

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By [Signature]
Time 4:46 pm.
Date 9-16-96



CARL T. C. GUTIERREZ
GOVERNOR OF GUAM

REFER TO
LEGISLATIVE SECRETARY

SEP 16 1996

OFFICE OF THE SPEAKER
Date: 9/16/96
Time: 2:10 pm
Received By: [Signature]
Print Name: Cheryl Eulman

The Honorable Don Parkinson
Speaker
Twenty-Third Guam Legislature
424 West O'Brien Drive
Julale Center - Suite 222
Agana, Guam 96910

Dear Speaker Parkinson:

Enclosed please find a copy of Bill No. 717 (LS), "AN ACT TO BRING THE DEPARTMENT OF VOCATIONAL REHABILITATION INTO COMPLIANCE WITH FEDERAL LAW REQUIREMENTS RELATIVE TO FEDERAL FUNDING BY AMENDING §41101, REPEALING AND REENACTING §41103, AND REPEALING §§41104, 41105, AND ITEM (7) OF §41106 OF TITLE 17, GUAM CODE ANNOTATED", which I have signed into law as **Public Law 23-126**.

This legislation was submitted by the Office of the Governor to the Legislature for enactment into law to respond to federal requirements. Signing this bill into law now guarantees the continuance of federal funding for the territory in order to keep our vocational rehabilitation programs active and serving our citizens. A failure to bring our Department of Vocational Rehabilitation into line with the funding guidelines jeopardized the approximately \$2 Million yearly that presently funds the bulk of the vocational rehabilitation programs.

Federal requirements demand that the funding that is entrusted to the territory be under the responsibility of personnel who devote full time to providing program services to the people for vocational rehabilitation. Federal requirements also demand that an advisory group consisting of citizens who are involved in the provision of services, or who are direct consumers of services, provide input into the vocational rehabilitation programs.

In order to comply with these requirements, it was necessary to streamline the structure of the Department of Vocational Rehabilitation, as outlined in this legislation. It is no longer possible to have a part time Board of Control which also manages and directs the programs. Although this structure was used in the past, newer federal legislation provides that consumer based advisory groups have an important input into programs.

I am very pleased that this legislation was enacted quickly, to guarantee continued services to the people who need them.

Very truly yours,



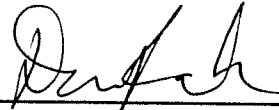
Carl T. C. Gutierrez

Attachment
231466

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 717 (LS), "AN ACT TO BRING THE DEPARTMENT OF VOCATIONAL REHABILITATION INTO COMPLIANCE WITH FEDERAL LAW REQUIREMENTS RELATIVE TO FEDERAL FUNDING BY AMENDING §41101, REPEALING AND REENACTING §41103, AND REPEALING §§41104, 41105 AND ITEM (7) OF §41106 OF TITLE 17, GUAM CODE ANNOTATED," was on the 27th day of August, 1996, duly and regularly passed.



DON PARKINSON
Speaker

Attested:



JUDITH WON PAT-BORJA
Senator and Legislative Secretary

This Act was received by the Governor this 4th day of September,
1996, at 5:00 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 9-16-96

Public Law No. 23-126

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 717 (LS)
As amended by the
Committee on Education

Introduced by:

J. Won Pat-Borja
T. C. Ada
J. P. Aguon
E. Barrett-Anderson
A. C. Blaz
J. M. S. Brown
F. P. Camacho
M. C. Charfauros
H. A. Cristobal
M. Forbes
A. C. Lamorena V
C. Leon Guerrero
L. Leon Guerrero
T. S. Nelson
S. L. Orsini
V. C. Pangelinan
D. Parkinson
J. T. San Agustin
A. L. G. Santos
F. E. Santos
A. R. Unpingco
by request of the Governor in
accordance with the Organic
Act of Guam

AN ACT TO BRING THE DEPARTMENT OF
VOCATIONAL REHABILITATION INTO COMPLIANCE
WITH FEDERAL LAW REQUIREMENTS RELATIVE TO
FEDERAL FUNDING BY AMENDING §41101,
REPEALING AND REENACTING §41103, AND
REPEALING §§41104, 41105 AND ITEM (7) OF §41106 OF
TITLE 17, GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative intent.** Presently, the Guam Department of
3 Vocational Rehabilitation is administered by a Director who is responsible for
4 the execution of the "state plan" for vocational rehabilitation programs
5 funded by the federal government. The Department also is advised by the
6 Rehabilitation Advisory Board (RAC), made up of a cross-section of
7 consumers and others involved in vocational rehabilitation. The
8 establishment of the RAC is mandated by federal law. In addition, local law
9 specifies a "Board of Control for Vocational Rehabilitation". The Board of
10 Control under local statute is "the governing and the policy making body of
11 the Department" (see §41103 of Title 17, Guam Code Annotated). At the
12 same time, "All executive and administrative functions of the Department are
13 vested in the Director who is the Executive Officer of the Board. The
14 Director is appointed by the Board with the approval of the Governor and
15 with the advice and consent of the Legislature."

16 The federal government requires a "state plan" to be submitted for
17 approval each year in order for federal funding to be released to Guam for
18 the purposes of vocational rehabilitation. The Director of the Department is
19 approved as the party responsible for implementation of the state plan.
20 According to federal regulation, the responsibility for the federal funds
21 released must be vested in either a Director, or in a Board, but not in both.
22 Our local statutes currently mix the role of the Director, who is a full time
23 employee, and the role of the Board of Control, which meets occasionally and
24 whose members are not full time employees. According to federal
25 requirements, the person or board responsible for the federal funds must
26 devote full time and attention to this position and be accountable for the
27 funds.

1 The federal government has served notice to Guam by written
2 correspondence dated July 23, 1996, that the Department of Vocational
3 Rehabilitation must be brought into compliance with federal law, and that
4 otherwise federal dollars totaling over \$2 Million will be lost for Fiscal Year
5 1997.

6 In order to bring Guam into compliance, it is necessary to repeal the
7 current law relative to the Board of Control. The activities of the
8 Department of Vocational Rehabilitation must be placed under the
9 responsibility of the Director, advised by the Rehabilitation Advisory Council,
10 also mandated by federal law and currently in existence as required. The
11 members of the Board of Control may be appointed to the Rehabilitation
12 Advisory Council and thereby continue their work in this field.

13 **Section 2. To amend §41101 of Title 17, Guam Code Annotated,**
14 **relative to definition of Board of Control.** Subsection (a) of §41101 of Title 17,
15 Guam Code Annotated, defining the Board of Control, is repealed, and all
16 other Subsections of this Section are redesignated from (a) to (j) accordingly.

