Office of the Governor of Guahan
P.O. Box 2950 Hagåtña, GU 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • Email: governor@guam.gov

2010 MAR 16 PM 2:24

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

MAR 15 2010

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

30-10-0225
3/16/10
10:

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 313-30 (COR) "AN ACT TO *AMEND* §7119 (a) AND (c) OF TITLE 22, GUAM CODE ANNOTATED, CHAPTER 7, ARTICLE 1, RELATIVE TO COMPUTING THE NON-IMMIGRANT TEMPORARY WORKER REGISTRATION FEE FOR EACH NON-IMMIGRANT WORKER ON PRO-RATED LENGTH OF TIME NO GREATER THAN THE LENGTH OF TIME THE WORKER IS LEGALLY AUTHORIZED TO BE IN GUAM FOR EMPLOYMENT PURPOSES, AND TO SPECIFY DEPOSIT AMOUNT OF FEES" which I signed into law on March 12, 2010 as **Public Law 30-111**.

Sinseru yan Magåhet,

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guåhan para pa'go
Acting Governor of Guahan

Attachment: copy of Bill

1695

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 313-30 (COR), "AN ACT TO *AMEND* §7119 (a) AND (c) OF TITLE 22, GUAM CODE ANNOTATED, CHAPTER 7, ARTICLE 1, RELATIVE TO COMPUTING THE NON-IMMIGRANT TEMPORARY WORKER REGISTRATION FEE FOR EACH NON-IMMIGRANT WORKER ON A PRO-RATED LENGTH OF TIME NO GREATER THAN THE LENGTH OF TIME THE WORKER IS LEGALLY AUTHORIZED TO BE IN GUAM FOR EMPLOYMENT PURPOSES, AND TO SPECIFY DEPOSIT AMOUNTS OF FEES,"** was on the 26th day of February, 2010, duly and regularly passed.

Judith T. Won Pat, Ed. D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 1 day of March, 2010, at 5:40 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: MAR 12 2010

Public Law No. P.L. 30-111

I MINA'TRENTA NA LIHESLATURAN GUAHAN
2010 (SECOND) Regular Session

Bill No. 313-30 (COR)
As substituted by the Committee on Labor,
the Public Structure, Public Libraries & Technology,
and amended.

Introduced by:

R. J. Respicio
Judith P. Guthertz, DPA
B. J.F. Cruz
T. C. Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
J. V. Espaldon
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* § 7119 (a) AND (c) OF TITLE 22, GUAM CODE ANNOTATED, CHAPTER 7, ARTICLE 1, RELATIVE TO COMPUTING THE NON-IMMIGRANT TEMPORARY WORKER REGISTRATION FEE FOR EACH NON-IMMIGRANT WORKER ON A PRO-RATED LENGTH OF TIME NO GREATER THAN THE LENGTH OF TIME THE WORKER IS LEGALLY AUTHORIZED TO BE IN GUAM FOR EMPLOYMENT PURPOSES, AND TO SPECIFY DEPOSIT AMOUNTS OF FEES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslatura* finds that the

non-immigrant temporary worker fee currently being charged by the Guam Department of Labor is assessed annually for each year or fraction thereof that the worker will be in Guam, despite the fact that many non-immigrant temporary workers, especially those with skills in certain construction-related areas, are needed for much *less than* a year.

I Liheslatura finds that a more reasonable approach to determining a fair and reasonable fee would be to base it upon the time each individual worker is legally authorized to be in Guam for employment purposes. *I Liheslatura* additionally finds that such fee, if for only a portion of a year, should be calculated on a calendar month basis, thus enabling employers to pay fees more closely linked to the actual time each worker will be employed in Guam.

It is, therefore, the intent of *I Liheslatura* to amend §7119 of Title 22, Guam Code Annotated, relative to the "Non-Immigrant Temporary Worker Registration Fee", to the time allotted in an individual worker's visa to be the determining factor in the calculation of such Fee.

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

"§7119. Non-Immigrant Temporary Worker Registration Fee.

(a) The Guam Department of Labor is authorized to collect a non-refundable registration fee of One Thousand Ninety-one Dollars ($1,091.00) annually per non-immigrant temporary worker for each calendar year, *or* Ninety-one Dollars ($91.00) per month or any fraction of a month thereof, Eighty-three Dollars and Forty Cents ($83.40) 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 3. Deposit of Registration and Sanitary Inspection Fees. §7119 (c) of Title 22, Guam Code Annotated, Chapter 7, Article 1, is *amended* to read:

"(c) For each Non-Immigrant Temporary Worker, One Thousand Dollars ($1000.00) per annum, or the prorated amount of Eighty-three Dollars and Forty Cents ($83.40) each month, representing the monthly registration fee, *shall* go to the MDF and appropriated pursuant to §7120, Chapter 7, Title 22, GCA; 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."

