



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JUN 18 2002

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 187 (LS) "AN ACT TO ADD ARTICLE 7 TO CHAPTER 41 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE 'INDIVIDUALS WITH SIGNIFICANT DISABILITIES VENDING ACT'" which I have signed into law as **Public Law No. 26-110**.

Very truly yours,

Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachments: original bill for vetoed legislation or
copy of bill for signed or overridden legislation
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco
Speaker

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT

Received By EC

Time 2:53 pm.

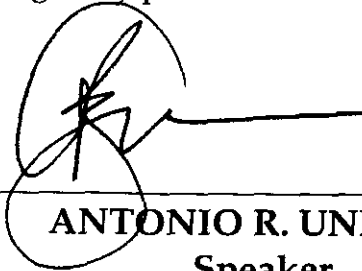
Date 06/18/02

0837

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 187 (LS), "AN ACT TO ADD ARTICLE 7 TO CHAPTER 41 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE 'INDIVIDUALS WITH SIGNIFICANT DISABILITIES VENDING ACT'," was on the 17th day of May, 2002, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 6th day of June, 2002,
at 11:35 o'clock 9 .M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guåhan

Date: 6-18-02

Public Law No. 26-110

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>2:53pm.</u>
Date	<u>06/18/02</u>

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 187 (LS)

As substituted by the Committee
on Public Works, Health and Human
Services and amended by the Authors,
and further substituted and amended
on the Floor.

Introduced by:

J. T. Won Pat
E. B. Calvo
L. A. Leon Guerrero
L. F. Kasperbauer
J. F. Ada
T. C. Ada
F. B. Aguon, Jr.
J. M.S. Brown
F. P. Camacho
M. C. Charfauros
Mark Forbes
K. S. Moylan
V. C. Pangelinan
A. L.G. Santos
A. R. Unpingco

**AN ACT TO ADD ARTICLE 7 TO CHAPTER 41 OF
TITLE 17 OF THE GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING THE “INDIVIDUALS
WITH SIGNIFICANT DISABILITIES VENDING ACT.”**

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

2 **Section 1.** This Act shall be cited as the “*Individuals with Significant*
3 *Disabilities Vending Act.*”

4 **Section 2.** Article 7 of Chapter 41, Division 5 of Title 17 of the Guam Code
5 Annotated is hereby *added* to read as follows:

1 **“CHAPTER 41.**

2 **Article 7.**

3 **Individuals with Significant Disabilities Vending Act.**

4 **Section 41701. Statement of Policy and Legislative Intent.**

5 **Section 41702. Definitions.**

6 **Section 41703. Rules and Regulations.**

7 **Section 41704. Certification.**

8 **Section 41705. Vending Facility.**

9 **Section 41706. Government Agency.**

10 **Section 41707. Property Manager.**

11 **Section 41708. Exemptions.**

12 **Section 41709. Annual Report.**

13 **Section 41710. Reauthorization.**

14 **Section 41711. Grandfather Clause.**

15

16 **Section 41701. Statement of Policy and Legislative Intent.**

17 The purpose of the Individuals with Significant Disabilities Vending Act is to
18 establish public policy for the government of Guam to provide *maximum*
19 opportunities to individuals with significant disabilities by providing expanded
20 opportunities to participate fully in the social and economic life of the
21 Community and to engage in entrepreneurial enterprise.

22 **Section 41702. Definitions.** For the purposes of this Article,
23 the following terms shall have the meanings indicated herein:

1 (a) *'Individual with significant disability'* means a severe
2 chronic disability of a person that is attributable to a mental or physical
3 impairment or combination of mental and physical impairments:

4 (1) is likely to continue indefinitely; *and*

5 (2) results in substantial functional limitations in two (2)
6 or more of the following areas of major life activity: seeing,
7 hearing, self-care, receptive and expressive language, learning,
8 mobility, self-direction, capacity for independent living and
9 economic self-sufficiency.

10 (b) *'Certified vendors'* means and includes:

11 (1) public or private nonprofit Guam corporations
12 operating community rehabilitation programs serving individuals
13 with significant disabilities, which also are in compliance with 17
14 G.C.A. § 41208 and duly certified by the Department of Integrated
15 Services for Individuals with Disabilities ('DISID') to operate a
16 vending facility in a public building or public facility;

17 (2) a Guam private business, which is one hundred
18 percent (100%) owned by one (1) or more individuals with
19 significant disabilities and duly certified by DISID to operate a
20 vending facility; the owner(s) must actively participate in
21 managing the business in a public building or public facility; *or*

22 (3) a Guam private business in which seventy-five
23 percent (75%) or greater of its labor force is comprised of
24 individuals with significant disabilities and duly certified by
25 DISID to operate a vending facility in a public building or public

1 facility as certified vendors. Each employed individual with
2 significant disabilities shall be compensated following the current
3 prevailing wages established by the Guam Department of Labor,
4 and in no circumstances fall below the Federal minimum wage
5 standard. Certified vendors shall be subject to year-to-year re-
6 certification for vending facility operations under this Article.

7 (c) '*Vending facility*' means automatic vending machines, snack
8 bars, cart services, shelters, counter or other manually operated facilities
9 for the sale of newspapers, periodicals, confections, tobacco products,
10 food, beverages, or other such articles or services dispensed or provided
11 automatically or manually whether prepared on or off the premises in
12 accordance with all applicable laws.