17 **Section 3. To repeal and reenact §41103 of Title 17, Guam Code**
18 **Annotated, relative to administration of Department of Vocational**
19 **Rehabilitation.** Section 41103 of Title 17, Guam Code Annotated, is repealed
20 and reenacted to read:

21 “**§41103. Administration.** The Department of Vocational
22 Rehabilitation shall be administered by a Director of the Department of
23 Vocational Rehabilitation. All executive and administrative functions of the
24 Department are vested in the Director. The Director is appointed by the
25 Governor with the advice and consent of the Legislature. The Director’s
26 salary and benefits shall be established according to the provisions of Title 4,
27 Guam Code Annotated. The Director shall:

1 (a) see to it that all rules and regulations of the Department are
2 enforced;

3 (b) keep the Rehabilitation Advisory Council (RAC) advised of the
4 activities of the Department and attend RAC meetings;

5 (c) devote his or her entire time to the business of the
6 Department;

7 (d) select and appoint the employees of the Department
8 consistent with Title 4, Guam Code Annotated and personnel rules and
9 regulations promulgated pursuant thereto; and

10 (e) plan, organize, coordinate and control the services of the
11 employees in order to achieve the goals of the Department.”

12 **Section 4. To repeal §§41104 and 41105, and Item (7) of §41106 of Title**
13 **17, Guam Code Annotated, relative to establishment and the powers and**
14 **duties of the Board of Control. Sections 41104 and 41105, and Item (7) of**
15 **§41106 of Title 17, Guam Code Annotated, are repealed.**

TWENTY-THIRD GUAM LEGISLATURE

1996 (SECOND) Regular Session

Date: 8/27/96

VOTING SHEET

Bill No. 717

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.				✓
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth				✓
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta				✓
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.				✓
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith	✓			

TOTAL

17 0 0 4

CERTIFIED TRUE AND CORRECT:


 Recording Secretary

PL 23-126

Judith Won Pat-Borja
Senator

August 26, 1996

Honorable Don Parkinson
Speaker
Twenty-Third Guam Legislature
Agaña, Guam

VIA: Chairman, Committee on Rules

Dear Mr. Speaker:

Hafa Adai!

The Committee on Education, to which was referred **Bill 717 (As Amended by the Committee on Education), "An Act to Bring the Department of Vocational Rehabilitation into Compliance with Federal Law Requirements Relative to Federal Funding by Amending Subsections 41101, 41103 and 41106, and Repealing Subsections 41104 and 41105 of Title 17 GCA"**, wishes to report its findings and recommendations **TO DO PASS**, said measure.

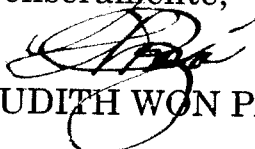
The voting record is as follows:

To Do Pass	<u>9</u>
Not To Pass	<u>1</u>
Abstain	_____
To Place in Inactive File	_____
Off-Island	_____

Attached are all the pertinent documents for your review.

Si Yu'os Ma'ase!

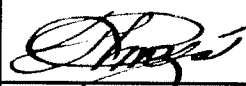


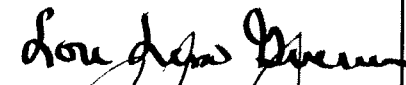
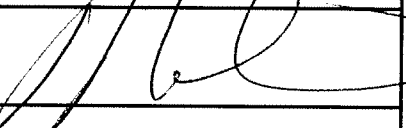
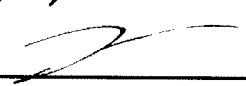


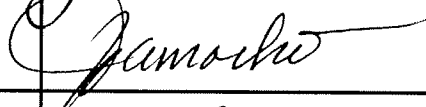

Senseramente,



JUDITH WON PAT-BORJA

TWENTY-THIRD GUAM LEGISLATURE
COMMITTEE ON EDUCATION

VOTE SHEET on Bill No. 717: "An Act to Bring the Department of Vocational Rehabilitation into Compliance with Federal Law Requirements Relative to Federal Funding by Amending Subsections 41101, 41103 and 41106, and Repealing Subsections 41104 and 41105 of Title 17 GCA."

MEMBER SENATOR	To Do Pass	Not To Pass	Abstain	To Place in Inactive File	SIGNATURE
JUDITH WON PAT-BORJA Chairperson	✓				
HOPE CRISTOBAL Vice-Chairperson		✓			
TOM ADA					
JOHN AGUON	✓				
MARK CHARFAUROS					
LOU LEON GUERRERO	✓				
TED NELSON					
VICENTE PANGELINAN	✓				
ANGEL SANTOS					
ELIZABETH BARRETT- ANDERSON	✓				
JOANNE BROWN	✓				
FELIX CAMACHO	✓				
MARK FORBES	✓				

Judith Won Pat-Borja
Senator

August 26, 1996

MEMORANDUM

TO: Members

FROM: Chairperson

SUBJECT: Committee on Education Report on Bill No. 717 as amended by the Committee , "AN ACT TO BRING THE DEPARTMENT OF VOCATIONAL REHABILITATION INTO COMPLIANCE WITH FEDERAL LAW REQUIREMENTS RELATIVE TO FEDERAL FUNDING BY AMENDING §§41104, 41103, AND 41106, AND REPEALING §§41104 AND 41105 OF TITLE 17, GUAM CODE ANNOTATED."

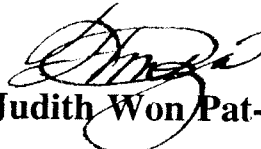
Transmitted herewith for your information and action is the Committee on Education's Report on Subject Bill No. 717.

Please find attached all pertinent information.

Should you have any questions, please contact our office for clarification.

Si Yu'os Ma'ase' for your time and attention to this matter.

Senseramente,


Judith Won Pat-Borja

Attachments

I. Introduction

The Committee on Education of the Twenty-Third Guam Legislature conducted a public hearing on Bill No. 717: AN ACT TO BRING THE DEPARTMENT OF VOCATIONAL REHABILITATION INTO COMPLIANCE WITH FEDERAL LAW REQUIREMENTS RELATIVE TO FUNDING BY AMENDING §§41101, 41103, AND 41106, AND REPEALING §§41104, 41105 OF TITLE 17, GUAM CODE ANNOTATED, on August 23, 1996, at 9:00 A.M. in the Legislative Public Hearing Room, located in the Temporary Legislature Building, 155 Hesler Street, Agana, Guam.

A) The record of the Committee on Education members in attendance is as follows:

**Senator Judith Won Pat-Borja
Senator Lou Leon Guerrero**

**Chairperson
Member**

II. Oral Testimony

Persons appearing to testify before the Committee on Education:

Dr. Vicente Perez

**Chairperson,
Persons with Disabilities**

Edmund Cruz

Client Assistance Program

Rodney Priest

**Rehabilitation Advisory
Council**

Joseph A. Cameron

**Director, Department of
Vocational Rehabilitation**

Peter A. Blas

**Executive Director,
Guam' Mami, Inc.**

All individuals appearing to testify before the Committee on Education indicated their support for Bill No. 717 and encouraged the members of the Twenty-Third Guam Legislature to take necessary steps to address the possible loss of federal funding to programs at the Department of Vocational Rehabilitation, all of which are essential in meeting the needs of the clients of the Department and of the greater community.