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 2/26/10

VOTING SHEET

SBill No. 313-30(COR)

Resolution No. _____

Question: _____

_____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				
TOTAL	14	____	_____	_____	_____

CERTIFIED TRUE AND CORRECT:

Patricia C. Fenton

Clerk of the Legislature

* 3 Passes = No vote

EA = Excused Absence

COMMITTEE ON LABOR, THE PUBLIC STRUCTURE, PUBLIC LIBRARIES AND TECHNOLOGY

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Interim Chairman

Committee on Labor, The Public Structure, Public Libraries and Technology Members:

Senator Adolpho B. Palacios, Sr.
Interim Chairman

Senator Frank B. Aguon, Jr.
Member

Senator Judith P. Guthertz, DPA
Member

Senator Tina Rose Muña-Barnes
Member

Senator vicente "ben" pangelinan
Member

Senator Rory J. Respicio
Member

Senator Telo Taitague
Member

Speaker Judith T. Won Pat
Ex-Officio Member

February 23, 2010

The Honorable Judith T. Won Pat, Ed.D.
I Mina' Trenta na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: **The Honorable Rory J. Respicio**
Chairperson, Committee on Rules

RE: **Committee Report on Bill No. 313-30 (COR) As Substituted**

Dear Speaker Won Pat,

The Committee on Labor, the Public Structure, Public Libraries and Technology hereby reports out its findings and recommendations on **Bill No. 313-30 (COR) As Substituted** – "An Act To Amend § 7119 (a) and (c) Of Title 22 Guam Code Annotated, Chapter 7, Article 1 Relative To Computing The Non-Immigrant Temporary Worker Registration Fee For Each Non-Immigrant Worker On A Pro-Rated Length Of Time No Greater Than The Length Of Time The Worker Is Legally Authorized To Be In Guam For Employment Purposes, and to Specify Deposit Amounts of Fees."

Committee votes are as follows:

7	**TO PASS**
0	**NOT TO PASS**
0	**TO REPORT OUT**
0	**ABSTAIN**
0	**TO PLACE IN INACTIVE FILE**

Sincerely,

ADOLPHO B. PALACIOS, SR., MPA, BS/CJA
Interim Chair

Attachments

Office/Mailing Address: 155 Hesler Pl., Hagatña GU 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

COMMITTEE ON LABOR, THE PUBLIC STRUCTURE, PUBLIC LIBRARIES AND TECHNOLOGY
I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Interim Chairman

Committee on Labor, The Public Structure, Public Libraries and Technology Members:

Senator Adolpho B. Palacios, Sr.
Interim Chairman

Senator Frank B. Aguon, Jr.
Member

Senator Judith P. Guthertz, DPA
Member

Senator Tina Rose Muña-Barnes
Member

Senator vicente "ben" pangelinan
Member

Senator Rory J. Respicio
Member

Senator Telo Taitague
Member

Speaker Judith T. Won Pat
Ex-Officio Member

Committee Report on Bill No. 313-30(COR)

As Substituted by the Committee

"An Act to Amend § 7119 (a) and (c) of Title 22 Guam Code Annotated, Chapter 7, Article 1 Relative to Computing the Non-Immigrant Temporary Worker Registration Fee for each Non-Immigrant Worker on a Pro-Rated Length of Time no Greater than the Length of Time the Worker is Legally Authorized to be in Guam for Employment Purposes, and to Specify Deposit Amounts of Fees." – sponsored by R.J. Respicio

Office/Mailing Address: 155 Hesler Pl., Hagatña GU 96910
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COMMITTEE ON LABOR, THE PUBLIC STRUCTURE, PUBLIC LIBRARIES AND TECHNOLOGY

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Interim Chairman

Committee on Labor, The Public Structure, Public Libraries and Technology Members:

Senator Adolpho B. Palacios, Sr.
Interim Chairman

Senator Frank B. Aguon, Jr.
Member

Senator Judith P. Guthertz, DPA
Member

Senator Tina Rose Muña-Barnes
Member

Senator vicente "ben" pangelinan
Member

Senator Rory J. Respicio
Member

Senator Telo Taitague
Member

Speaker Judith T. Won Pat
Ex-Officio Member

February 23, 2010

MEMORANDUM

To: **All Members**
Committee on Labor, the Public Structure, Public Libraries and Technology