13 (d) '*Public building*' or '*public facility*' means any building or
14 location owned or leased by any branch, agency, department or division
15 of the government of Guam, including any autonomous agency or public
16 corporation.

17 (e) '*Government agency*' means any branch, agency,
18 department or division of the government of Guam, including any
19 autonomous agency or public corporation.

20 (f) '*Property manager*' means a person who is in control of or
21 responsible for the maintenance, operation, protection and management
22 of a public building or public facility.

23 **Section 41703. Rules and Regulations.** DISID, with the
24 assistance and advice of the State Rehabilitation Council, after consultation
25 with the property managers of public buildings or public facilities, within six

1 (6) months upon the enactment of this Act, shall adopt rules and regulations
2 necessary for the implementation of this Article, and any further amendments
3 thereof shall follow the Administrative Adjudication Law, 5 G.C.A. § 9100 *et*
4 *seq.*

5 **Section 41704. Certification.** DISID shall act and function as the
6 certification authority for this Article.

7 (a) Any certification granted pursuant hereto may be terminated
8 by DISID *if* DISID determines that the vending facility is *not* being
9 operated in accordance with prescribed rules. A notice shall be provided
10 to the Department of Revenue and Taxation to enforce the cessation of
11 activities at that public building or public facility.

12 (b) In order to promote the employment and self-sufficiency of
13 individuals with significant disabilities on Guam, government agencies
14 shall, upon the request of DISID, give preference to a licensee in the
15 operation of vending facilities in public buildings or public facilities.
16 Space for the vending facility shall be provided without charge.

17 (c) DISID shall notify all certified vendors, in writing or
18 appropriate alternative format to communicate with individuals with
19 significant disabilities, of the availability of vending facilities in this
20 program. Such notice shall include, but *not* be limited to, a description
21 of the type of facility, its characteristics and its geographic location; the
22 type of building in which the facility is located; the date of availability;
23 the business telephone number of the current operator, when applicable;
24 and the availability of public transportation. The notice shall contain a

1 deadline for responses, which is *no less than* fourteen (14) days after
2 issuance.

3 (d) DISID shall work with the University of Guam's Small
4 Business Development Center, existing Co-op programs, school-to-work
5 programs or other community rehabilitation programs to assist in the
6 development of a small business plan to allow for growth and funding
7 for the vending facility.

8 (e) DISID shall work with on-Guam and off-Guam support
9 networks or training center entities available to individuals with
10 disabilities to ensure delivery of training in a timely manner.

11 **Section 41705. Vending Facility.** No business shall be offered
12 or granted any vending facility by any property manager to operate a vending
13 facility in any public building or public facility, *unless* DISID is notified of the
14 proposed vending facility. DISID and the Government Agency shall determine
15 in good faith whether a certified vendor is capable or cannot satisfactorily
16 provide for such vending services. The property manager shall give public
17 notice upon such determination encouraging certified vendors to apply for the
18 available vending facility.

19 **Section 41706. Government Agency.** *If* DISID determines that a
20 public building or public facility is suitable for the operation of a vending
21 facility by a certified vendor, the government agency with authority over the
22 public building or public facility shall provide the space at no expense to the
23 certified vendor. In the absence of any utility metering devices for the
24 allocated space, the certified vendor shall negotiate with that Government
25 Agency the fair value, *if* applicable, the compensation for utilities used.

1 **Section 41707. Property Manager.** The property manager shall
2 notify DISID *at least* ninety (90) days *prior* to the initiation of any new
3 construction, expansion, leasing, or acquisition of public building or public
4 facility occupied, or to be occupied, by a government agency. The property
5 manager shall notify DISID *at least* ninety (90) days *prior* to the expiration of
6 any existing vending contract whether such vending facility is suitable for
7 operation by a certified vendor.

8 **Section 41708. Exemptions.** This Article shall not apply to the
9 Department of Education public school facilities, the Guam Community
10 College and to the University of Guam. Vending facilities applicable to food
11 services as a direct service to patients, institutionalized persons, inmates or
12 wards are *exempted* under this Article for the Department of Corrections and
13 Department of Youth Affairs, Guam Memorial Hospital Authority, and the
14 Department of Mental Health and Substance Abuse by this Article.

15 **Section 41709. Annual Report.** The Director of DISID shall make
16 an annual report to *I Maga'lahen Guåhan* and to *I Liheslaturan Guåhan* within
17 one hundred and twenty (120) days at the termination of each fiscal year,
18 reporting upon the progress made, and containing a detailed analysis with
19 respect to the administration of the Individuals with Significant Disabilities
20 Vending Act.

21 **Section 41710. Reauthorization.** The Individuals with Significant
22 Disabilities Vending Act shall come up for review and reauthorization four (4)
23 years *after* its enactment by *I Liheslaturan Guåhan*.

1 **Section 41711. Grandfather Clause.** Existing businesses located
2 within any public building or public facility shall *not* be displaced, and shall be
3 allowed to continue such business operation. Any business grandfathered in by
4 this Section that ceases or forfeits their operations, activities or business license
5 shall be subjected to comply with this Act.“

6 **Section 3. Severability.** *If* any provision of this Law or its application to
7 any person or circumstance is found to be invalid or contrary to law, such invalidity
8 shall *not* affect other provisions or applications of this Law which can be given effect
9 without the invalid provisions or application, and to this end the provisions of this
10 Law are severable.