III. Written Testimony

**Persons submitting written testimony before the
Committee on Education:**

Dr. Vicente Perez	Chairperson, Persons with Disabilities
Edmund Cruz	Client Assistance Program
Rodney Priest	Rehabilitation Advisory Council
Joseph A. Cameron	Director, Department of Vocational Rehabilitation
Peter A. Blas	Executive Director, Guam' Mami, Inc.
Heidi San Nicolas, Ph. D.	Executive Director, University Affiliated Program

Written testimony (please see attachments) was submitted by the individuals present, all of which stated their support of Bill No. 717 and the departments they represented.

Included with the written testimonies are correspondences to the Director of the Department of Vocational Rehabilitation from the United States Department of Education, Region IX. Also included is Resolution 96-01 from the Guam Rehabilitation Advisory Council and the impact statement should the Department suffer the loss of federal funding.

IV. Committee Findings

The Committee on Education finds, after hearing the oral testimonies given and reviewing the written testimonies submitted, overwhelming support of and for Bill No. 717.

V. Committee Recommendations

The Committee on Education has completed its deliberation and review of Bill No. 717, and does hereby recommend “To do Pass” said measure as amended by the Committee, Bill No. 717: AN ACT TO BRING THE DEPARTMENT OF VOCATIONAL REHABILITATION INTO COMPLIANCE WITH FEDERAL LAW REQUIREMENTS RELATIVE TO FUNDING BY AMENDING §§41101, 41103, AND 41106, AND REPEALING §§41104, 41105 OF TITLE 17, GUAM CODE ANNOTATED as amended by the Committee.

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 717 (LS)
(As amended by the
Committee on Education)

Introduced by:

J. Won Pat Borja



by request of the Governor in
accordance with the Organic
Act of Guam

AN ACT TO BRING THE DEPARTMENT OF
VOCATIONAL REHABILITATION INTO COMPLIANCE
WITH FEDERAL LAW REQUIREMENTS RELATIVE TO
FEDERAL FUNDING BY AMENDING §§41101, 41103,
AND 41106, AND REPEALING §§41104, 41105 OF TITLE
17, GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative intent.** Presently, the Guam Department of
3 Vocational Rehabilitation is administered by a Director who is responsible for
4 the execution of the "state plan" for vocational rehabilitation programs
5 funded by the federal government. The Department also is advised by the
6 Rehabilitation Advisory Board (RAC), made up of a cross-section of
7 consumers and others involved in vocational rehabilitation. The
8 establishment of the RAC is mandated by federal law. In addition, local law
9 specifies a "Board of Control for Vocational Rehabilitation". The Board of
10 Control under local statute is "the governing and the policy making body of
11 the Department" (see §41103 of Title 17, Guam Code Annotated). At the
12 same time, "All executive and administrative functions of the Department are

1 vested in the Director who is the Executive Officer of the Board. The
2 Director is appointed by the Board with the approval of the Governor and
3 with the advice and consent of the Legislature.”

4 The federal government requires a “state plan” to be submitted for
5 approval each year in order for federal funding to be released to Guam for
6 the purposes of vocational rehabilitation. The Director of the Department is
7 approved as the party responsible for implementation of the state plan.
8 According to federal regulation, the responsibility for the federal funds
9 released must be vested in either a Director, or in a Board, but not in both.
10 Our local statutes currently mix the role of the Director, who is a full time
11 employee, and the role of the Board of Control, which meets occasionally and
12 whose members are not full time employees. According to federal
13 requirements, the person or board responsible for the federal funds must
14 devote full time and attention to this position and be accountable for the
15 funds.

16 The federal government has served notice to Guam by written
17 correspondence dated July 23, 1996, that the Department of Vocational
18 Rehabilitation must be brought into compliance with federal law, and that
19 otherwise federal dollars totaling over \$2 Million will be lost for Fiscal Year
20 1997.

21 In order to bring Guam into compliance, it is necessary to repeal the
22 current law relative to the Board of Control. The activities of the
23 Department of Vocational Rehabilitation must be placed under the
24 responsibility of the Director, advised by the Rehabilitation Advisory Council,
25 also mandated by federal law and currently in existence as required. The
26 members of the Board of Control may be appointed to the Rehabilitation
27 Advisory Council and thereby continue their work in this field.

1 **Section 2. To amend §41101 of Title 17, Guam Code Annotated,**
2 **relative to definition of Board of Control.** Subsection (a) of §41101 of Title 17,
3 Guam Code Annotated, defining the Board of Control, is repealed, and all
4 other Subsections of this Section are redesignated from (a) to (j) accordingly.

5 **Section 3. To repeal and reenact §41103 of Title 17, Guam Code**
6 **Annotated, relative to administration of Department of Vocational**
7 **Rehabilitation.** Section 41103 of Title 17, Guam Code Annotated, is repealed
8 and reenacted to read:

9 “**§41103. Administration.** The Department of Vocational
10 Rehabilitation shall be administered by a Director of the Department of
11 Vocational Rehabilitation. All executive and administrative functions of the
12 Department are vested in the Director. The Director is appointed by the
13 Governor with the advice and consent of the Legislature. The Director’s
14 salary and benefits shall be established according to the provisions of Title 4,
15 Guam Code Annotated. The Director shall:

16 (a) see to it that all rules and regulations of the Department are
17 enforced;

18 (b) keep the Rehabilitation Advisory Council (RAC) advised of the
19 activities of the Department and attend RAC meetings;

20 (c) devote his or her entire time to the business of the
21 Department;

22 (d) select and appoint the employees of the Department
23 consistent with Title 4, Guam Code Annotated and personnel rules and
24 regulations promulgated pursuant thereto; and

25 (e) plan, organize, coordinate and control the services of the
26 employees in order to achieve the goals of the Department.”

1 **Section 4. To repeal §§41104 and 41105, and Item (7) of §41106 of Title**
2 **17, Guam Code Annotated, relative to establishment and the powers and**
3 **duties of the Board of Control. Sections 41104 and 41105, and Item (7) of**
4 **§41106 of Title 17, Guam Code Annotated, are repealed.**

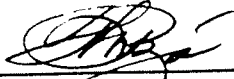
5 ~~**Section 5. Current Director of Department of Vocational**~~
6 ~~**Rehabilitation to continue in present position. The current Director of**~~
7 ~~**Vocational Rehabilitation on the effective date of this Section, having already**~~
8 ~~**been appointed by the Governor and confirmed by the Legislature, shall**~~
9 ~~**continue in the position of Director of the Department of Vocational**~~
10 ~~**Rehabilitation.**~~

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

96 AUG -6 PM 5:15

Bill No. 717

Introduced by:


by request of the Governor in
accordance with the Organic Act
of Guam.