From: **Interim Chairman**

Subject: **Committee Report on Bill No. 313-30 (COR) As Substituted**

Transmitted herewith, for your review and consideration, is the Committee Report on **Bill No. 313-30 (COR) As Substituted** – "An Act To Amend § 7119 (a) and (c) Of Title 22 Guam Code Annotated, Chapter 7, Article 1 Relative To Computing The Non-Immigrant Temporary Worker Registration Fee For Each Non-Immigrant Worker On A Pro-Rated Length Of Time No Greater Than The Length Of Time The Worker Is Legally Authorized To Be In Guam For Employment Purposes, and to Specify Deposit Amounts of Fees."

This report includes:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 313-30 (COR) As Substituted
- Copy of Bill No. 313-30 (COR) As Introduced
- Public Hearing Sign-In Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 313-30 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Copies of News Articles

Please take your preferred action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me. *Si Yu'os Ma'åse'!*

ADOLPHO B. PALACIOS, SR., MPA, BS/CJA
Interim Chair

Office/Mailing Address: 155 Hesler Pl., Hagatña GU 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY
I Mina'Trenta na Liheslaturan Guåhan
SENATOR ADOLPHO B. PALACIOS, SR.
Interim Chairman

VOTING SHEET ON:

Bill 313-30 (COR)- An act to amend § 7119 (a) and (e) of Title 22 Guam Code Annotated, Chapter 7, Article 1 Relative to Computing the Non-immigrant Temporary Worker Registration Fee for each Non-immigrant Worker on a Pro-rated Length of Time no Greater than the Length of Time the Worker is Legally Authorized to be in Guam for Employment Purposes, and to Specify Deposit Amounts of Fees." - As Substituted by the Committee on Labor, the Public Structure, Public Libraries and Technology

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Interim Chairman		2/16/10 ✓				
Frank B. Aguon, Jr. Member	2/16/10	✓				
Judith P. Guthertz, DPA Member		✓				
Tina Rose Muña-Barnes Member		2/16/10 ✓				
vicente "ben" pangelinan Member						
Rory J. Respicio Member		2/22/10				
Telo Taitague Member		2/16/10 ✓				
Judith T. Won Pat Ex-Officio Member		2/16/10 ✓				

Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910
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COMMITTEE ON LABOR, THE PUBLIC STRUCTURE, PUBLIC LIBRARIES AND TECHNOLOGY
I Mina'Trenta na Liheslaturan Guåhan
SENATOR ADOLPHO B. PALACIOS, SR.
Interim Chairman

COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on Labor, the Public Structure, Public Libraries, and Technology convened the public hearing on January 29, 2010 at 1:30 pm in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of **Bill 313-30 (COR)** - "An act to amend § 7119 of Title 22 Guam Code Annotated, Chapter 7, Article 1 relative to computing the Non-Immigrant Temporary Worker Registration Fee for each non-immigrant worker on a pro-rated length of time no greater than the length of time the worker is legally authorized to be in Guam for employment purposes." sponsored by Senator Rory J. Respicio, Judith P. Guthertz, and Benjamin J. F. Cruz.

Public Hearing Requirements

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on January 22, 2010 (5-day Notice) and on January 27, 2010 (48-Hour notice) pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature's website.

Senators Present

Senator Adolpho B. Palacios, Sr., Chairman
Senator Rory J. Respicio
Senator Judith P. Guthertz, DPA

Individual(s) Registered for oral or written testimony:

1. **Jose B. Villas (General Manager of Eureka Construction Corp.), Kim Yong Hu (General Manager of Kim's Appliance), Sung Peak Sul (Owner of Siwoo Corp), Seung H. Kim (Owner of SHK Construction), Fred J. Jayelosa (Owner of Base Tech Corp.), Chit Bathan (President of Ace Builders), Marie Kim (President of Metro Construction), Jeremy Tereas (President of JS + Sons Inc), Trace Gimeira (Secretary of Tudor Construction), and Noel Lomtong (Project Engineer of Darp Trenchles), Written Testimony, In Favor of Bill**
2. **Albert M. Perez, Chief Economist of Bureau of Statistics and Plans, Written Testimony, In Favor of Bill**

II. SUMMARY OF TESTIMONIES

Interim Chairman Adolpho B. Palacios, Sr. called the Committee on Labor, the Public Structure, Libraries, and Technology to order at 1:48pm, welcomed and introduced Senators present.

