



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

OCT 24 1997

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>5:28pm</u>
Date	<u>10-24-97</u>

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 242 (LS), "AN ACT TO AMEND §§8107(a) AND (b), AND §8108 OF CHAPTER 8 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO NOTICE OF MEETINGS", which I have signed into law today as **Public Law No. 24-109**.

This legislation requires a 5-day notice and a second 2-day notice of public meetings to be given to a newspaper of general circulation and to all TV stations that carry a news program.

This notice is part of the "Open Meetings" law of Guam, and also applies to the Legislature when meeting in session and when holding public hearings.

Emergencies are accommodated, because an agency can hold a meeting with shorter notice or waiver of notice in the case of emergencies.

The meeting notices also have to include information that those individuals with disabilities who need special accommodations to attend the meeting will be able to contact the named respective Americans With Disabilities (ADA) representative in the particular agency.

In order to take advantage of the public service announcements offered in newspapers, agencies must give notice of meetings early, so that they can be printed.

Very truly yours,

[Signature]
Carl T. C. Gutierrez
Governor of Guam

Attachment

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

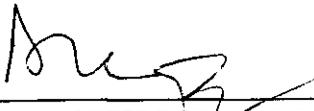
Office of the Speaker
ANTONIO R. UNPINGCO
Date: 10-24-97
Time: 10:05
Rec'd by: [Signature]
Print Name: Charlene [Signature]

00523

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 242 (LS), "AN ACT TO AMEND §§8107(a) AND (b), AND §8108 OF CHAPTER 8 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO NOTICE OF MEETINGS," was on the 9TH day of October, 1997, duly and regularly passed.



ANTHONY C. BLAZ
Acting Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this ^{new} ~~8~~ 14th day of October, 1997, at
8:15 o'clock 9 .M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 10-24-97

Public Law No. 24-109

**TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session**

Bill No. 242 (LS)

As amended by the Committee on Rules,
Government Reform and Federal Affairs and
as substituted on the Floor and as amended.

Introduced by:

J. M.S. Brown
T. C. Ada
F. B. Aguon, Jr.
E. Barrett-Anderson
A. C. Blaz
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

**AN ACT TO AMEND §§8107(a) AND (b), AND §8108
OF CHAPTER 8 OF TITLE 5 OF THE GUAM CODE
ANNOTATED, RELATIVE TO NOTICE OF
MEETINGS.**

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

2 **Section 1.** Sections 8107(a) and (b) of Chapter 8 of Title 5 of the Guam
3 Code Annotated are hereby amended to read as follows:

4 **"Section 8107. Notices: (a) Notice of Regular Meetings.**
5 Any public agency which holds a meeting required by statute,
6 regulation or resolution, shall give five (5) working days public notice,
7 and a second public notice at least forty-eight (48) hours prior to the
8 start of the meeting. The public agency must comply with the Title II of
9 the Americans with Disabilities Act ('ADA') requirements for effective
10 communication for people with disabilities and include information in
11 the notice that individuals requiring special accommodations, auxiliary
12 aids or services shall contact and submit their request to the designated
13 agency or department representative or ADA Coordinator. The public
14 agency shall make available the name, office address and telephone
15 number, including Telecommunications Device for the Deaf ('TDD'), of
16 the designated ADA Coordinator.

17 **(b) Notice of Special Meetings.** Any public agency which holds
18 a meeting not previously scheduled by statute, regulation or resolution,
19 or for which notice is not already provided by law, shall give five (5)
20 working days public notice of such meeting, and a second notice at least
21 forty-eight (48) hours, prior to the start of such meeting as required by
22 this Chapter. The public agency must comply with the Title II of the
23 ADA requirements for effective communication for people with
24 disabilities and include information in the notice that individuals
25 requiring special accommodations, auxiliary aids or services shall

1 contact and submit their request to the designated agency or department
2 representative or ADA Coordinator. The public agency shall make
3 available the name, office address and telephone number, including
4 TDD, of the designated ADA Coordinator.”