AN ACT TO BRING THE DEPARTMENT OF VOCATIONAL
REHABILITATION INTO COMPLIANCE WITH FEDERAL
LAW REQUIREMENTS RELATIVE TO FEDERAL FUNDING BY
AMENDING §§41101, 41103, AND 41106, AND
REPEALING §§41104 41105 OF TITLE 17, GUAM CODE
ANNOTATED.

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

2 **Section 1. (a) Legislative intent.** Presently, the Guam
3 Department of Vocational Rehabilitation is administered by a Director who
4 is responsible for the execution of the "state plan" for vocational
5 rehabilitation programs funded by the federal government. The
6 Department also is advised by the Rehabilitation Advisory Board (RAC),
7 made up of a cross-section of consumers and others involved in vocational
8 rehabilitation. The establishment of the RAC is mandated by federal law.
9 In addition, local law specifies a "Board of Control for Vocational
10 Rehabilitation". The Board of Control under local statute is "the governing
11 and the policy making body of the Department" (see §41103 of Title 17,
12 Guam Code Annotated). At the same time, "All executive and
13 administrative functions of the Department are vested in the Director who
14 is the Executive Officer of the Board. The Director is appointed by the
15 Board with the approval of the Governor and with the advice and consent
16 of the Legislature."

1 The federal government requires a "state plan" to be submitted for
2 approval each year in order for federal funding to be released to Guam for
3 the purposes of vocational rehabilitation. The Director of the Department is
4 approved as the party responsible for implementation of the state plan.
5 According to federal regulation, the responsibility for the federal funds
6 released must be vested in either a Director, or in a Board, but not in both.
7 Our local statutes currently mix the role of the Director, who is a full time
8 employee, and the role of the Board of Control, which meets occasionally
9 and whose members are not full time employees. According to federal
10 requirements, the person or board responsible for the federal funds must
11 devote full time and attention to this position and be accountable for the
12 funds.

13 The federal government has served notice to Guam by written
14 correspondence dated July 23, 1996 that the Department of Vocational
15 Rehabilitation must be brought into compliance with federal law, and that
16 otherwise federal dollars totaling over \$2 Million will be lost for Fiscal Year
17 1997.

18 In order to bring Guam into compliance, it is necessary to repeal the
19 current law relative to the Board of Control. The activities of the
20 Department of Vocational Rehabilitation must be placed under the
21 responsibility of the Director, advised by the Rehabilitation Advisory
22 Council, also mandated by federal law and currently in existence as
23 required. The members of the Board of Control may be appointed to the
24 Rehabilitation Advisory Council and thereby continue their work in this
25 field.

26 **(b) Amending §41101 of Title 17, Guam Code Annotated**
27 **relative to definition of Board of Control. Subsection (a) of**

1 §41101 of Title 17, Guam Code Annotated, defining the Board of Control, is
2 repealed, and all other Subsections of this Section are redesignated from
3 (a) to (j) accordingly.

4 (c) Repealing and reenacting of §41103 of Title 17, Guam
5 Code Annotated relative to administration of Department of
6 Vocational Rehabilitation. §41103 of Title 17, Guam Code
7 Annotated is repealed and reenacted to read:

8 "§41103. Administration. The Department of Vocational Rehabilitation
9 shall be administered by a Director of the Department of Vocational
10 Rehabilitation. All executive and administrative functions of the
11 Department are vested in the Director. The Director is appointed by the
12 Governor with the advice and consent of the Legislature. The Director's
13 salary and benefits shall be established according to the provisions of Title
14 4, Guam Code Annotated. The Director shall:

15 ~~(a)~~ see to it that all rules and regulations of the Department are
16 enforced;

17 (b) keep the Rehabilitation Advisory Council (RAC) advised of the
18 activities of the Department and attend RAC meetings;

19 (c) devote his or her entire time to the business of the Department;

20 (d) select and appoint the employees of the Department consistent
21 with Title 4, Guam Code Annotated and personnel rules and regulations
22 promulgated pursuant thereto; and

23 (e) plan, organize, coordinate and control the services of the
24 employees in order to achieve the goals of the Department."

25 (d) Repeal of §§41104 and 41105, and Item (7) of §41106
26 of Title 17, Guam Code Annotated, relative to establishment and
27 the powers and duties of the Board of Control. §§41104 and

1 41105, and Item (7) of §41106 of Title 17, Guam Code Annotated, are
2 repealed.

3 (e) Currently Director of Department of Vocational
4 Rehabilitation to continue in present position. The current
5 Director of Vocational Rehabilitation on the effective date of this Section,
6 having already been appointed by the Governor and confirmed by the
7 Legislature, shall continue in the position of Director of the Department of
8 Vocational Rehabilitation.



GOVERNOR'S COMMISSION ON PERSONS WITH DISABILITIES

P.O. Box 2950 • Agana, Guam 96910 • (671) 472-8931 • Fax: (671) 477-4826 • TDD: 472-1106

August 22, 1996

Senator Judith Won-Pat Borja
Chairperson, Committee on Education
23rd Guam Legislature
Agana, Guam 96910

Dear Senator:

This is in support of Bill No. 717 concerning the deletion of the Board for Department of Vocational Rehabilitation. It is of sound and good economics that we abide by the federal regulation. The failure of Bill No. 717 negatively impacts about 500 clientele of Department of Vocational Rehabilitation and their family.

I do hope that immediate attention and favorable concern be given to this bill.

Respectfully,

DR. VICENTE R. L.G. PEREZ
Chairperson

I am Edmund Cruz, member of the Rehabilitation Advisory Council, and Program Coordinator of the Client Assistance Program (CAP). To the best interest of the consumers of my program, I am supporting Bill 717. Let me tell you WHY. The Client Assistance Program is funded also by the agency that gives money to the Department of Vocational Rehabilitation about 47,000 dollars per fiscal year. The potential loss of much needed federal funds through various DVR programs will mean that all consumers will go to my program and file a complaint. What can a small program like CAP do to respond to this crisis? So today, my answer to the impending crisis- let us merge the Board of Control members with the Rehabilitation Advisory Council. This is the most workable solution that the Client Assistance Program can recommend to stave this impending crisis. Thank you.



EDMUND CRUZ
08/23/96

GUAM REHABILITATION ADVISORY COUNCIL
of the
DEPARTMENT OF VOCATIONAL REHABILITATION

1313 Central Ave
Tiyan, Guam 96913
August 23, 1996

Honorable Senator Judith Won Pat-Borja,
Chairperson, Committee on Education
155 Hesler Street
Agana, Guam 96910

Dear Senator Won Pat-Borja:

Hafa Adai to you Senator, and the members of the Committee on Education. My name is Rodney Priest and I currently serve as the Vice Chairperson, of the Guam Rehabilitation Advisory Council (GRAC). The Council is federally mandated to provide the essential functions of reviewing, analyzing, and advising the Director of the Department of Vocational Rehabilitation, in matters related to the extent, scope, and effectiveness of the services provided by the Department of Vocational Rehabilitation (DVR). Especially in matters that affect or have the potential to affect the ability of qualified Individuals With Disabilities in achieving their rehabilitational goals and objectives. It is to that end that I am here at today's public hearing, to attempt to provide some rationale as to why Bill 717, must be passed and done so expeditiously, so as to maintain the continuity of services that DVR now provides to qualified Individuals With Disabilities.

