I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

2018 (SECOND) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 250-34 (LS)
As amended by the Committee on Innovation and Economic, Workforce, and Youth Development; and substituted and further amended on the Floor.

Speaker Antonio R. Unpingco Legislative Session Hall
May 1, 2018

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Thomas C. **ADA**	√					
Senator FRANK B. **AGUON, JR.**	√					
Senator William M. **CASTRO**	√					
Speaker Benjamin J.F. **CRUZ**	√					
Senator James V. **ESPALDON**	√					
Senator Fernando Barcinas **ESTEVES**					√	√
Senator Régine Biscoe **LEE**	√					
Senator Tommy **MORRISON**	√					
Senator Louise B. **MUÑA**	√					
Senator Telena Cruz **NELSON**	√					
Senator Dennis G. **RODRIGUEZ, JR.**	√					
Senator Joe S. **SAN AGUSTIN**	√					
Senator Michael F.Q. **SAN NICOLAS**		III √				
Vice Speaker Therese M. **TERLAJE**	√					
Senator Mary Camacho **TORRES**	√					
TOTAL:	13	1			1	1
	Aye	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

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Introduced by: Régine Biscoe Lee
Thomas C. Ada
Therese M. Terlaje
Joe S. San Agustin
B. J.F. Cruz
Telena C. Nelson
William M. Castro
Fernando B. Esteves
Tommy A. Morrison
Louise B. Muña
Mary Camacho Torres

AN ACT TO *AMEND* §§ 7119(a), 7119(c), AND 7120; AND *ADD* NEW §§ 7119(d) AND 7119(e), ALL OF ARTICLE 1, CHAPTER 7, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO DEVELOPING A LOCAL SKILLED WORKFORCE ON GUAM BY INCREASING THE REGISTRATION FEES OF NON-IMMIGRANT TEMPORARY WORKERS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 7119(a) of Article 1, Chapter 7, Title 22, Guam Code Annotated, is *amended* to read:

"(a) The Guam Department of Labor is authorized to collect a non-refundable registration fee of Two Thousand Ninety-one Dollars ($2,091.00)

annually per non-immigrant temporary worker for each calendar year, or One Hundred Seventy-four Dollars and Twenty-Five Cents ($174.25) per month or any fraction of a month thereof, One Hundred Sixty-six Dollars and Sixty-seven Cents ($166.67) representing the registration fee, and Seven Dollars and Sixty Cents ($7.60) representing the sanitary inspection fees, from the employer of each non-immigrant temporary worker, payable at the time the employer submits the identification application for the non-immigrant worker. Such registration fee *shall* be based on a time beginning on the day of registration with the DOL and *no greater than* the non-immigrant worker's authorization to legally stay and work in Guam. In the event that an employer submits the identification application for a worker more than seventy-two (72) hours after the worker has arrived in Guam, the DOL *shall* base the registration fee on the arrival date of the worker in Guam."

Section 2. § 7119(c) of Article 1, Chapter 7, Title 22, Guam Code Annotated, is *amended* to read:

"(c) For each non-immigrant temporary worker, Two Thousand Dollars ($2000.00) per annum, or the prorated amount of One Hundred Sixty-six Dollars and Sixty-seven Cents ($166.67) each month, representing the monthly registration fee, *shall* go to the MDF and appropriated pursuant to § 7120 of this Article; the remaining Ninety-one Dollars ($91.00) per annum, or the prorated amount of Seven Dollars and Sixty Cents ($7.60) each month, representing the monthly sanitary inspection fee, *shall* go to the DPHSS Sanitary Inspection Revolving Fund."

Section 3. A new § 7119(d) is *added* to Article 1 of Chapter 7, Title 22, Guam Code Annotated, to read:

"(d) Renewals. In the event that the temporary non-immigrant worker is seeking an extension from the United States Citizenship and Immigration

Services (USCIS), the Guam Department of Labor may issue a temporary labor ID valid for up to ninety (90) days pending the approval or denial of his or her extension of stay. At the time the employer submits an application for a renewal of the worker's registration, the employer *shall* submit a police clearance from the Guam Police Department for the non-immigrant worker. Upon the expiration of the temporary labor ID, the Department of Labor *shall* collect from the employer a nonrefundable registration renewal fee of One Thousand Forty-five Dollars and Fifty Cents ($1,045.50) for the first six (6) months, with One Thousand Dollars ($1,000.00) going to the MDF and Forty-five Dollars and Fifty Cents ($45.50) going to the DPHSS Sanitary Inspection Revolving Fund. For every additional month approved by USCIS thereafter, the employer *shall* be charged a prorated registration fee of One Hundred Seventy-four Dollars and Twenty-five Cents ($174.25) each month pursuant to § 7119(a). The renewal fee *shall* be prorated based on the time starting from the seventh (7th) month of registration and ending at the final month approved by USCIS. In instances where fee waivers are applicable, the Department may adjust the monthly prorated amounts as appropriate. Should the employer receive a denial of the worker's extension of stay after the initial six (6)-month registration, the fee *shall* be prorated based on the time starting from the seventh (7th) month of registration and ending on the month in which the employer's USCIS denial is dated."