5 **Section 2.** Section 8108 of Chapter 8 of Title 5 of the Guam Code
6 Annotated is hereby amended to read as follows:

7 **“Section 8108. Special Meeting.** A special meeting may be
8 called at any time by a public agency, by delivering personally, or by
9 mail, written notice to each member of a public agency. Notice shall
10 also be given to each newspaper of general circulation and broadcasting
11 station which airs a regular local news program within Guam. Such
12 notice must be delivered personally or by mail at least five (5) working
13 days, and a second public notice at least forty-eight (48) hours, before
14 the time of such meeting as specified in the notice. The call and notice
15 shall specify the time and place of the special meeting and the business
16 to be transacted. No other business shall be considered at such meetings
17 by the public agency. The five (5) days notice and the forty-eight (48)
18 hours notice may be waived in the event of an emergency certified to in
19 writing by a public agency. A public agency may also consider all
20 necessary business in the event of an emergency. This Section shall not
21 require a public agency to give notice of its meetings by paid
22 advertisements in any newspaper or over any broadcasting station.
23 Written notice may be dispensed with as to any member who at, prior to
24 or subsequent to the time the meeting convenes, files with the clerk or
25 secretary of the public agency a written waiver of notice. Such written

1 notice may be dispensed with as to any member who is actually present
2 at a meeting at the time it convenes."

24-109

24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs

Senator Mark Forbes, Chairman



SEP 30 1997

Speaker Antonio R. Unpingco
Twenty-Fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Rules, Government Reform and Federal Affairs, to which Bill No. 242 was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 242**, as amended by the Committee, "An act to amend Section 8107(a) and (b) and Section 8108 of Title 5 GCA Chapter 8 relative to notice of meetings."

The voting record is as follows:

TO PASS	<u>1</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Thank you and si Yu'os ma'ase for your attention to this matter.


MARK FORBES

Attachments

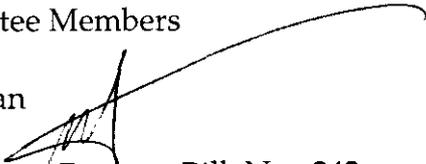
2nd Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs
Senator Mark Forbes, Chairman



SEP 30 1997

MEMORANDUM

TO: Committee Members

FR: Chairman 

SUBJECT: Committee Report- Bill No. 242, as amended by the Committee, "An act to amend Section 8107(a) and (b) and Section 8108 of Title 5 GCA Chapter 8 relative to notice of meetings."

Transmitted herewith for your information and action is the report on Bill No. 242, as amended, from the Committee on Rules, Government Reform and Federal Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 242, as amended by the Committee
4. Public Hearing Sign-in Sheet
5. Written Testimony
6. Fiscal Note/Fiscal Note Waiver
7. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

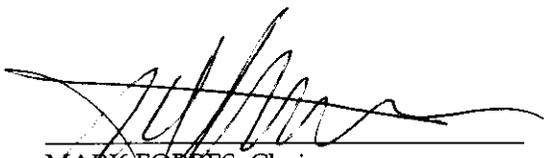
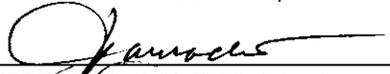
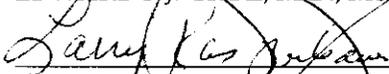
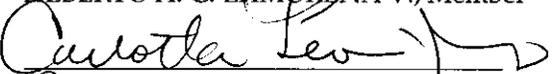
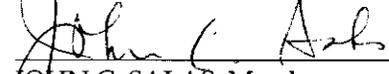
MARK FORBES

Attachments

Committee on Rules, Government Reform and Federal Affairs
Twenty Fourth Guam Legislature

Voting Record

Bill No. 242, as amended by the Committee, "An act to amend Section 8107(a) and (b) and Section 8108 of Title 5 GCA Chapter 8 relative to notice of meetings."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 _____ MARK FORBES, Chairman	✓	_____	_____	_____
_____ ANTHONY C. BLAZ, Vice-Chairman	_____	_____	_____	_____
_____ ELIZABETH BARRETT-ANDERSON, Member	_____	_____	_____	_____
_____ JOANNE M. S. BROWN, Member	_____	_____	_____	_____
 _____ FELIX CAMACHO, Member	✓	_____	_____	_____
 _____ EDUARDO J. CRUZ, M.D., Member	✓	_____	_____	_____
 _____ LAWRENCE F. KASPERBAUER, Member	X	_____	_____	_____
_____ ALBERTO A. C. LAMORENA V., Member	_____	_____	_____	_____
 _____ CARLOTTA A. LEON GUERRERO, Member	✓	_____	_____	_____
 _____ JOHN C. SALAS, Member	✓	_____	_____	_____
_____ MARK C. CHARFAUROS, Member	_____	_____	_____	_____
 _____ FRANCIS E. SANTOS, Member	✓	_____	_____	_____
_____ ANTONIO R. UNPINGCO, Member	_____	_____	_____	_____