First I would like to thank the current members of the Department of Vocational Rehabilitation's Board of Control for their diligent work, and to say that their input will always be welcomed at the Rehabilitation Advisory Council's meeting.

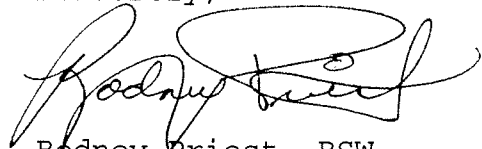
The United States Department of Education's (USDOE) Rehabilitation Services Administration (RSA) has long been concerned with the apparent inconsistencies and conflicting lines of authority between the Director of DVR and the Board of Control. The 1996 Guam State Plan identified the Director of DVR as having full responsibility and authority for the administration and supervision of the vocational rehabilitation services program, in compliance with Section 101 of the Rehabilitation Act of 1973 (as amended). P.L. 18-32 gives similar administration and supervisory powers to the Board of Control. These powers were indeed necessary when the DVR had a revenue producing branch. It needed an entity to control those funds. This is no longer the case at DVR,

and the need for a Board of Control has also passed. The Rehabilitation Advisory Council has also become aware of the Board's attempt to become more involved in the day to day operations of the DVR. It is the blurring of the lines of responsibility that has caused the RSA to delay the approval of the 1997 Guam DVR State Plan and thus jeopardize the vocational rehabilitation services provided by the DVR, with the over \$2 million of money granted to the DVR. These services include but are not limited to Direct Services to qualified Individuals with Disabilities, Supported Employment and Independent Living Rehabilitation Services for consumers at DVR

The Rehabilitation Advisory Council wholeheartedly supports the intent of Bill 717. It is also the sincere wish of the Council that any member of the existing Board of Control who desires to continue to assist qualified Individuals With Disabilities, in the process of fulfilling the fundamental goal of obtaining gainful employment, express their intent and become members of the Rehabilitation Advisory Council, so that we may continue to collaboratively work with the Director of DVR in assuring the proper provision of services to qualified Individuals With Disabilities.

Madame Chair, members of the Committee on Education, thank you for your time in allowing me to provide testimony in favor of Bill 717.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney Priest", written over a circular stamp or seal.

Rodney Priest, BSW
Vice-Chairperson,
Guam Rehabilitation
Advisory Council (GRAC)

CARL T.C. GUTIERREZ
Governor of Guam

MADELEINE Z. BORDALLO
LT. Governor



Testimony from the Director - Department of Vocational Rehabilitation:

Bill 717 - "An Act to Bring the Department of Vocational Rehabilitation into compliance with federal law requirements relative to federal funding by amending §41101, 41103 and 41106, and repealing §41104, 41105 of Title 17, Guam Code Annotated."

Hafa Adai and Buenas Madame Chair and members of the Committee on Education. My name is Joseph Artero-Cameron, Director of the Department of Vocational Rehabilitation.

I come before you today to testify in support of Bill 717 that proposes to amend and repeal Public Law 18-32 (§41103 through 41106, Guam Code Annotated), the Department of Vocational Rehabilitation's enabling legislation.

The passage of Bill 717 is very urgent in order to bring Guam into compliance with federal mandates concerning the administration of federal monies.

At present, the Department's State Plan for federal funding fiscal year 1997 is in jeopardy until the proposed changes to the local statutes are implemented.

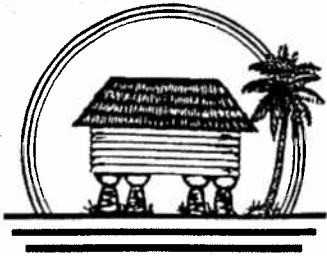
The Department stands to lose more than \$2 million in federal funds for next fiscal year unless the current code sections about the Board of Control are repealed and amended to require that the activities of the Department of Vocational Rehabilitation be placed solely under the responsibility of the Director who is a full time employee responsible for the administration of the Department and accountable for federal funds as mandated by federal law. The Rehab Act requires that the Rehabilitation Advisory Council (RAC) be the advisors to the Director of the Department.

Thank you for the opportunity to submit my testimony.


JOSEPH ARTERO-CAMERON

DEPARTMENT OF VOCATIONAL REHABILITATION
DIPĀTTAMENTON BUKASIONĀT NUMA'LO

1313 Central Avenue, Tiyan, Guam 96913 • (671) 475-4645 • Fax/TDD (671) 477-2892



Guma' Mami, Inc.

A NON-PROFIT CORPORATION

Post Office Box 2148 • Agana, Guam 96910
Office: 477-1757 / 1505 • Facsimile: 477-4984

August 23, 1996

Senator Judith WonPat-Borja
Chairperson
Committee on Education
155 Hessler Street
Agaña, Guam 96932

Dear Senator WonPat-Borja:

Hafa Adai from Guma' Mami, Inc., a non-profit organization providing residential and case management services to adults with mental retardation and other developmental disabilities.

On behalf of our constituency, we support the Guam Legislature's efforts (Bill 717) to bring the Department of Vocational Rehabilitation (DVR) into compliance with Federal requirements so that federal funds will continue to be available for our clients' programs.

While no funds come to Guma' Mami directly, services provided by DVR to our clientele that are federally funded are essential for integrating our clients into the community. Such community integration is an important goal for our clients and their families.

DVR is the lead government entity providing job placement, vocational training, and follow-up services for individuals with disabilities. The basic value that members of our community be employed in productive and meaningful work is just as pertinent to persons with developmental disabilities.

We look forward to a speedy legislative remedy that will bring DVR into compliance with federal law so that more than \$2 million for programs for FY'97 will continue uninterrupted.

Sincerely,

Peter A. Blas
Executive Director

cc: Mr. Joseph Cameron, Director
Department of Vocational Rehabilitation (DVR)



University of Guam
Unibetsedát Guahan
University Affiliated Program
House #11 Dean's Circle
College of Education UOG Station,
Mangilao, Guam 96923

Tel: 671-734-9309 • 734-6531
Fax: 671-734-5709 • E-Mail: heidisn@uog.edu • sspencer@uog.edu



University Affiliated Program
On Developmental Disabilities

August 23, 1996

Senator Judith Won Pat-Borja
155 Hesler Street
Agana, Guam 96910

Dear Senator Won Pat-Borja:

Hafa Adai on behalf of the Guam University Affiliated Program! We are in full support of Bill 717--"AN ACT TO BRING THE DEPARTMENT OF VOCATIONAL REHABILITATION INTO COMPLIANCE WITH FEDERAL LAW REQUIREMENTS RELATIVE TO FEDERAL FUNDING BY AMENDING SS41101, 41103, AND 41106, AND REPEALING SS41104, 41105 OF TITLE 717, GUAM CODE ANNOTATED."