6

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 5/17/02

VOTING SHEET

S Bill No. 187 (LS)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.					✓
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.					✓
WON PAT, Judith T.	✓				

TOTAL

13 0 0 0 2

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

1 **§41704. Certification.** DISID shall act and function as the
2 certification authority for this section.

3 (a) Any certification granted pursuant hereto may be
4 terminated by DISID if DISID determines that the vending facility
5 is not being operated in accordance with prescribed rules.

6 (b) In order to promote the employment and self-sufficiency
7 of individuals with significant disabilities in Guam, government
8 agencies shall, upon the request of DISID, give preference to a
9 licensee in the operation of vending facilities in public buildings
10 or public facilities. Space for the vending facility shall be
11 provided without charge.

12 (c) DISID shall notify all certified vendors in writing or
13 appropriate alternative format of the availability of vending facilities in
14 this program. Such notice shall include, but not limited to a
15 description of the type of facility, its characteristics, and its geographic
16 location, the type of building in which the facility is located, date of
17 availability, business telephone number of current operator, when
18 applicable, and availability of public transportation. The notice shall
19 contain a deadline for responses, which is no less than fourteen (14)
20 days after issuance.

21 (d) DISID shall work with the University of Guam's Small
22 Business Development Center, existing Co-op programs, school-to-
23 work programs or other community rehabilitation programs to assist

1 in the development of a small business plan to allow for growth and
2 funding for the vending facility.

3 (e) DISID shall work with on-island and off-island support
4 networks or training center entities available to individuals with
5 disabilities to ensure delivery of training in a timely manner.

6 **§41705. Vending Facility.** No person or persons shall be
7 offered or granted any vending facility by any property manager to
8 operate a vending facility in any public building or public facility
9 acquired, unless DISID is notified of the proposed vending facility and
10 DISID determines in good faith that a certified vendor is not willing to
11 or cannot satisfactorily provide for such vending facilities. The
12 property manager shall give public notice, which specifically
13 encourages certified vendors to apply for the available vending facility.

14 **§41706. Government Agency.** If DISID determines that a
15 location is suitable for the operation of a vending facility by a certified
16 vendor, the government agency with authority over the public building
17 or public facility shall provide proper space, plumbing, lighting and
18 electrical outlets for the vending facility and be in compliance with the
19 American with Disabilities Act.

20 **§41707. Property Manager.** The property manager shall notify
21 DVR at least ninety (90) days prior to the initiation of any new
22 construction, expansion, leasing, or acquisition of public building or
23 public facility occupied or to be occupied by a government agency. The
24 property manager shall notify DISID at least ninety (90) days prior to

1 the expiration of the contract whether such vending facility location is
2 suitable for operation by a certified vendor.

3 **§41708. Exemptions.** (a) This section is not intended to apply to
4 the Department of Education public school facilities.

5 (b) This section is not intended to apply to food services
6 provided by Guam Memorial Hospital, Department of Mental Health
7 and Substance Abuse, Department of Corrections and Department of
8 Youth Affairs as a direct service to patients, institutionalized persons,
9 inmates or wards.

10 **§41709. Annual Report.** The Director of DISID shall make an
11 annual report to I Maga'lahañ Guåhan and I Liheslaturan Guåhan at the
12 termination of each fiscal year reporting upon the progress made and
13 containing a detailed analysis with respect to the administration of the
14 Individuals with Significant Disabilities Vending Act

15 **§41710. Reauthorization.** The Individuals with Significant
16 Disabilities Vending Act shall come up for review and reauthorization
17 (4) four years after its enactment by I Liheslaturan Guåhan.”

18 **Section 3. Severability.** If any provision of this Law or its
19 application to any person or circumstance is found to be invalid or
20 contrary to law, such invalidity shall not affect other provisions or
21 applications of this Law which can be given effect without the invalid
22 provisions or application, and to this end the provisions of this Law
23 are severable.

CARL T.C. GUTIERREZ
Governor of Guam

MADELEINE Z. BORDALLO
LT. Governor



Joseph Artero-Cameron
Director

Tina Muña Barnes
Deputy Director / Operations

Eduardo S. Bernal
Deputy Director / Administration

December 04, 2001

Senator Eddie Baza Calvo
Twenty-Six Guam Legislature
Chairman
Committee on Public Works, Health and Human Services
170 Father Duenas Avenue, Capitol Plaza, Suite 109
Hagatna, Guam 96910

TESTIMONY: Bill No. 187

My name is Joseph Artero-Cameron, Director of DISID. We have reviewed Bill 187. We support the Guam Public Policy to provide maximum opportunities to individuals with significant disabilities to participate fully in the social and economic life of the community and to engage in self or enumerative employment.

Bill 187 empowers community rehabilitation programs to engage in supported and extended employment with individuals with significant disabilities as defined in the bill.

As recipients of federal funds, we support the federal public policy of full integration of all individuals regardless of disabilities. We therefore oppose a proposed statute that would outright discriminate against individuals with disabilities. We oppose the language that exempts DOE, GMH, or any institution. Such exclusions will jeopardize the services and programs to the people of Guam, and the GovGuam assurances to the federal government for non-discriminatory practices.

Thank you for allowing DISID to share its observations with this committee.

A handwritten signature in black ink that reads "Joseph Artero-Cameron". The signature is written in a cursive, flowing style.