Chairman Adolpho B. Palacios, Sr.
The committee now will proceed to the next bill, Bill No. 313-30 "An act to amend § 7119 of Title 22 Guam Code Annotated, Chapter 7, Article 1 relative to computing the Non-Immigrant Temporary Worker Registration Fee for each non-immigrant worker on a pro-rated length of time no greater than the length of time the worker is legally authorized to be in Guam for employment purposes." I understand no one has signed up for this, and no one has appeared to testify I will give the author an opportunity to give an overview to the viewing audience, Senator Respicio.

Senator Rory Respicio
Thank you very much Mr. Chairman, and thank you colleges. I guess there is no one who has signed up to testify for Bill 313-30, but we do have written testimony in favor of the bill. I'm thinking that no one signed up to testify and no one is here because the bill can be seen as a no brainer. Usually, the controversial bills are the ones that receive a lot of public attention. I can give a background on this bill, I spoke to Speaker pangelinan who is the author of the manpower development fund, and the use the alien labor fee obviously goes to support the manpower development. Historically, Mr. Chairman, they have been prorating this $200 fee for the amount time the alien workers are working on Guam. In 2006, Department of Labor (DOL) has received Attorney General (AG)'s opinion, copies has been provided to everyone, it said that when the law was changed, the original law said that the registration fee and non-refundable fee of $200 will be paid to the DOL upon the registration of any temporary alien worker to be employed by an employer within Guam such registration fee less than one (1) year the amount of this fee will be prorated to the amount necessary to cover that portion of a year of the registration was made, so that fee was prorated. When that fee was amended to a $1,000, the law says The Guam DOL to authorize to collect a registration fee of $1,000 fee annually per non-immigrant temporary worker per each calendar year with a fraction there of. The AG's opinion at 2006 the fraction there of is tied to the calendar not the fee, what this bill do will prorate that, the fee will reflect, rather than the alien worker is employed on Guam. This $1,000 annually fee will be tied to the non-immigrant work's visa, authorize the worker to work on Guam. This bill does has the support of the Director of the Guam Department of Labor, and I will try to get that in writing, and it does have support from the contractors who have been greatly affected

by this new implementation in law by the DOL. I ask for yours and colleges support.

Senator Judith Guthertz, DPA
This is an important bill. Unfortunately, I believe that DOL has not been fair and equitable in alien registration fee. We need to clarify through legislation, and that is what this bill attempts to do. I think that the contract community, the construction community, will certainly welcome the bill should if become law. I know that the community at large will want this legislation to get this bill fair and equitable when we develop legislation dealing with fees and taxation.

Chairman Palacios concluded the hearing and requested that written testimony be submitted within the next ten (10) days. He adjourned the hearing at 2:40 pm.

III. WRITTEN TESTIMONIES

Albert M. Perez
I support the intention of Bill No. 313-30 (COR). However, I recommend Bill No. 313-30 (COR) be amended to recognize that the Department of Labor incurs a cost to process and register each applicant and that a flat registration processing fee be assessed in addition to the proposed prorated monthly registration fee. The DOL should recoup whatever costs it incurs to its actual cost to process and approve an application, although I offer $84.00, given the bill allows as little as 1-day registration fee of $2.74 ($1,000/365 days). The government should not be funding DOL's cost to process these applications under any scenario. My amendments include:
Section 1. Page 1. Line 9 to read as follows:

"*I Liheslatura* finds that a more reasonable approach to determining a reasonable fee would be base it upon the costs of processing an application in addition to the time each individual worker is legally authorized to be in Guam for employment purposes."
Section 2. Page 2, Add §7119.

"(b) The Guam Department of Labor is authorized to collect a processing fee of Eighty-Four Dollars ($84.00) per non-immigrant temporary worker from the employer of each non-immigrant temporary worker, payable at the time of registration by the non-immigrant worker."
(Please see written testimony attached).

Jose B. Villas, Kim Yong Hu, Sung Peak Sul, Seung H. Kim, Fred J. Jayelosa, Chit Bathan, Marie Kim, Jeremy Tereas, Trace Gimeira, and Noel Lomtong
A written group testimony was submitted in favor of the bill by the following people listed above. They refer to a 2006 Office of the Attorney General Opinion DOL 06-1258. They stated, "As you recall, the amount of the fee has since been increased with the passage of Public
Law 29-02 and revised from Two Hundred Dollars ($200.00) to One Thousand Dollars ($1,000.00). If passed, the legislation would restore the practice of proration of alien labor resignation fees as previously contained in §44018 of the Guam Code added by Public Law 15-48 by basing the assessment of this fee on the actual period of time alien laborers will be working on Guam." (Please see written testimony attached along with a copy of the Attorney General's Opinion for reference).