This bill will provide The Department of Vocational Rehabilitation the opportunity to continue to provide quality services to adults with disabilities who are in need of vocational rehabilitation. I will be unable to attend today's public hearing due to a training that we are providing at Guam Memorial Hospital for all pediatricians, family practitioners and medical professionals. The Guam University Affiliated Program will continue to support the efforts of the Department of Vocational Rehabilitation. Please accept this letter as written testimony in support of bill 717.

Dangkolo Na Si Yu'os Ma'ase'.

Sincerely,

A handwritten signature in cursive script that reads 'Heidi Farra-San Nicolas'.

Heidi Farra-San Nicolas, Ph.D.

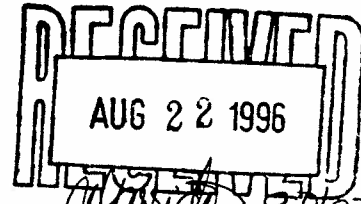


UNITED STATES DEPARTMENT OF EDUCATION
REGION IX

50 UNITED NATIONS PLAZA
SAN FRANCISCO, CALIFORNIA 94102

Rehabilitation Services
Administration

VOICE: (415) 437-7840
TDD: (415) 437-7845
FAX: (415) 437-7848



August 16, 1996

Joseph Cameron, Director
Department of Vocational Rehabilitation
1313 Central Avenue
Tiyan, Guam 96913

OPTIONAL FORM NO. 700		# of pages	2
FAX TRANSMITTAL			
To	San. Judith Was. Pat. Reina	From	Bill Schreiber
Dept./Agency	33 RD. GUAM LEGISLATURE	Phone #	(415) 437-7856
Fax #	(671) 472-3500	Phone #	(415) 437-7848
NSN 7540-01-317-7368		5099-101 GENERAL SERVICES ADMINISTRATION	

Dear Mr. Cameron:

This is in response to your recent request for Regional Office comments on the proposed legislation - Guam Senate Bill 77 - currently under consideration to resolve the conflict between existing local Government Guam law and the federal Rehabilitation Act, as amended in 1992 (Act), related to the designation of authority and lines of responsibility for the administration of the state vocational rehabilitation programs jointly funded by state and federal funds.

In our analysis, if enacted as presently written Bill 77 (copy enclosed) would eliminate any appearance of conflict with the Act and bring the organization of the Department of Vocational Rehabilitation into full compliance with those provisions of the Act related to the Sole State Agency and State Plan provisions. This Bill clearly establishes that the responsibilities for all executive and administrative functions of the Department would be vested in a full time Director who has been appointed by the Governor with the advice and consent of the Guam Legislature. Moreover, as presently written, enactment of this Bill would assure our Regional Office approval of those provisions of the Guam State Plans, under Titles I and VI, Part C of the Act, as they relate to the Sole State Agency, and thus remove this as a potential barrier to uninterrupted continuation of federal funding into federal fiscal year 1997.

We appreciate your keeping us informed of the steps undertaken by the Government of Guam to deal with this very important issue. Please let us know the outcome of the proposed legislation.

Sincerely,

Bill Schubauer

Bill Schubauer
Rehab Program Specialist

Enclosure: Bill 77



UNITED STATES DEPARTMENT OF EDUCATION
REGION IX

55 UNITED NATIONS PLAZA
SAN FRANCISCO, CALIFORNIA 94108

Rehabilitation Services
Administration

VOICE: (415) 437-7840
TDD: (415) 437-7845
FAX: (415) 437-7848

URGENT

July 23, 1996



Joseph Artero-Cameron, Director
Department of Vocational Rehabilitation
P. O. Box 2950
Agana, Guam 96910

Post-It* Fax Note	7671	Date	# of pages ▶
To	RODNEY FINEST	From	BON AMERICAN
Co. Dept.	RACIAL CHAIRPERSON	Co.	DVR
Phone #		Phone #	
Fax #	734-5709	Fax #	

Dear Mr. Cameron:

This is to acknowledge that this Regional Office has received the Guam Department of vocational rehabilitation's State Plan Amendments for Title I and VI, Part C for fiscal year 1997. In our preliminary review of these documents, we noted that Attachment 3.9 was not included with this submission. I am enclosing a copy of our Identical Memorandum 96-08, dated May 30, 1996, which describes the procedures for preparation of these materials.

We must have these additional attachments as part of our review of the Amendments, as the State Plan for fiscal year 1997 cannot be approved in their absence.

In our preliminary review we also note that DVR has not addressed the issues previously identified by this office related to lines of authority and responsibility for administering the rehabilitation program in Guam. As you will recall, there has been a great deal of discussion and correspondence between our office and your agency, as well as with Governor Gutierrez and his staff, related to the apparent inconsistencies and conflicting of lines of authority that currently exist between the Director of the Department of Vocational Rehabilitation (DVR) and the Board of Control. As currently approved, the Guam State Plan identifies the DVR Director as having full responsibility and authority for administration and supervision of the vocational rehabilitation services program.

However, when the Board of Control was re-established early last year as a result of Government Guam law, the local law established similar administrative and supervisory authority and responsibilities within the Board of Control. During the past year we have been advised that the Board of Control has sought increased authority for the day-to-day administration of the vocational rehabilitation program.

When the Guam State Plan for Title I and VI, Part C for fiscal year 1996 was approved by this office, Governor Gutierrez was again (copy of letter attached) reminded that this constituted a compliance issue, and his assistance in resolving this issue was sought.

Mr. Cameron
July 23, 1996
page 2

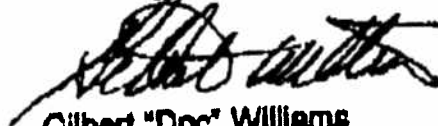
In his response, we were assured that the Government of Guam would review this matter and seek a resolution consistent with the provisions of the Rehabilitation Act, as amended (Act). We have not, however, seen any indication of steps to resolve this issue, either in terms of amendments to the approved State Plan or changes in the local Guam laws..

Thus, I must advise you that the currently proposed State Plan under Title I and VI, Part C, for fiscal year 1997 is not approvable by this Regional Office. To be approvable, the State Plan must contain an assurance that the program will be administered as defined in Section 101 of the Act, as well as language to clarify the lines of authority and responsibilities of the director and the Board of Control, that is consistent with the Act.

Obviously, this is a very serious matter, as future funding of the Vocational Rehabilitation program is at stake. I cannot overly stress the importance of resolving this issue as soon as possible.

Please call Bill Schubauer at (415) 437-7858, or me if you have any questions.