JOSEPH-ARTERO CAMERON
Director, DISID



Dipattamenton Kontribusion yan Adu'ana

DEPARTMENT OF

REVENUE AND TAXATION

GOVERNMENT OF GUAM

Gubetnamenton Guahan

Exhibit B

CARL T.C. GUTIERREZ, Governor Maga'lahi
MADELEINE Z. BORDALLO, Lt. Governor Tifente Gubetnadora

GEORGE V. CRUZ, Acting Director
Actot Direktot

December 03, 2001

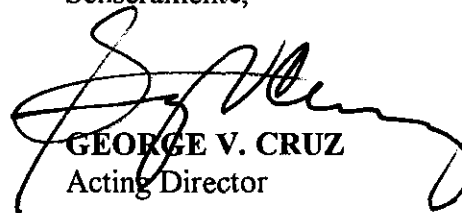
Senator Eddie Baza Calvo
Chairman
Committee on Public Works, Health and Human Services
Twenty-Sixth Guam Legislature
120 Father Duenas

Hafa Adai!

Dear Senator Calvo:

We have had the opportunity to review Bill No. 187 (LS). Based on the review the Department supports the Establishment of the Individuals with Significant Disabilities Operating Vending Facilities Act.

Senseramente,


GEORGE V. CRUZ
Acting Director

Office of the Speaker

ANTONIO R. UMPINGCO

Date: 12-04-01

Time: 1:25

Rec'd by:

Print Name: Antonio R. Umpingco

TESTIMONY - SIGN IN SHEET

12/04/01 Public Hearing

BILL NUMBER 187 (LS)

"AN ACT TO ADD §41212 OF ARTICLE 1, CHAPTER 41, DIVISION 5 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE INDIVIDUALS WITH SIGNIFICANT DISABILITIES OPERATING VENDING FACILITIES ACT."

<u>NAME</u>	<u>DEPT./ORGANIZATION</u>	<u>ORAL/WITTEN</u>	<u>FOR/AGAINST</u>
-------------	---------------------------	--------------------	--------------------

<u>RODNEY PRIEST</u>	<u>SELF</u>	<u>✓ /</u>	<u>/</u>
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<u>Cathy Millhoff</u>	<u>self</u>	<u>✓ /</u>	<u>✓ /</u>
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<u>Berni Grayek</u>	<u>self</u>	<u>✓ /</u>	<u>✓ /</u>
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<u>Ginger Porter</u>	<u>self</u>	<u>✓ /</u>	<u>✓ /</u>
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<u>Joseph Conner</u>	<u>DISID.</u>	<u>✓ / ✓</u>	<u>✓ /</u>
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DUPLICATE

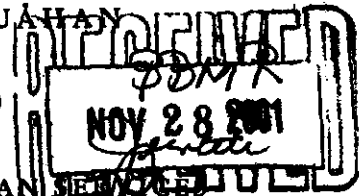


MINA BENTE SAIS NA LIHESLATURAN GUAM
TWENTY-SIXTH GUAM LEGISLATURE

SENATOR EDDIE BAZA CALVO

Chairman

COMMITTEE ON PUBLIC WORKS, HEALTH AND HUMAN SERVICES



E-Mail address: sencalvo@ite.net

120 Father Dueñas Avenue, Capitol Plaza, Suite 109
Hagåtña, Guam 96910

Telephone: (671) 472-4040/4518

Facsimile: (671) 472-4100

November 28, 2001

MEMORANDUM

TO: Acting Director
Bureau of Budget & Management Research

FROM: Chairman, Committee on Public Works, Health and
Human Services

SUBJECT: **REQUEST FOR FISCAL NOTE**

I am respectfully requesting your assistance in expediting fiscal notes for the following measure:

BILL NUMBER 187 (LS) "AN ACT TO ADD §41212 OF ARTICLE 1, CHAPTER 41, DIVISION 5 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE INDIVIDUALS WITH SIGNIFICANT DISABILITIES OPERATING VENDING FACILITIES ACT."

Attached herewith is copy of the bill for analysis.

Dangkolo Na Si Yu'os Ma'ase'.


EDDIE BAZA CALVO

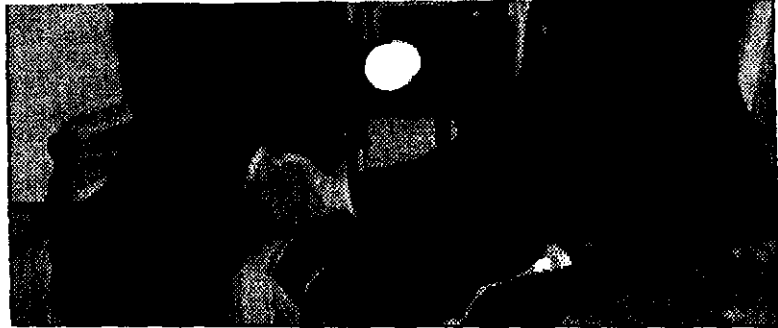
Attachment

key terrorist trial until more evidence was amassed.

"They have shown helpful new energy in combatting terrorism," said White House press secretary Ari Fleischer.

The spokesman said Yemen has not only been cooperative in U.S. investigations of the Sept. 11 terror attacks on New York and Washington, but also of last year's attack on the USS Cole while it made a refueling stop in port at Aden, Yemen.