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Labor, the Public Structure, Public Libraries, and Technology to which **Bill No. 313-30 (COR)** was referred does hereby submit its findings and recommendations to *I Mina'Trenta na Liheslaturan Guåhan* **TO PASS** Bill No. 313-30 (COR) As Substituted – "An act to amend § 7119 (a) and (c) of Title 22 Guam Code Annotated, Chapter 7, Article 1 relative to computing the Non-Immigrant Temporary Worker Registration Fee for each non-immigrant worker on a pro-rated length of time no greater than the length of time the worker is legally authorized to be in Guam for employment purposes, and to specify deposit amounts of fees."

I MINA'TRENTA NA LIHESLATURAN GUAHAN
2010 (SECOND) Regular Session

Bill No. 313-30 (COR)
As Substituted by the Committee on Labor,
the Public Structure, Public Libraries & Technology

Introduced by: R.J. RESPICIO
J.P. GUTHERZ, DPA
B.J.F. CRUZ

AN ACT TO AMEND § 7119 (a) AND (c) OF TITLE 22 GUAM CODE ANNOTATED, CHAPTER 7, ARTICLE 1 RELATIVE TO COMPUTING THE NON-IMMIGRANT TEMPORARY WORKER REGISTRATION FEE FOR EACH NON-IMMIGRANT WORKER ON A PRO-RATED LENGTH OF TIME NO GREATER THAN THE LENGTH OF TIME THE WORKER IS LEGALLY AUTHORIZED TO BE IN GUAM FOR EMPLOYMENT PURPOSES, AND TO SPECIFY DEPOSIT AMOUNTS OF FEES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslatura* finds that the non-immigrant temporary worker fee currently being charged by the Guam Department of Labor is assessed annually for each year or fraction thereof that the worker will be in Guam, despite the fact that many non-immigrant temporary workers, especially those whose skills in certain construction-related areas, are needed for much less than a year.

I Liheslatura finds that a more reasonable approach to determining a fair and reasonable fee would be to base it upon the time each individual

worker is legally authorized to be in Guam for employment purposes. *I Liheslatura* additionally finds that such fee, if for only a portion of a year, should be calculated on a calendar month basis, thus enabling employers to pay fees more closely linked to the actual time each worker will be employed in Guam.

It is therefore the intent of *I Liheslatura* to amend § 7119 of Title 22 Guam Code Annotated relative to the "Non-Immigrant Temporary Worker Registration Fee" to the time allotted in an individual worker's visa to be the determining factor in the calculation of such Fee.

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

"§7119. Non-Immigrant Temporary Worker Registration Fee.

(a) The Guam Department of Labor is authorized to collect a non-refundable registration fee of One Thousand Ninety One Dollars ~~[($1,000)]~~ ($1,091.00) annually per non-immigrant temporary worker for each calendar year or [~~a fraction thereof~~] [~~Eighty Four Dollars ($84.00)~~] Ninety One Dollars ($91.00) per month, including any fraction of a month thereof, Eighty Three Dollars and Forty

Cents ($83.40) representing the registration fee and Seven Dollars and Sixty Cents ($7.60) representing the sanitary inspection from the employer of each non-immigrant temporary worker, payable at the time the employer submits the identification [~~of registration by~~] 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 [~~visa authorizes the worker~~] 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 3. Deposit of registration and sanitary inspection fees. § 7119 (c) of Title 22 Guam Code Annotated, Chapter 7, Article 1 is *amended* to read:

"(c) For each Non-Immigrant Temporary Worker, One Thousand Dollars ($1000.00) per annum, or the prorated amount of Eighty Three Dollars and Forty Cents ($83.40) each month, representing the monthly registration fee [~~of funds collected~~] shall

go to the MDF and appropriated pursuant to §7120, Chapter 7, Title 22 GCA; 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."

o

Clerk of the Legislature
RECEIVED
Received by: mc
Time: 2:00 pm
Date: 1-13-10

I MINA'TRENTA NA LIHESLATURAN GUAHAN
2010 (SECOND) Regular Session

Bill No. 313 -30 (COR)

Introduced by: R.J. RESPICIO
J.P. GUTHERZ, DPA
B.J.F. CRUZ

AN ACT TO AMEND § 7119 OF TITLE 22 GUAM CODE ANNOTATED, CHAPTER 7, ARTICLE 1 RELATIVE TO COMPUTING THE NON-IMMIGRANT TEMPORARY WORKER REGISTRATION FEE FOR EACH NON-IMMIGRANT WORKER ON A PRO-RATED LENGTH OF TIME NO GREATER THAN THE LENGTH OF TIME THE WORKER IS LEGALLY AUTHORIZED TO BE IN GUAM FOR EMPLOYMENT PURPOSES.