Sincerely,



Gilbert "Doc" Williams
Regional Commissioner

cc: Governor Carl T. C. Gutierrez

enclosure

GUAM REHABILITATION ADVISORY COUNCIL
Department of Vocational Rehabilitation
1313 Central Avenue, Tiyan, Guam 96913

RESOLUTION 96-01

The Guam Rehabilitation Advisory Council for the Department of Vocational Rehabilitation hereby formally adopts the following resolution:

WHEREAS, the loss of federal funding for Vocational Rehabilitation programs in Guam will devastate the lives of the consumers and their families who will have no other recourse to meet their critical needs; and

WHEREAS, the Department of Vocational Rehabilitation's federal funding of approximately \$2,012,601.00 is at stake; and

WHEREAS, on September 12, 1988, the Department of Vocational Rehabilitation provided USDOE Rehabilitation Services Administration with copies of proposed legislation to amend P.L. 18-32 (17 GCA §41103 and 41105) to include clarification of the Director's role and authority for administration of the vocational rehabilitation programs on Guam, and redefined the Board of Control powers and duties to "...provide technical and advisory support to the Director..."; and

WHEREAS, P.L. 18-32 had in fact not been amended, and that the Board of Control had been re-instituted on January 1995 thus constituting a compliance issue as defined in Section 101 of the Act; and

WHEREAS, the new Board of Control is providing substantially more than "...technical and advisory support to the Director...", clouding the area of the Director's responsibilities as well as the lines of authority within the administration of the Government of Guam thus created a major compliance issue that required resolution in order to insure continued funding of the Vocational Rehabilitation programs under the Rehabilitation Act of 1973, as Amended, hereinafter referred to as the Act; and

WHEREAS, the Department of Vocational Rehabilitation is federally funded with a 21.3% local matching fund; and

WHEREAS, when the Board of Control was re-established early last year as a result of P.L. 18-32, the local law established similar administrative and supervisory authority and responsibilities within the Board of Control same that of the federally mandated duties for the full-time Director for the Department of Vocational Rehabilitation; and

WHEREAS, the 1996 Guam State Plan as currently approved by USDOE Rehabilitation Services Administration, identifies the Department of Vocational Rehabilitation Director as having full responsibility and authority for administration and supervision of the vocational rehabilitation services program; and

WHEREAS, legislation has yet to be passed to address the issues previously identified by USDOE Rehabilitation Services Administration related to lines of authority and responsibility for administering the 78.3% federally funded vocational rehabilitation program in Guam; and

WHEREAS, Region IX, USDOE Rehabilitation Services Administration, has cited the Guam Department of Vocational Rehabilitation for compliance violation inconsistent with the provisions of the Act, as referred to in their letter dated July 23, 1996; and

WHEREAS, the Department of Vocational Rehabilitation's 1997 proposed State Plan under Title I and VI, Part C, is not approvable by Region IX USDOE Rehabilitation Services Administration; and

WHEREAS, the USDOE Rehabilitation Services Administration will only approve a State Plan that contains an assurance that the vocational rehabilitation program in Guam will be administered as defined in Section 101 of the Act; and

WHEREAS, the Guam Rehabilitation Advisory Council hereby attaches to this resolution an Impact Statement (Attachment 1) detailing that the loss of federal funding to the Department of Vocational Rehabilitation potentially poses a dangerously significant budget crisis that will negatively impact the Department of Vocational Rehabilitation's consumers, many families in Guam, Government of Guam agencies, rehabilitation professionals and support staff of the Department of Vocational Rehabilitation, non-profit/profit organizations and private corporations doing business with the Department of Vocational Rehabilitation; now, therefore, be it

Post-It* Fax Note	7671	Date	8/7/96	# of pages	3
To	SEN. J. WON PAT	From	MR. J. CAMERON		
Co./Dept.	CHAIR, COMM. ON	Co.	DIRECTOR, DVR		
Phone #	EDUCATION	Phone #	75-4645-7		
Fax #	472-3500	Fax #	477-2892		

SENDER: J. MATEO

RESOLVED, that the Guam Rehabilitation Advisory Council for the Department of Vocational Rehabilitation finds that it generally agrees with the concerns outlined by Region IX USDOE Rehabilitation Services Administration that the Department of Vocational Rehabilitation, is not in compliance with its State Plan, given the various assurances and certifications.

BE IT FURTHER RESOLVED that by federal statute, the federal government saw a need nationwide to have an advisory council to review the activities of each state and territorial vocational rehabilitation agency, and as a result, the Guam Rehabilitation Advisory Council was created by Executive Order 93-05, thereby with the existence of the Board of Control, a duplication exists.

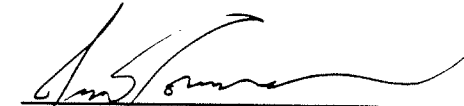
BE IT FURTHER RESOLVED that the Guam Rehabilitation Advisory Council recommends that Sections 1,2 and 3 of Public Law 18-32 relative to the Board of Control be repealed and re-enacted. The new language should effectively eliminate the Board of Control and transfer all authority and administrative responsibility to the Director of the Department of Vocational Rehabilitation.


BE IT FURTHER RESOLVED that the elimination of the Board of Control thereby facilitates the establishment of clear, established policies and procedures that will bring the Department into compliance with the Act.

BE IT FURTHER RESOLVED that the members of the Guam Rehabilitation Advisory Council acknowledge the efforts and invaluable input that has been made by the Board of Control members and suggests that the Governor consider appointing them to the Guam Rehabilitation Advisory Council.

BE IT FURTHER RESOLVED that the Guam Rehabilitation Advisory Council is concerned about the imminent termination of funding if compliance issues are not resolved prior to October 1, 1996.

DULY AND REGULARLY ADOPTED ON THE 2ND DAY OF AUGUST, 1996.


Jesus C. Torres, Chairman



Rodney Priest, Vice-Chairman


Norma R. Gonzales, Member

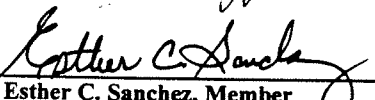

Edmund Cruz, Member


Olimpio Mueden, Member

Francis Mullen, Member

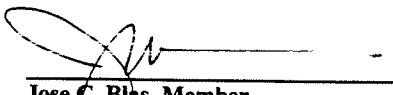

Mack Ezzell, Member

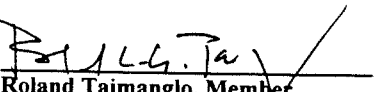

Tessie P. Dingcong, Member


Esther C. Sanchez, Member

Judith P. Ulloa, Member

Frank C. Borja, Member


Jose C. Blas, Member


Roland Taimanglo, Member

IMPACT STATEMENT

The potential loss of much needed federal funds will affect the following activities of the Department of Vocational Rehabilitation based on strictly federal dollars given to Guam:

Direct Services to Persons with Disabilities (to include obligations to vendor payments)	\$719,468
Salaries and Benefits of Support and Professional Staff for Guam DVR	\$861,023
Rental Paid to Tiyan Reuse Authority	\$ 79,330
Utilities Administrative and Support Services Bldgs.	\$ 31,637
Capital Investment Project for DVR	\$ 36,989
Equipment	\$ 4,722
Miscellaneous Expenditures	\$ 8,421
Travel Costs to Professional off-island Trainings	\$ 22,491
Additionally... 100% federally funded programs such as:	
(A) Supported Employment Services for Consumers	\$ 47,690
(B) Independent Living Rehabilitation Services for Consumers	\$ 27,051

(ATTACHMENT 1)

NOTICE OF PUBLIC HEARING



Twenty-Third Guam Legislature
Committee on Education
Judith Won Pat-Borja, Chairperson

Bill No. 717: "An Act to Bring the Department of Vocational Rehabilitation into Compliance with Federal Law Requirements Relative to Federal Funding by Amending Subsections 41101, 41103 and 41106, and Repealing Subsections 41104 and 41105 of Title 17 GCA."

Friday, August 23, 1996; 9 AM
at the Public Hearing Room of the
Guam Legislature Building;
155 Hessler St., Agana, Guam.

The Public is invited to attend.

Twenty-Third Guam Legislature Committee on Education

Public Hearing on: **Bill No. 717: "An Act to Bring the Department of Vocational Rehabilitation into Compliance with Federal Law Requirements Relative to Federal Funding by Amending Subsections 41101, 41103 and 41106, and Repealing Subsections 41104 and 41105 of Title 17 GCA."**

Date: August 23, 1996

Time: 9:00 a.m.

Sign-Up Sheet


NAME	REPRESENTING	ORAL	WRITTEN	FOR	AGAINST
DR. Vicente Perez	Chairperson, Persons with Disabilities	X	X	X	
EDMUNDO CRUZ	Client Assistance Program	X	RAC Member	X	
Rodney Priest	Rehab. Advisory Council	X	X	X	
Joseph A. Camacho	DVR	✓	✓	✓	

AUG 19 1996

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 717 (LS)

Introduced by:


by request of the Governor in
accordance with the Organic Act
of Guam.

AN ACT TO BRING THE DEPARTMENT OF VOCATIONAL
REHABILITATION INTO COMPLIANCE WITH FEDERAL
LAW REQUIREMENTS RELATIVE TO FEDERAL FUNDING BY
AMENDING §§41101, 41103, AND 41106, AND
REPEALING §§41104 41105 OF TITLE 17, GUAM CODE
ANNOTATED.

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

2 **Section 1. (a) Legislative intent.** Presently, the Guam
3 Department of Vocational Rehabilitation is administered by a Director who
4 is responsible for the execution of the "state plan" for vocational
5 rehabilitation programs funded by the federal government. The
6 Department also is advised by the Rehabilitation Advisory Board (RAC),
7 made up of a cross-section of consumers and others involved in vocational
8 rehabilitation. The establishment of the RAC is mandated by federal law.
9 In addition, local law specifies a "Board of Control for Vocational
10 Rehabilitation". The Board of Control under local statute is "the governing
11 and the policy making body of the Department" (see §41103 of Title 17,
12 Guam Code Annotated). At the same time, "All executive and
13 administrative functions of the Department are vested in the Director who
14 is the Executive Officer of the Board. The Director is appointed by the
15 Board with the approval of the Governor and with the advice and consent
16 of the Legislature."

1 The federal government requires a "state plan" to be submitted for
2 approval each year in order for federal funding to be released to Guam for
3 the purposes of vocational rehabilitation. The Director of the Department is
4 approved as the party responsible for implementation of the state plan.
5 According to federal regulation, the responsibility for the federal funds
6 released must be vested in either a Director, or in a Board, but not in both.
7 Our local statutes currently mix the role of the Director, who is a full time
8 employee, and the role of the Board of Control, which meets occasionally
9 and whose members are not full time employees. According to federal
10 requirements, the person or board responsible for the federal funds must
11 devote full time and attention to this position and be accountable for the
12 funds.

13 The federal government has served notice to Guam by written
14 correspondence dated July 23, 1996 that the Department of Vocational
15 Rehabilitation must be brought into compliance with federal law, and that
16 otherwise federal dollars totaling over \$2 Million will be lost for Fiscal Year
17 1997.

18 In order to bring Guam into compliance, it is necessary to repeal the
19 current law relative to the Board of Control. The activities of the
20 Department of Vocational Rehabilitation must be placed under the
21 responsibility of the Director, advised by the Rehabilitation Advisory
22 Council, also mandated by federal law and currently in existence as
23 required. The members of the Board of Control may be appointed to the
24 Rehabilitation Advisory Council and thereby continue their work in this
25 field.

26 **(b) Amending §41101 of Title 17, Guam Code Annotated**
27 **relative to definition of Board of Control. Subsection (a) of**

1 §41101 of Title 17, Guam Code Annotated, defining the Board of Control, is
2 repealed, and all other Subsections of this Section are redesignated from
3 (a) to (j) accordingly.

4 **(c) Repealing and reenacting of §41103 of Title 17, Guam**
5 **Code Annotated relative to administration of Department of**
6 **Vocational Rehabilitation.** §41103 of Title 17, Guam Code
7 Annotated is repealed and reenacted to read:

8 "§41103. Administration. The Department of Vocational Rehabilitation
9 shall be administered by a Director of the Department of Vocational
10 Rehabilitation. All executive and administrative functions of the
11 Department are vested in the Director. The Director is appointed by the
12 Governor with the advice and consent of the Legislature. The Director's
13 salary and benefits shall be established according to the provisions of Title
14 4, Guam Code Annotated. The Director shall:

15 (a) see to it that all rules and regulations of the Department are
16 enforced;

17 (b) keep the Rehabilitation Advisory Council (RAC) advised of the
18 activities of the Department and attend RAC meetings;

19 (c) devote his or her entire time to the business of the Department;

20 (d) select and appoint the employees of the Department consistent
21 with Title 4, Guam Code Annotated and personnel rules and regulations
22 promulgated pursuant thereto; and

23 (e) plan, organize, coordinate and control the services of the
24 employees in order to achieve the goals of the Department."

25 **(d) Repeal of §§41104 and 41105, and Item (7) of §41106**
26 **of Title 17, Guam Code Annotated, relative to establishment and**
27 **the powers and duties of the Board of Control.** §§41104 and

1 41105, and Item (7) of §41106 of Title 17, Guam Code Annotated, are
2 repealed.

3 **(e) Currently Director of Department of Vocational**
4 **Rehabilitation to continue in present position.** The current
5 Director of Vocational Rehabilitation on the effective date of this Section,
6 having already been appointed by the Governor and confirmed by the
7 Legislature, shall continue in the position of Director of the Department of
8 Vocational Rehabilitation.