Bush, who was welcoming President Ali Abdullah Saleh to the Oval Office Tuesday afternoon after his morning meeting with Secretary of State Colin Powell, "is pleased particularly with the follow-up on investigation of the Cole," Fleischer said.



President Bush, right, shakes hands with the President of Yemen Ali Abdullah Saleh in the Oval Office of the White House on Tuesday in Washington. AP

"The government was going to do a trial. The United States asked that a trial not take place so additional evidence could be gathered. Yemen has agreed to do that."

The Cole bombing has been blamed on Osama bin Laden's al-Qaida terror network, the United States' prime suspect in the Sept. 11 attacks as well.

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Closing Date: 12/19/01

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GS-06/08

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NOTICE OF PUBLIC HEARING



Mina' Bente Sais Na Liheslaturan Guåhan

Committee on Public Works,

Health and Human Services

Senator Eddie Baza Calvo, Chairman

DECEMBER 4, 2001

9:00 A.M.

PUBLIC HEARING

BILL NO. 187 (LS) "AN ACT TO ADD §41212 OF ARTICLE 1, CHAPTER 41, DIVISION 5 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE INDIVIDUALS WITH SIGNIFICANT DISABILITIES OPERATING VENDING FACILITIES ACT."

PROPOSED RULES AND REGULATIONS GOVERNING ANIMAL QUARANTINE.

Hearing will take place in the PUBLIC HEARING ROOM of *Liheslaturan Guåhan*, 155 Hesler Street, Hagåtña, Guam. Those in need of special accommodations please call 472-4040/4518 or fax 472-4100.

THE PUBLIC IS ENCOURAGED TO ATTEND

November 29, 2001, Page 13
Mina' Bente Sais Na Liheslaturan Guåhan

NOTICE OF PUBLIC HEARING



Mina' Bente Sais Na Liheslaturan Gudhan
Committee on Public Works,
Health and Human Services
Senator Eddie Baza Calvo, Chairman
DECEMBER 4, 2001 9:00 A.M.

PUBLIC HEARING

BILL NO. 187 (LS) "AN ACT TO ADD §41212 OF ARTICLE 1, CHAPTER 41, DIVISION 5 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE INDIVIDUALS WITH SIGNIFICANT DISABILITIES OPERATING VENDING FACILITIES ACT.."

PROPOSED RULES AND REGULATIONS GOVERNING ANIMAL QUARANTINE.

Hearing will take place in the **PUBLIC HEARING ROOM** of *Liheslaturan Gudhan*, 155 Hesler Street, Hagåtña, Guam. Those in need of special accommodations please call 472-4040/4518 or fax 472-4100.

THE PUBLIC IS ENCOURAGED TO ATTEND.

FREE
5 Gallons Water



Coupon valid only at inside machine locations:
Great Mart I, II, IV, Yes Market, Johndel, Bunny Market (Bar/Ded), Happy Mart, California Mart (GPO), Guam Supermarket (Man.)

One coupon per customer per day.

Food stamps accepted. OFFER EXPIRES Dec. 16, 2001

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- 401 (K) Plan
- Paid Vacation

- Discretionary Bonus Plan
- Paid Bereavement Leave
- Service Award Program
- Advancement Opportunities
- Performance/Wage Review
- Life Insurance
- Well Equipped Paid Holidays
- Paid Sick Leave

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MINA BENTE SAIS NA LIHESLATURAN GUÁHAN
TWENTY-SIXTH GUAM LEGISLATURE

SENATOR EDDIE BAZA CALVO

Chairman
COMMITTEE ON PUBLIC WORKS, HEALTH AND HUMAN SERVICES

E-Mail address: sencalvo@ite.net
120 Father Dueñas Avenue, Capitol Plaza, Suite 109
Hagátña, Guam 96910

Telephone: (671) 472-4040/4518
Facsimile: (671) 472-4100

March 11, 2002

The Honorable Antonio R. Unpingco
Speaker
I Mina Bente Sais Na Liheslaturan Guáhan
155 Hesler Street
Hagátña, GU 96910

via: Committee on Rules

Håfa Adai! Mr. Speaker:

The Committee on Public Works, Public Health and Human Services, to which was referred Bill No. 187 (LS) "Act to add §41212 of Article 1, Chapter 41, Division 5 of Title 17 of the Guam Code Annotated relative to Establishing the Individuals with Significant Disabilities Operating Vending Facilities Act," by Committee on Rules, General Government Operations, Reorganization and Reform and Federal, Foreign and General Affairs on November 16 2001. Committee does hereby report back, with the recommendation **TO DO PASS**.

Votes of the Committee members are as follows:

To Pass 9 Abstain Inactive File
Not to Pass To Report Out Only

A copy of the Committee Report is attached for your consideration. (NOTE: Public Hearing held December 4, 2001. Fiscal Note requested from the Bureau of Budget and Management Research November 28, 2001. No response at this date.)

Si Yu'os Ma'åse',


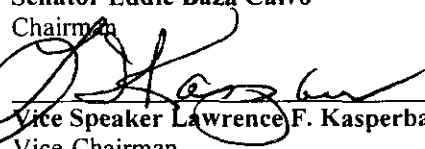


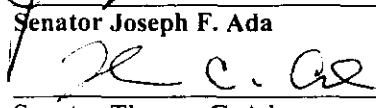
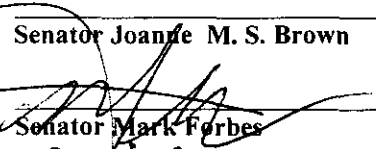
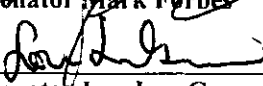
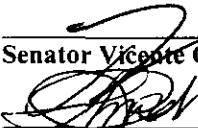

EDDIE BAZA CALVO

Attachments

**COMMITTEE ON PUBLIC WORKS,
HEALTH AND HUMAN SERVICES**
Mina' Bente Sais Na Liheslaturan Guåhan
155 Hesler Street, Hagåtña, GU 96910

VOTING SHEET:

SUBSTITUTE BILL NO. 187 (LS) - AN "ACT TO ADD §41878 OF ARTICLE 1, CHAPTER 41, DIVISION 5 OF TITLE 17 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING THE INDIVIDUALS WITH SIGNIFICANT DISABILITIES OPERATING VENDING FACILITIES ACT." (By: J. Won Pat, E.B. Calvo)

<u>COMMITTEE MEMBERS</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO REPORT OUT ONLY</u>	<u>INACTIVE FILE</u>
 Senator Eddie Baza Calvo Chairman	✓				
 Vice Speaker Lawrence F. Kasperbauer Vice-Chairman	✗				
 Speaker Antonio R. Unpingco Ex-Officio Member	✓				
 Senator Joseph F. Ada	✓				
 Senator Thomas C. Ada	✓				
Senator Joanne M. S. Brown					
 Senator Mark Forbes	✓				
 Senator Lou Lon Guerrero	✓				
Senator Vicente C. Pangelinan					
 Senator Judith T. WonPat	✓				

**COMMITTEE ON PUBLIC WORKS,
HEALTH AND HUMAN SERVICES**

Mina' Bente Sais Na Liheslaturan Guáhan
155 Hesler Street, Hagåtña, GU 96910

BILL NO. 187 (LS)

“ACT TO ADD §41212 OF ARTICLE 1, CHAPTER 41, DIVISION 5 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTALISHING THE INDIVIDUALS WITH SIGNIFICANT DISABILITIES OPERATING VENDING FACILITIES ACT.” (By: J. Won Pat, E.B. Calvo)

I. PUBLIC HEARING

BILL NO. 187 (LS) was introduced on September 13, 2001 and referred to the Committee on Public Works, Health and Human Services (“the Committee”) on November 16, 2001. Fiscal note was requested from the Bureau of Budget and Management Research on November 28, 2001 and have yet to receive a response.

The Committee called a public hearing to order at 9:19 a.m., Tuesday, December 4, 2001 to hear testimony on **BILL NO. 187 (LS)**. The hearing was held in the Public Hearing Room of *I Liheslaturan Guáhan* in *Hagåtña*. Notices were placed in the Pacific Daily News and Guam Variety, November 29, 2001, in compliance with stipulations mandated for proper notification of the public.

The hearing was called to order by Senator Eddie Baza Calvo, Chairman, Committee on Public Works, Public Health and Social Services, with Senators Judy Won Pat and Frank B. Aguon, Jr. in attendance.

	<u>Testimony Presented</u>	<u>Herein Attached As</u>
<u>Testimony Submitted:</u>		
Mr. Rodney Priest	Oral	
Ms. Cathy Millhoff	Oral	
Ms. Berni Grajek	Oral	
Ms. Ginger Porter	Oral	
Mr. Joseph Cameron, Director, Department of Integrated Services for Individuals with Disabilities	Oral/Written	Exhibit “A”
Mr. George V. Cruz, Acting Director, Department of Revenue and Taxation	Written	Exhibit “B”

II. TESTIMONY

Mr. Priest testified in favor of the legislation. He noted the island’s unemployment now at 18% - 19% with the island’s population, unemployment of individuals with disabilities at 80% -

90% stating everything that can be done to ensure individuals with disabilities are given the opportunity to become productive, participating members of our society.

Concerns with proposed legislation:

- ❖ Questioned DISID's Division of Vocational Rehabilitation (VR) ability, as the oversight agency, to monitor applicants participating under the purview of the law.
- ❖ Noted the 2% law not being monitored by VR due to shortage of manpower resources, doubted if VR has the ability to comply with another mandate.
- ❖ Suggested the DISID's Division of Enforcement and Employment be the compliance agency
- ❖ define an individual with a disability consistent with that of the American with Disabilities Act
- ❖ use of the terminology "severe" be replaced with the word "significant" as noted in the Rehabilitation Act
- ❖ requiring only individuals with significant disabilities the ability to bid for such services is limiting to other individuals with disabilities

Mr. Cameron supported the intent of proposed legislation that allows employment of individuals with significant disabilities to participate fully in the social and economic life of the community. However he expressed opposition to any statute that would "outright" discriminate against individuals with disabilities. Also opposed language that exempts the Department of Education, Guam Memorial Hospital and any institution stating exclusions will jeopardize the services and programs to the people of Guam and the GovGuam assurances to the federal government for government for non-discriminatory practices.

Ms. Millhoff strongly advocated passage of proposed legislation, however, expressed concerns as written with the idea of making it the most tightly written, well rounded, and well prepared piece of legislation that it can be. She questions if legislation is prepared to be challenged, as in the Randolph Sheppard Act, in court because of the exclusivity language in proposed legislation. She expressed concerns regarding:

- ❖ funding for proposed legislation – will it be VR funding, Small Business Development Center, a co-op programs and a school-to-work program
- ❖ who will assist these individuals with development a small business plan to allow for growth, inclusion must support free enterprise system
- ❖ will VR work with off-island support networks or entities (training centers) available
- ❖ who will provide training for individuals with significant disabilities, on or off-island
- ❖ where will training and funding be delivered in a timely fashion, will Personal Care Attendants (PCA's), family member be available to work with these individuals
- ❖ what is the responsibility of a PCA designee
- ❖ is Workforce Investment Board prepared to conduct hearings
- ❖ responsibility to prep "targeted" individuals with significant disabilities
- ❖ rejuvenation of Goodwill Industries may help with development of the proposed vending legislation

Ms. Grajek expressed concern noting the omission of individuals who are blind or with low vision, individuals with severe and chronic mental illness, deaf and other individuals who may benefit from this program. The issue of VR being mandated to manage the program and questioned the continued existence of VR with respect to the federal government pulling out funding. She expressed doubt regarding the existence of DISID's Division of Enforcement and Employment (DEEK). Ms. Grajek recommended a process be added for public comments on the proposed rules developed by the State Rehab Council at the same time addressing concerns expressed by Ms. Millhof. She cautioned Committee members on the proposed provisions on government agencies with authority over public buildings or facilities during these dire economic constraints on our island. Ms. Grajek advocated previous pieces of

legislation enacted into law raising hopes of individuals with disabilities and their families and supports the intent of Bill No. 187.

Ms. Porter supported intent and recommended revision of the definition of an individual with disability. Further stated the Bill provides expanded opportunities for said population to engage in entrepreneurial enterprise. Nationally 29% of individuals with disabilities are employed; a majority of these individuals are living in households that are below the poverty level. Goodwill Industries is no longer opened and has released its employees. Noted the University of Guam's Small Business Development Center have worked with individuals with disabilities, however, one of the greatest problem is the lack of ability to obtain capital; because of unemployment or underemployment, many of them do not have credit, assets and are unable to find lending institutions who will provide capital for them. She added it is very difficult for these individuals to make arrangements for a break in the rent or other financial arrangements. Additionally UOG's University Affiliated Program has done significant training of large employers educating them about the American's With Disabilities Act and their responsibility in integrating with persons with disabilities. She noted smaller employers are still unaware and are in unfamiliar territory when employing someone with a disability. Their concerns include liabilities and costs which further limits employment opportunities for these individuals. Stated it is very appropriate for government to provide the opportunity for adequate support so that they have a fair chance to engage in private enterprise and support themselves.

II. FINDINGS

Bill 187 is a step in the right direction with a public/private partnership. Committee finds that existing non-profit organizations such as *Guma Mami*, Catholic Social Services, Vocations Rehabilitation can get proposed legislation of the ground. The University of Guam's Small Business Development Center is another resource available to individuals with disabilities. Committee further finds it is not the intent of Bill No. 187 to "shelter" individuals with a disability on the contrary the intent is to provide employment and eventually allowing them to become self-sufficient. Two options for implementation of the program will include DISID's VR division or the issuance of a Request for Proposal for any public/private organization willing to provide the program/services. Bill does not intend to exempt anyone from participating in the program. Committee also find that department or agencies excluded referenced only those that are involved in direct services to institutionalized patients or inmates that may jeopardize the safety and security of the vending employee.

Committee chair expressed concerns regarding return of federal funds amounting to about \$7 million due to the VR's inability to comply with reporting requirements. He further commented good pieces of legislation encompassing individuals with disabilities that now is the law of the land needs reflections by the agencies mandated to provide certain services, also individuals with disabilities and our island community. There are certain issues when there is a perception is a referral type of agency rather than feeling empowered to make change. What needs to occur is the implementation of laws and willing of agencies, public or private, individuals with disabilities and individuals who are not disabled to move forward. He fully endorses Bill No. 187 and will endorse its passage.

IV. RECOMMENDATION

The Committee on Public Works, Health and Human Services does hereby report out **SUBSTITUTE BILL NO. 187 (LS)**, to *I Liheslaturan Guåhan*, with the recommendation **TO DO PASS**.

MINA' BENTE SAIS NA LIHESLATURAN GUÁHAN
2001 (First) REGULAR SESSION

Bill No. 197(UG)
Introduced By:

J. T. Won Pat *JT*
J.T. Won Pat

**AN ACT TO ADD §41212 OF ARTICLE 1, CHAPTER 41,
DIVISION 5 OF TITLE 17 OF THE GUAM CODE
ANNOTATED, RELATIVE TO ESTABLISHING THE
INDIVIDUALS WITH SIGNIFICANT DIABILITIES
OPERATING VENDING FACILITIES ACT.**

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

2 **Section 1.** A new section §41212 is hereby added to Article 1,
3 Chapter 41, Division 5 of Title 17 of the Guam Code Annotated to read as
4 follows:

5 “§41212. **Establishment of the Individuals with Significant**
6 **Disabilities Operating Vending Facilities Act.** (a) This section shall be
7 known, as the **Individuals with Significant Disabilities Operating Vending**
8 **Facilities Act.** It shall be the public policy of the government of Guam to
9 provide maximum opportunities to individuals with significant
10 disabilities, helping them to participate fully in the social and economic life
11 of the community and to engage in remunerative employment.

12 (b) For the purposes of this section the following terms shall have
13 the meanings indicated herein:

14 (1) Individual with significant disability means a severe,
15 chronic disability of a person that:

1 (i) is attributable to a mental or physical impairment or
2 combination of mental and physical impairments;

3 (ii) is likely to continue indefinitely; and,

4 (iii) results in substantial functional limitations in three
5 (3) or more of the following areas of major life activity: self-care, receptive
6 and expressive language, learning, mobility, self-direction, capacity for
7 independent living, and economic self-sufficiency.

8 (2) Licensee means and includes:

9 (i) Public or private nonprofit Guam corporations
10 operating community rehabilitation programs serving individuals with
11 significant disabilities who are in compliance with §41208 of Title 17 GCA
12 and duly licensed by the Division of Vocational Rehabilitation (DVR) of the
13 Department Integrated Services for Individuals with Disabilities to operate
14 a vending facility on a public building or public facility; or

15 (ii) A Guam private business, which is one hundred
16 percent (100 %), owned by one (1) or more individuals with significant
17 disabilities and duly licensed by DVR to operate a vending facility. The
18 significant disability owner(s) must actively participate in managing the
19 business on public building or public facility; or

20 (iii) A Guam private business in which seventy five
21 percent (75%) or greater of its labor force is comprised with individuals of
22 significant disabilities and duly licensed by DVR to operate a vending
23 facility on a public building or public facility. Said business shall be

1 subject to year-to-year renewal of vending facility operation under this
2 section.

3 (3) Vending facility means automatic vending machines, snack
4 bars, cart services, shelters, counter, or other manually operated facilities
5 for the sale of newspapers, periodicals, confections, tobacco products, food,
6 beverages, or other such articles or services dispensed or provided
7 automatically or manually whether prepared on or off the premises in
8 accordance with all applicable laws.

9 (4) Public building or public facility means any building or
10 facility owned or leased by any branch, agency, department or division of
11 the Government of Guam including any autonomous agency or public
12 corporation.

13 (5) Government agency means any branch, agency, department
14 or division of the Government of Guam including any autonomous agency
15 or public corporation.

16 (6) Property manager means a person who is in control of or
17 responsible for the maintenance, operation, protection and management of
18 a public building or public facility.

19 (c) DVR with the assistance and advice of the Rehabilitation
20 Advisory Council, after consultation with the property managers of public
21 buildings or public facilities, shall adopt rules necessary for the
22 implementation of this section.

1 (d) DVR shall act and function as the licensing authority for this
2 section.

3 (e) Any license granted pursuant hereto may be terminated by DVR
4 if DVR determines that the vending facility is not being operated in
5 accordance with prescribed rules.

6 (f) In order to promote the employment and the self-sufficiency of
7 individuals with significant disabilities in Guam, government agencies
8 shall, upon the request of DVR, give preference to a licensee in the
9 operation of vending facilities on public building or public facility. Space
10 for the vending facility shall be provided without charge.

11 (g) No person or persons shall be offered or granted any vending
12 facility by any property manager to operate a vending facility on any
13 public building or public facility acquired, unless DVR is notified of the
14 proposed vending facility and DVR determines in good faith that a licensee
15 is not willing to or cannot satisfactorily provide for such vending facilities.
16 The property manager shall give public notice, which specifically
17 encourages qualified licensees to apply for the available vending facility.

18 (h) If DVR determines that a location is suitable for the operation of a
19 vending facility by a licensee, the government agency with authority over
20 the public building or public facility shall provide proper space, plumbing,
21 lighting and electrical outlets for the vending facility and be in compliance
22 with the Americans with Disabilities Act.

1 (i) The property manager shall notify DVR at least ninety (90) days
2 prior to the initiation of any new construction, expansion, leasing, or
3 acquisition of public building or public facility occupied or to be occupied
4 by a government agency.

5 (j) It is the legislative intent that this section shall not apply or
6 operate, in any way or any manner, to divest any person or organization
7 presently operating a vending facility on public building or public facility
8 from continuing to do so; however, the property manager shall notify DVR
9 at least ninety (90) days prior to the expiration of the contract whether such
10 vending facility location is suitable for operation by a licensee.

11 (k) DVR shall notify all licensees in writing or appropriate
12 alternative format of the availability of vending facilities in this program.
13 Such notice shall include, but not limited to a description of the type of
14 facility, its characteristics, and its geographic location, the type of building
15 in which the facility is located, date of availability, business telephone
16 number of the current operator, when applicable, and availability of public
17 transportation. The notice shall contain a deadline for responses, which is
18 no less than fourteen (14) days after its issuance.

19 (l) This section is not intended to apply to the Department of
20 Education public school facilities.

21 (m) This section is not intended to apply to food services provided
22 by Guam Memorial Hospital, Department of Mental Health and Substance
23 Abuse, Department of Corrections and Department of Youth Affairs as a
24 direct service to patients, institutionalized persons, inmates or wards.”

1 Section 2. **Severability.** If any provision of this Law or its
2 application to any person or circumstance is found to be invalid or
3 contrary to law, such invalidity shall not affect other provisions or
4 applications of this Law which can be given effect without the invalid
5 provisions or application, and to this end the provisions of this Law are
6 severable.

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