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Section 1. Legislative Findings and Intent. *I Liheslatura* finds that the non-immigrant temporary worker fee currently being charged by the Guam Department of Labor is assessed annually for each year or fraction thereof that the worker will be in Guam, despite the fact that many non-immigrant temporary workers, especially those whose skills in certain construction-related areas, are needed for much less than a year.

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portion of a year, should be calculated on a calendar month basis, thus enabling employers to pay fees more closely linked to the actual time each worker will be employed in Guam.

It is therefore the intent of *I Liheslatura* to amend § 7119 of Title 22 Guam Code Annotated relative to the "Non-Immigrant Temporary Worker Registration Fee" to the time allotted in an individual worker's visa to be the determining factor in the calculation of such Fee.

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

"§7119. Non-Immigrant Temporary Worker Registration Fee.

(a) The Guam Department of Labor is authorized to collect a registration fee of One Thousand Dollars ($1,000.00) annually per non-immigrant temporary worker for each calendar year or [~~a fraction thereof~~] Eighty Four Dollars ($84.00) per month, including any fraction of a month thereof, from the employer of each non-immigrant temporary worker, payable at the time of registration by the non-immigrant worker. Such registration fee *shall* be based on a time no greater than the non-immigrant worker's visa authorizes the worker to legally stay and work in Guam."

- o -

COMMITTEE ON LABOR, PUBLIC STRUCTURE, PUBLIC LIBRARIES AND TECHNOLOGY

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
INTERIM CHAIRMAN

FRIDAY, JANUARY 29, 2010

Bill No. 313-30 (COR)- An act to amend § 7119 of Title 22 Guam Code Annotated, Chapter 7, Article 1 relative to computing the Non-Immigrant Temporary Worker Registration Fee for each non-immigrant worker on a pro-rated length of time no greater than the length of time the worker is legally authorized to be in Guam for employment purposes. - By: **R.J. Respicio, J.P. Guthertz, and B.J.F. Cruz**

NAME (Please Print)	AGENCY/ ORGANIZATION (If any)	SUPPORT? ✓	OPPOSE? ✓	WRITTEN TESTIMONY✓	ORAL TESTIMONY✓	CONTACT NUMBER	*EMAIL ADDRESS*

January 27, 2010

The Honorable Adolpho B. Palacios
Acting Chairman
Committee on Labor, Public Structure, Public Libraries & Technology
I Mina' Trenta Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

Dear Chairman Palacios:

Hafa Adai! We are writing to support the passage of Bill 313-30, *"An Act to amend §7119 of Title 22 Guam Code Annotated, Chapter 7, Article 1 relative to computing the Non-Immigrant Temporary Worker Registration Fee for each non-immigrant worker on a pro-rated length of time no greater than the length of time the worker is legally authorized to be in Guam for employment purpose,"* introduced by Senator Rory J. Respicio.

The processing time for alien labor certifications is not exclusively dependent a local process and local efficiencies. Alien labor certifications also involve multiple federal entities, including the United States Department of Labor, the United States Department of Homeland Security, the United States Immigration Services, and the United States Department of State. This causes regular delays in the approval of alien labor petitions and the requested arrival of needed alien labor.

In 2006, the Attorney General's office opined the following according to the Office of Attorney General Opinion DOL 06-1258:

> *"The reference to 'fraction thereof' refers to a portion of the year the alien is on Guam, not to a portion of the fee, which must always be $200 per year.*
>
> *The amended section makes no reference to fee proration. Rather, it directs the Department to collect a $200 fee not only for the whole year, but also for each 'fraction' of a year for which the alien must be registered. This later amendment was made specifically to overturn the old proration formula, both in the law and the regulations made under that old law.*
>
> *Therefore, the Registration Fee must be $200 per year for all aliens subject to the fee regardless of when they arrived on Guam during the year. You must, also, amend your rules and regulations to reflect*

currently law, but since the law supercedes contrary rules, you should follow the present law as to fees, not your rules."

As you recall, the amount of the fee has since been increased with the passage of Public Law 29-02 and revised from Two Hundred Dollars ($200.00) to One Thousand Dollars ($1,000.00).

If passed, the legislation would restore the practice of proration of alien labor registration fees as previously contained in §44018 of the Guam Code added by Public Law 15-48 by basing the assessment of this fee on the actual period of time alien laborers will be working on Guam.

We believe that passage of this legislation is reasonable and appreciate your consideration. We are attaching a copy of the Attorney General's Opinion referenced above for your review.

Sincerely,

Name	Position	Company	Signature
JOSE B. VILLAS	GEN. MGR.	EUREKA CONST. CORP	
KIM Yong hu	GEN. MGR.	KIM'S Appliance	
Sung peak SuL	owner	SILWOO CORP	
Seung H Kim	owner	SHK Construction	
FRED J. JAYEOSA	owner	BASETECH CORP	
Chit Bathan	President	Ace Builders	
Marie Kim	President	Metro Construction	
JEREMY TERES	PRESIDENT	JS & SONS INC	
GRACE CAMACHO	SECRETARY	TUTOR CONSTRUCTION	
NOEL LAMPONG	PROJECT ENGR.	DAP TRENCHLESS	

KWM CORPORATION
P. O. Box 11319, Tamuning, Guam 96931
Suite 216 Star Bldg., 888 N. Marine Dr., Upper Tumon, Guam 96913
Tel: (671) 649-8008 Fax: (671) 649-8006
Email: apark@kwmind.com or kwmusa@kwmind.com

February 19, 2010

The Honorable Rory J. Respicio
I Mina' Trenta na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Subject: Bill No. 313-30(COR)
An Act to Amend §7119 of Title 22 GCA, Chapter 7, Article 1

Gentlemen:

I am pleased to receive your letter dated February 3, 2010 in connection with proposed Bill No. 313-30 (COR), "an act to amend §7119 of Title 22 GCA, Chapter 7, Article 1 relative to computing the non-immigrant temporary worker registration fee for each non-immigrant worker on a prorated length of time no greater than the length of time the worker is legally authorized to be in Guam for employment purpose."

I strongly support your proposed bill and believe that all other contractors who may not respond to your bill should be pleased to having your proposal. This issue has been discussed amongst contractors especially who are of small scale in volume but have performed majority of actual construction projects as subcontractors just like us; however, no one made actions to correct the issue.

Although I do not know exactly, in very detail, about your proposal or the actual application by the DOL when this bill becomes the law, I believe that the fee could be charged for the maximum period of anticipated employment at the registration stage; i.e., from the date of arrival to the expiry date of visa issued to every individual worker; however, if the worker departs earlier than the expiry date, the fee for the remaining period must be credited to the employer.

I really appreciate your efforts to serve for the benefit of the people of Guam and to amend policies more logically.

Sincerely,

Andrew C. Park
VP & CEO

Douglas B. Moylan
Attorney General

DEC 2 7 2006

Charles H. Troutman
Deputy Attorney General/
Consumer Counsel

Office of the Attorney General

December 22, 2006

Ref: DOL 06-1258

MEMORANDUM (Opinion)

To: **Director of Labor**

From: **Attorney General**

Subject: **Interpretation of Alien Worker Fee**

You have requested for our opinion as to whether the $200 fee for temporary non-immigrant alien workers should be paid regardless of whether the alien is on Guam for the full year, or prorated if the worker is on Guam for less than a year. Some in your Department believe that the fee should be pro-rated by the length of time the alien is on Guam in any year.

The first registration law prorated the $200:

> GC §44018 added by P.L. 15-48:3. The Guam Department of Labor is authorized to collect a registration fee of Two Hundred Dollars ($200.00) annually from each non-immigrant temporary worker, payable at the time of registration by the non-immigrant temporary worker. If the non-immigrant temporary worker is employed less than twelve (12) months in a given year, then the registration fee shall be prorated accordingly.

The present law reads:

> 22 GCA §7119 The Guam Department of Labor is authorized to collect a registration fee of Two Hundred Dollars ($200.00) annually per non-immigrant temporary worker for each calendar year or a fraction thereof from the employer of each non-immigrant temporary worker, payable at the time of registration by the non-immigrant worker.

The reference to "fraction thereof" refers to a portion of the year the alien is on Guam, not to a portion of the fee, which must always be $200 per year.

The amended section makes no reference to fee proration. Rather, it directs the Department to collect a $200 fee not only for the whole year, but also for each "fraction" of a year for which the alien must be registered. This later amendment was made specifically to overturn the old proration formula, both in the law and in the regulations made under that old law.

Therefore, the Registration Fee must be $200 per year for all aliens subject to the fee regardless of when they arrived on Guam during the year. You must, also, amend your rules and regulations to reflect current law, but since th law supercedes contrary rules, you should follow the present law as to fees, not your rules.