Section 4. A new § 7119(e) is *added* to Article 1 of Chapter 7, Title 22, Guam Code Annotated, to read:

"(e) The Guam Department of Labor *shall* waive One Thousand Dollars ($1,000.00) per annum, or the prorated amount of Eighty-three Dollars and Thirty-four cents ($83.34) each month, of the fee under § 7119(a) and the amount stipulated under § 7119(c) and Five Hundred Dollars

($500.00) of the renewal fee for the first six (6) months and Eighty-three Dollars and Thirty-four cents ($83.34) for the monthly prorated amount under § 7119(d) for each non-immigrant temporary worker working exclusively on civilian construction projects not related to planned construction projects of the military realignment occurring on Guam, as indicated in the project summary sheet of the employer's approved temporary labor certification, or in business activities not related to construction projects on Guam. In cases where the fee is prorated, the Department may adjust the prorated fee amount to account for the waiver."

Section 5. § 7120 of Article 1, Chapter 7, Title 22, Guam Code Annotated, is *amended* to read:

"**§ 7120. Manpower Development Fund.**

There is hereby created in the Guam Department of Labor, a Manpower Development Fund (MDF), which *shall* remain separate and apart from any other funds of the government of Guam. The MDF is created *solely* for the purpose of receiving territorial, federal, and private money and revenue from registration fees on non-immigrant temporary workers.

(a) Thirty percent (30%) of the annual revenues generated *shall* be allocated to the Guam Department of Labor. The Department of Labor allocation in the MDF *shall* be expended exclusively to fund the following:

(1) One Hundred Thousand Dollars ($100,000) *shall* be allocated annually to produce the quarterly "Unemployment Situation on Guam" report and any other reports relating to labor statistics;

(2) legal services in the field of employment and labor law, human resources, or administrative law;

(3) workforce development and training programs; and

(4) the remaining balance of the Department of Labor's MDF allocation *shall* be used for administrative and operational purposes as may be determined by the Director of Labor.

(b) Seventy percent (70%) of the annual revenues generated *shall* be allocated to the Apprenticeship Training Program at the Guam Community College, with the primary intent to develop the workforce for positions that have been approved for non-immigrant temporary workers. The Guam Community College allocation in the MDF *shall* be paid out by the Treasurer of Guam to the Apprenticeship Training Program at Guam Community College, and *shall* be expended exclusively to fund the following:

(1) direct financial assistance to students enrolled in the apprenticeship program. Any unused portion of the allocation under this Subsection *shall* be returned to the MDF;

(2) the administrative and instructional costs for the operation of the apprenticeship training programs;

(3) facility upgrade and equipment relative to the apprenticeship training programs, and pre-apprenticeship training programs with the Guam Department of Education; and

(4) the advertising and outreach programs for the promotion of the apprenticeship training programs.

(c) Annual Audit of the Manpower Development Fund. The Public Auditor *shall* conduct an annual audit of the Manpower Development Fund to ensure compliance with all statutory regulations governing its deposits and expenditures. The cost of such audit *shall* be paid by the Manpower Development Fund.

The MDF *shall not* be used for any purposes other than those enumerated in this Section, and *shall* be subject to legislative appropriation."

Section 6. Exemption to the Increase of the Fee of Non-Immigrant Temporary Workers.

(a) The increase in the registration fee of non-immigrant temporary workers set forth in this Act, *shall not* apply to the following contracts:

(1) Contracts entered into or awarded prior to enactment of this Act, which were based upon bid awards made prior to the passage of this Act that cannot be amended or renegotiated to accommodate the increase in the registration fee of non-immigrant temporary workers; and

(2) Contracts entered into or awarded after enactment of this Act, which were based upon bids or proposals submitted prior to enactment of this Act that cannot be amended or renegotiated to accommodate the increase in the registration fee of non-immigrant temporary workers.

(b) For purposes of this Section, each registration claiming an exemption under this Section *shall* provide the Department of Labor with a copy of its bid contract or award under which any claimed exemption is being made.

(c) The Director of the Department of Labor *shall* create an affidavit form to be completed and submitted concurrently with the registration fee of non-immigrant temporary workers. Said affidavit *shall* request from the filing employer all relevant information necessary to properly execute the law as provided in this Act.

Section 7. Effective Date. This Act *shall* be effective upon enactment.