TWENTY-FOURTH GUAM LEGISLATURE

**COMMITTEE ON RULES,
GOVERNMENT REFORM & FEDERAL AFFAIRS
SENATOR MARK FORBES, CHAIRMAN**

**Committee Report
On
Bill No. 242
as amended by the Committee
"An act to amend Section 8107(a) and (b) and Section 8108 of Title 5
GCA Chapter 8 relative to notice of meetings."**

I. OVERVIEW

On June 23, 1997 the Committee on Rules, Government Reform and Federal Affairs conducted a public hearing on Bill No. 242 "An act to amend Section 8107(a) and (b) and Section 8108 of Title 5 GCA Chapter 8 relative to notice of meetings." The hearing took place at 9:00 A.M. in the Public Hearing Room of the Guam Legislative Building. Public Notice was given through an announcement in the June 19, 1997 issue of the Pacific Daily News.

Senators in attendance were:

- Senator Mark Forbes, Chairman
- Senator Edwardo Cruz, Member
- Senator Mark Charfauros, Member
- Senator Tony Lamorena, Member
- Senator Tom Ada
- Senator Willy Flores
- Senator Lou Leon Guerrero
- Senator Ben Pangelinan

II. SUMMARY OF TESTIMONY

No individuals appeared before the Committee to testify on the bill.

Providing favorable written testimony to the Committee after the public hearing

- Ben S. Servino, Project Director, Guam System for Assistive Technology (Attached)
- Manuel Q. Cruz, President, American Federation of Government Employees
Local 1689 , Inc. (Attached)
- Philip Gallet (Attached)
- Joann M. Mason (Attached)
- Victor Andre Parent (Attached)
- Randolph Coffman (Attached)
- Four letters (Attached)

III. FINDINGS AND RECOMMENDATIONS

Bill No. 242, which was originally introduced as Bill No. 2 by Senator Joanne M.S. Brown, if passed into law would allow more time for public participation in the government process. Bill No. 2 received a favorable recommendation "To Do Pass" from the Committee on Rules, Government Reform and Federal Affairs and subsequently passed on the on the floor during the March session of the Twenty-fourth Guam Legislature. The bill was then vetoed by Governor Gutierrez and failed to receive the sufficient number of votes needed for an override. Although the bill was vetoed, the Committee finds that its intent is in the interest of public good. Bill No. 242 would ensure ample time and notice is given to the public about meetings held by government agencies on issues that would affect them.

The Committee amended the bill to allow for forty-eight (48) hours notice prior to the start of any regular or special meetings. The Committee also clarified that notice shall be given through a broadcasting station which airs a regular local news program.

Accordingly, the Committee on Rules, Government Reform and Federal Affairs, to which Bill No. 271 was referred, does hereby submit its findings and recommendations to the Twenty-fourth Guam

Legislature **TO DO PASS BILL NO. 242**, as amended by the Committee, "An act to amend Section 8107(a) and (b) and Section 8108 of Title 5 GCA Chapter 8 relative to notice of meetings."

24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs
Senator Mark Forbes, Chairman



MAY 14 1997

MEMORANDUM

TO: Chairman
Committee on Rules, Government Reform and Federal Affairs

FROM: Chairman
Committee on Rules, Government Reform and Federal Affairs

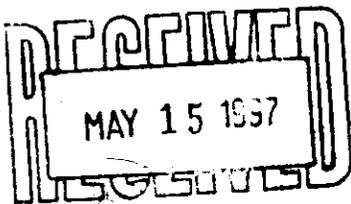
SUBJECT: Referral-Bill No. 242

The above Bill is referred to your Committee as the principal committee. It is recommended you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment





University of Guam
Unibetsedát Guahan
University Affiliated Program
House#12 Dean's Circle
College of Education UOG Station.
Mangilao, Guam 96923

E-mail: uapservi@uog.edu
Tel: 671-735-2490-2493
Fax: 671-734-5709
TTY/TT: 671-734-8378



GUAM SYSTEM FOR ASSISTIVE TECHNOLOGY
University Affiliated Program

July 8, 1997

Honorable Mark Forbes
Senator, Twenty-Fourth Guam Legislature
Chairperson, Committee on Rules,
Government Reform and Federal Affairs
Guam Legislature Building
155 Hesler Street
Agana, Guam 96910



Dear Senator Forbes:

On behalf of the Guam System for Assistive Technology (GSAT), I submit this written testimony regarding Bill No. 242 (LS): **"An Act To Amend Section 8107 (a) And (b) And Section 8108 of Title 5 GCA Chapter 8 Relative To Notice Of Meetings"**, which was introduced by Senator Joanne M.S. Brown.

As a Systems Change Advocate for individuals with disabilities, I take this opportunity to state that Bill No.242 (LS) sets the foundation to allow individuals with disabilities an equally effective opportunity to participate in or benefit from any regular or special meeting which is scheduled by a public agency and allowing ample time for both parties to make the necessary arrangements or accommodations .

The special needs of individuals with disabilities are often overlooked or neglected, resulting in their exclusion in participation or receipt of services and benefits made available to everyone by public agencies. Many people in our community are still unaware of the difficulties and barriers which are confronted and endured by individuals with disabilities on a daily basis - one prime example is the frustration of scheduling or pre-arranging accessible public transportation services. To add to this frustration, they are often provided with old, un-maintained public transportation vehicles which are unsafe, unclean, unreliable, and equipped with un-functioning air conditioning.

As mandated by the Americans with Disabilities Act (ADA), the requirements for public agencies under **Title II-7.0000(28 CFR 35.160) Subpart E-Communications**, requires that a public entity must take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. The public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program,

or activity conducted by a public entity. Under **Title II-8.4000 (28 CFR 35.106) Notice**, public entities are also required to comply with specific administrative requirements by disseminating sufficient information to applicants, participants, beneficiaries, and other interested persons to inform them of their rights and protections afforded by the ADA. Methods of providing this information include publication of information, or the broadcast of information by television or radio.

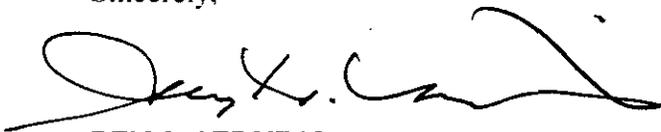
In order to provide equal access, a public agency is required to make available appropriate auxiliary aids and services where necessary to ensure effective communication. Auxiliary aids and services include a wide range of services and devices that promote effective communication. Examples include and are not limited to the provision of qualified sign language interpreters, note-takers, computer-aided transcription services, written materials, assistive listening systems, telecommunications devices for the deaf, open or closed captioning of public service announcements or other television programming produced by public entities, qualified readers, taped texts, audio recordings, Brailled materials, large print materials, and other special assistance.

When an auxiliary aid or service is required, the public agency must provide an opportunity for individuals with disabilities to request the auxiliary aid or service of their choice and must give primary consideration to the choice expressed by the individual.

I therefore recommend that language be incorporated into Bill 242 (LS) which reflects the equally effective communication provision of the ADA by requiring that all five (5) day public notices of regular or special meetings will also state that **“Individuals requiring special accommodations or auxiliary aids or services must submit their request seventy-two (72) hours prior to the scheduled meeting”**.

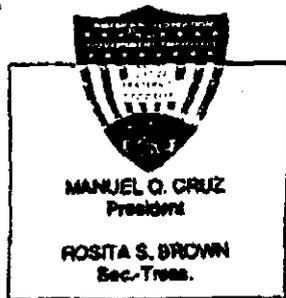
If more clarification or input is needed, please don't hesitate to contact me at the above address. I look forward to your support and consideration in ensuring that the special needs of individuals with disabilities are addressed and incorporated into Bill 242 (LS). Just as importantly, the Government of Guam has to demonstrate it's commitment towards protecting the civil rights of individuals with disabilities by ensuring compliance with the ADA in all legislative initiatives which impact on individuals with disabilities. Lastly, I commend Senator Joanne M.S. Brown for introducing this important piece of legislation and allowing me to provide input to further enhance the intent of the bill.

Sincerely,



BEN S. SERVINO
Project Director, GSAT

cc: Senator Joanne M.S. Brown



**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
LOCAL 1689, INC.**

Affiliated with the AFL-CIO

DRAWER DK, AGANA, GUAM 96910
TEL: (871) 565-AFGE(2343)/1689
FAX: (871) 565-1800

In Reply Refer To:

AFGE:97/109
1 July 1997

**Senator Mark Forbes
Chairman
Committee on Rules, Government
Reform and Federal Affairs
24th Guam Legislature
155 Hesler Street
Agana, Guam 96932**

**Re: Bill 242 (Act to Amend Section A107 Title 5 (GCC),
Chapter 8 Relative to Notice of Meetings)**

Dear Senator Forbes:

As President of the American Federation of Government Employees (AFGE), Local 1689, Inc. representing several thousands of Federal employees, I am urging you and the members of your Committee to vote in favor of the above referenced bill. Your vote will be a vote to keep the democratic process alive. It will afford every citizen of this Territory an opportunity to present testimony on issues affecting their livelihood.

In the past, the citizens of this island have been unable to attend or submit testimony, for or against, orally or in writing, on many issues affecting our island because they were not aware of any hearing date, time, or place. In many instances, an announcement, if made, would be broadcasted on the K-57 radio morning show or would appear in the Pacific Daily News on the day of the hearing. However, as you will know, it is very difficult to rearrange an employee's schedule, or request for leave on such short notice.

It is apparent that this Legislature has and will continue to address many monumental issues affecting our island; issues that will have a tremendous impact in our lives as we prepare to enter the 21st Century. However, without the passage of Bill 242, many concerned citizens will be unable to provide any form of testimony due to lack of awareness/notification.

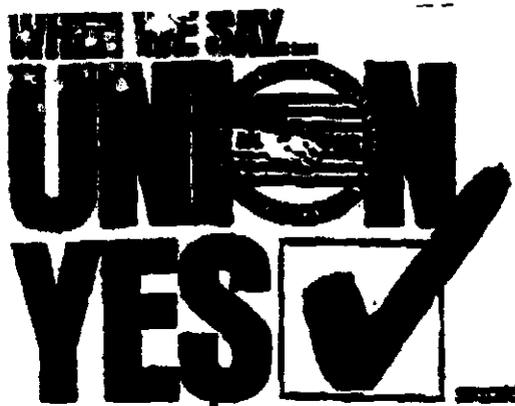
Your support of Bill 242 will reaffirm the right of every citizen to have advance notice of all public decision-making processes that will affect their livelihood for years to come. Therefore, as a citizen, a constituent and as President of AFGE Local 1689, Inc., I am again urging you and the members of your Committee to vote "yes" on Bill 242.

Thank you and Si Yuus Maasel

Sincerely,

Manuel Q. Cruz

TO DO FOR ALL THAT WHICH NONE CAN DO FOR ONESELF



AFGE LOCAL 1689, INC.

Drawer DK
Agana, Guam 96932-9014
Telephone: (671) 565-2343 or 565-1898
Facsimile: (671) 565-1890

FACSIMILE COVER LETTER

DATE: 1 July 1997

TO: Senator Mark Forbes
Chairman, Committee on Rules, Government Reform and
Federal Affairs

FAX NUMBER: 477-4100-1715

NAME OF AGENCY/FIRM: 24th Guam Legislature

FROM: Mr. Manuel O. Cruz, President

NUMBER OF PAGES, INCLUDING COVER LETTER: 2

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CONTACT
Dorothy AT THE ABOVE NUMBER AS SOON AS POSSIBLE.

MESSAGE:

This facsimile was intended to be sent to the person named above, should you receive this facsimile by mistake, or encounter any problems, please contact the AFGE Office at 565-2343/1898. Thank you.

TO DO FOR ALL THAT WHICH NONE CAN DO FOR ONESELF