Charles H. Troutman

CHARLES H. TROUTMAN
Deputy Attorney General

Douglas B. Moylan

DOUGLAS B. MOYLAN
Attorney General

CHAPTER 7
TEMPORARY ALIEN WORKERS

§7101. Authority and Purpose.
§7102. Definitions.
§7103. Certification Required; Expiration; Extension.
§7104. Certification Requirements.
§7105. Registration of Temporary Alien Workers; Identification Badges.
§7106. Renewal of Certification and Registration.
§7107. Exit Clearance.
§7108. Living Arrangements.
§7109. Control of Temporary Alien Workers' Behavior and Passports.
§7110. Employer's Workplace Monthly Report.
§7111. Notices.
§7112. Other Laws, Rules and Regulations Applicable.
§7113. Penalties.
§7114. Hearings.
§7115. Petitions.
§7116. Severability.
§7117. Interpretation.

§7101. Authority and Purpose. (a) **Authority.** Authority under Guam law for the promulgation of Rules and Regulations affecting labor conditions in Guam by the Director of Labor is contained principally in §48055 of the Government Code (GC), and additional authority for these Regulations is provided by §44017.1(a) and §44025 GC.

(b) **Purpose.** The purpose of these Rules and Regulations is to provide for the orderly control of the process in certifying the lack of available U.S.-resident labor for employment opportunities in Guam, in recruiting Temporary Alien Workers for employment in specific jobs available in Guam, in ensuring that Temporary Alien Workers are accorded fair and safe treatment in their employment and stay in Guam, and in protecting the U.S.-resident labor force from adverse effects due to the employment in Guam of Temporary Alien Workers.

in Guam, and that two copies of the employment contract have been provided to the Temporary Worker, one in English and the other in the language of literacy of the Temporary Worker.

(C) **Documents Required.** In addition to the information and assurances required above, a complete Application for Registration must have the following documents attached:

(i) Two copies of the employment contract between the employer and the Temporary Alien Worker, one in English and the other in the language of literacy of the Temporary Worker;

(ii) If applicable, a signed authorization from the Temporary Alien Worker to the employer to deduct a specified amount from the Temporary Worker's pay each pay period in compensation for board and lodging actually provided by the employer to the Temporary Worker; and,

(iii) If applicable, a signed authorization from the Temporary Alien Worker to the employer for the employer to hold the Temporary Worker's passport for safekeeping and for other specified purposes, and including a statement of understanding, initialed by the employer, that the passport shall be returned to the Temporary Worker upon request.

(D) In order for an Application for Registration to be considered by the Department of Labor, such Application must also comply with all other requirements established by the Governor of Guam through Executive Order.

(3) **Registration Fee.** A non-refundable fee of Two Hundred Dollars ($200.00) shall be paid to the Department of Labor upon the registration of any Temporary Alien Worker to

be employed by an employer within Guam. If such registration is for a period of less than one year, the amount of this fee shall be prorated to the amount necessary to cover that portion of a year for which the registration is made.

(c) **Testing.** Upon submission of an Application for Registration, the Department of Labor may test or cause to be tested the skills and qualification of a Temporary Alien Worker for the Job Opportunity and Employment Position for which the Temporary Worker is certified. If the Temporary Alien Worker is found not to have the requisite skills or qualifications for the Employment Position, such Temporary Worker shall not be registered, but shall be referred to the U.S. Immigration and Naturalization Service for disposition. In addition, if a Temporary Alien Worker is found not to have the requisite skills or qualifications, the Department of Labor may cause all such Temporary Workers certified to work for the employer to be similarly tested.

(d) **Registration Granted.** Upon successful compliance with the requirements of A., B. and C., above, the Department of Labor will approve the Application for Registration and will authorize the Temporary Alien Worker to work in Guam for a period of up to one year. Evidence of such registration shall consist of a current and valid identification badge issued by the Department of Labor to the Temporary Worker, and such identification badge shall constitute a work permit and a work permit identification card.

(e) **Identification Badges.** The Director of Labor shall issue an identification badge to each Temporary Alien Worker registered with the Department and authorized to work in Guam. Such identification badge shall have upon it the name of the Temporary Alien Worker, the name of his/her employer, the job category for which the Temporary Worker is certified, a photograph of the Temporary Worker's face, and such other information as may be deemed appropriate by the Director of Labor; it shall bear the signature of the Director of Labor.

BUREAU OF STATISTICS AND PLANS

(Bureau of Planning)

Government of Guam

Felix P. Camacho
Governor of Guam

Michael W. