate which created the Developmental Disabilities Council is very clear on this issue.

It has long been the desire of those of us who serve on the Council that all agencies, private as well as governmental, who work with and for the handicapped be of one voice. It is our hope that through avenues such as this testimony this becomes a reality.

Again thank you for the opportunity to present our input on this very important matter. If the Developmental Disabilities Council can be of any further assistance in this matter please feel free to contact us.


WILLIAM F. RYMER
Second Vice-Chairman
Developmental Disabilities Council

11/1/89

Dear Senators,
I am sorry that I am unable to testify in person today. There are some concerns and comments I have in regards to the Commission for the Handicapped.

1) The general term in the US. (if we want to follow the US) is Disabilities instead of Handicapped. A new law was recently passed in this regard.

2) That the membership of the Commission be at least 70% Disabled or parents/family members of the Disabled.

3) That at least 60% of the Commission be non-government (non) employees.

4) That the Commission be an independent agency preferred private non-profit.

I am very much in favor of the Commission and have been an advocate for its development for several years. I have had active dealings with the Commission in Hawaii. It has been very helpful.

5) That a parent services coordinator be part of the employees of this Commission.
6) That members of current Disabled issue organizations be part of the membership.

as well as those that are well known
as advocates for the disabled.

Sincerely,

Jana Boone-Walker

Disabled

Parent of disabled

Advocate for disabled children and
their families.

734 5883

ACE 17104

Inarajan Thom 96917

November 1, 1989

Senator Madeline Z. Bordallo
Chairperson, Committee on Health, Ecology, & Welfare
20th Guam Legislature

Dear Senator Bordallo & members of the Committee,

I am here to testify on behalf of the task force organized by the Western Pacific Association of the Disabled in conjunction with the Protection & Advocacy Office on Bill 980, relative to establishing a Commission on the Handicapped.

When the task force first addressed the need for a coordination of all services and programs for the disabled, we sought a solution that would not only provide for input from consumers and their caregivers but one that would assure regular communication with and among service providers. The idea of a Commission began to grow. While we advocate for such a commission, we also feel that for the commission to meet with the intent of the law, the following concerns must be addressed before implementation:

1. The Commission must be autonomous of all agencies, reporting directly to the Governor and Legislature.
2. Members of the Commission should be composed of a majority of consumers but, the persons representing the service providers should have as a minimum, some role in the policy making in regards to the types of services available. (i.e. the Director of D.O.E. does not directly oversee the Division of Special Education, thus this person would be more appropriate for the purposes of the Commission. Membership should also include representatives from the different planning councils (i.e. D.D. Planning Council, Mental Health Planning Council, the Inter-Agency Coordinating Council) and those from other non-profit organizations (i.e. Guma'Mami, Guam Association of the Deaf, Parent/Agencies Networking, Goodwill, WPAD, etc.). These representatives will be recommended by each organization/council to the Governor for appointment.
3. Powers, duties & functions of the commission should include the responsibility to review and comment on all state plans that are submitted to the Clearinghouse for approval.
Also of utmost importance is the need for the commission to maintain an island-wide data base of all handicapping conditions, services, etc.
3. The need for funding and staffing must be addressed directly in the enabling legislation. At the least, the staff should include an administrator, a program planner and administrative assistant. Further funding from both federal and local governments will be sought as the commission continues to grow to meet the needs of consumers.

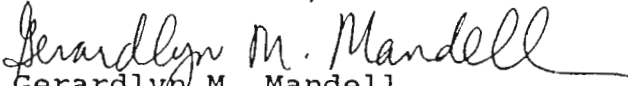
4. The frequency of meeting must be addressed to ensure proper and effective planning. It is estimated that approximately 2 meetings quarterly will be needed..

5. In addition to reporting annually to the Governor and Legislature , the commission should conduct semi-annual public hearings for consumers to address concerns and needed services. Results of such hearings will be included with the annual reports.

6. The benefits of the staff should include not only competitive salaries but guarantees of specific benefits that other employees enjoy such as retirement, etc.

I thank you for the opportunity to provide this testimony.

Si Yu'os Ma'ase,


Gerardlyn M. Mandell.

FISCAL NOTE
BUREAU OF BUDGET & MANAGEMENT RESEARCH

BBMR-F7

Bill No. 980(LS) Date Received Oct. 24, 1989
 Mandatory Bill Yes No Date Reviewed Oct. 24, 1989
 Department/Agency Affected: PUBLIC HEALTH AND SOCIAL SERVICES
 Department/Agency Head: Leticia Espaldon
 Total Fiscal Year Appropriation: \$30,545,618
 Bill Title (concise): AN ACT TO ADD A NEW CHAPTER TO 10GCA: RELATIVE TO CREATING A COMMISSION ON THE HANDICAPPED.

Change in Law: Yes. To add a new Chapter to Title 10 of the Guam Code Annotated.

Bill Attempts to:

Bill is for:

- Increase Program Funding
- Decrease Program Funding
- Reallocate Present Program Funding

- Operations
- Capital Improvement
- Other

FINANCIAL/PROGRAM IMPACT

Minimum Estimated Required Funds (For Five Years)

PROGRAM CATEGORIES	Minimum Estimated Required Funds (For Five Years)		
	GENERAL FUND	FEDERAL	OTHER
Health & Welfare	See Comments		
GRAND TOTAL			

ESTIMATED MULTI-YEAR FUND REQUIREMENTS

SOURCES	1st	2nd	3rd	4th	5th
General Fund	See Comments.				
Federal Fund					
Other Fund					
GRAND TOTAL					

ESTIMATED MULTI-YEAR REALIZED REVENUES

SOURCES	1st	2nd	3rd	4th	5th
General Fund	See Comments.				
Federal Fund					
Other Fund					
GRAND TOTAL					

Serafin P. Siendo
 Serafin P. Siendo
 PROGRAM ANALYST
Michael J. Reidy
 MICHAEL J. REIDY
 DIRECTOR

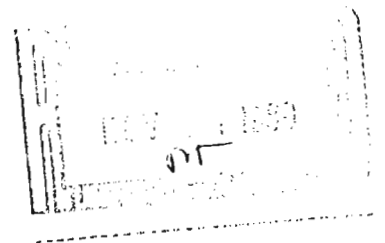
Date Review Terminated: Oct. 24, 1989

COMMENTS:

Comments on Bill No. 980(LS)

This Bill proposes to add a new Chapter to Title 10 Guam Code Annotated relative to creating a commission on the Handicapped within the Department of Public Health. The potential fiscal impact upon enactment will be realized in the third section of the Bill which reads in part...The members shall serve without compensation but shall be reimbursed their necessary and reasonable expenses incurred in the performance of their duties, including travel expenses. Although this amount cannot be estimated at this time, it is inevitable that expenses will be incurred and subject to reimbursement as commission member's engage in their duties and responsibilities.


MICHAEL J. REIDY



ATTENDANCE SHEET

TWENTIETH GUAM LEGISLATURE
COMMITTEE ON HEALTH, WELFARE, AND ECOLOGY

PUBLIC HEARING DATE: 01 Nov. 89 ON Bill 980

INITIAL

- 1. SPEAKER SAN AGUSTIN, JOE T. _____
- 2. SENATOR AGUON, JOHN P. _____
- 3. SENATOR ARRIOLA, ELIZABETH P. (M) _____
- 4. SENATOR DIERKING, HERMINIA D. (M) _____
- 5. SENATOR GUTIERREZ, CARL T.C. _____
- 6. SENATOR LUJAN, PILAR C. (M) _____
- 7. SENATOR MAILLOUX, GORDON (M) _____
- 8. SENATOR NELSON, TED S. (M) _____
- 9. SENATOR PARKINSON, DON _____
- 10. SENATOR QUITUGUA, FRANKLIN J.A. _____
- 11. SENATOR REYES, EDWARD D. (M) _____
- 12. SENATOR SANTOS, FRANK R. _____
- 13. SENATOR BAMBA, GEORGE J. _____
- 14. SENATOR BROOKS, DORIS F. _____
- 15. SENATOR DUENAS, EDDIE R. _____
- 16. SENATOR ESPALDON, ERNESTO (M) _____
- 17. SENATOR MANIBUSAN, MARILYN D.A. (M) _____
- 18. SENATOR RUTH, MARTHA C. (M) _____
- 19. SENATOR TANAKA, TOMMY (M) _____
- 20. SENATOR UNPINGCO, TONY R. (M) _____

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ATTENDANCE SHEET

COMMITTEE ON HEALTH, WELFARE AND ECOLOGY

DATE: 01 Nov. 89

Bill 980 - An act to add a new chapter to 10 GCA; Relative to creating a commission on the handicapped.

NAME	TESTIMONY	AGENCY / INTEREST GROUP		COMMENT			
		PRINT:	SIGN:	WRITTEN:	ORAL:	FAVOR:	AGAINST:
<u>Rosa T. P. Salas</u>	<u>Rosa T. P. Salas</u> ✓			<u>D. V. R.</u>	✓	✓	
<u>Luis S. N. Reyes</u>	<u>for ANITA A. SUKWIJA</u> ^{DOE} DIRECTOR ✓			<u>D. O. E</u>	✓	✓	
<u>William F. RYMER</u>	<u>William F. Rymer</u> ✓ only			<u>Dev. Disabilities Council</u>			
<u>KAREN Cruz</u>	<u>Karen Cruz</u> ✓			<u>DPHSS</u>			
<u>Eddie del Rosario</u>	<u>E. del R.</u> ✓		✓	<u>MARC - Advocacy Office</u>	✓		
<u>PATRICIA R BOTTEN</u>	<u>Patricia R. Botten</u> ✓		✓	<u>WPAD</u>	✓		
<u>Dann M Boone-Wallis</u>	<u>Dann Boone-Wallis</u> ✓			<u>Court Appointed Special Advocate</u>	✓		
<u>Ollie Mueden</u>	<u>Ollie Mueden</u> ✓		✓	<u>WPAD - Treasurer</u>	✓		
<u>Evelyn Duenas</u>	<u>Evelyn Duenas</u> ✓		✓	<u>WPAD member</u>	✓		
<u>Gerardlynn Mandell</u>	<u>Gerardlynn M. Mandell</u> ✓		✓	<u>Task Force</u>	✓		

SEP 27 '89

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) REGULAR SESSION

Bill No. 980 (LS)

Introduced By:

M. Z. BORDALLO



AN ACT TO ADD A NEW CHAPTER _____ TO 10 GCA;
RELATIVE TO CREATING A COMMISSION ON THE HANDICAPPED

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

2 Section 1. A new chapter _____ is added to Title _____, Guam
3 Code Annotated: Entitled "Commission on the Handicapped," to read
4 as follows:

5 Section _____. Definitions. As used in this chapter, unless
6 the context requires otherwise:

7 "Commission" means the commission on the handicapped.

8 "Members" means the members of the commission on the
9 handicapped.

10 Section _____. Commission on the Handicapped. There is
11 established the Commission on the Handicapped within the Department
12 of Public Health and Social Services for administrative purposes,
13 to be composed of fifteen (15) members to be appointed by the
14 governor for staggered terms. The members of the commission shall
15 include at least nine persons who are either handicapped persons
16 representative of various handicapping conditions, or parents or
17 guardians of handicapped persons. The directors of Public Health
18 and Social Services, Attorney General, Department of Labor, Agency
19 for Human Resources Development, Department of Vocational
20 Rehabilitation, Department of Education and the President of the
21 University of Guam shall be ex officio nonvoting members. The

22 members appointed shall include at least one resident from the
23 villages of Yigo, Agat, Merizo and Inarajan/Malojloj. Eight voting
24 members shall constitute a quorum to do business and a concurrence
25 of the majority of the voting members of the quorum shall be
26 necessary to validate any act of the commission.

27 The members shall serve without compensation but shall be
28 reimbursed their necessary and reasonable expenses incurred in the
28 performance of their duties, including travel expenses. The
30 chairman shall be elected annually by the members; provided that
31 only nongovernmental members shall be elected chairman; and
32 provided further that no member may serve as chairman for more than
33 two consecutive years.

34 Section _____. Powers, duties and functions of the
35 commission. The commission shall have and perform the following
36 powers, duties and functions:

- 37 (1) Serve as a central coordinative clearing house of public
38 and private activities relating to the handicapped and
39 as a repository and disseminator of activities and
40 information relating to the handicapped.
- 41 (2) Review and assess the problems and needs, and the
42 availability of adequate services and resources for the
43 handicapped in the territory with regard but not limited
44 to employment, education, health, social services,
45 recreation, civil rights, public facilities, housing,
46 vocational training and rehabilitation, and other
47 matters pertinent to the well-being and independence of
48 the handicapped.
-

- 49 (3) Conduct research, studies, and others appropriate
50 activities designed to provide additional information
51 on the handicapped, with particular reference to
52 specific needs of the handicapped, and to publicize the
53 results thereof.
- 54 (4) Advise and make recommendations to the Governor and the
55 Legislature matters relating to the handicapped, and on
56 matters which affect the handicapped.
- 57 (5) Develop short and long-term goals in fulfilling the
58 needs of the handicapped, to be undertaken by the
59 commission in facilitating the coordination of services
60 and programs for the handicapped.
- 61 (6) Educate the public and the handicapped on the
62 problems, needs, potentials, and rights of the
63 handicapped through affirmative public education
64 programs.
- 65 (7) Seek improvements in existing systems to recognizing
66 specific needs of the handicapped.
- 67 (8) Serve as public advocate of the handicapped.
- 68 (9) Seek and receive funds and other forms of assistance
69 from public and private sources to be used in providing
70 improved circumstances for the handicapped in Guam.
- 71 (10) Initiate and maintain contact with public and
72 private, local and national organizations, agencies, and
73 individuals generally engaging in activities relating to
74 the handicapped, or otherwise interested in the general
75 or specific well-being of the handicapped.
-

76 (11) Administer funds allocated for its work, including
77 disbursement and allocation of funds which may be available from
78 public and private sources; provided that such disbursement and
79 allocation shall be consistent with specific requirements thereof,
80 or in the absence of designated requirements, consistent with the
81 purpose of this chapter. The commission may require, in its
82 discretion, matching participation by the recipients of
83 disbursements and allocations hereunder.

84 Section _____. **Meetings.** All meetings of the commission shall
85 be conducted according to the Open Government Law.

86 Section _____. **Annual report.** The commission shall annually
87 report on its activities to the governor and the legislature, and
88 may include recommendations consistent with the purposes of this
89 chapter.

90 Section _____. **Staff.** The commission may hire staff to assist
91 in the performance of its duties; provided that volunteer
92 assistance shall be utilized to the greatest possible extent. The
93 staff of the commission shall be members of the unclassified
94 service, provided that salaries shall be determined in consultation
95 with the director of personnel services. Hired staff shall be
96 eligible for participation in employee plans generally inuring to
97 the benefit of territorial employees.
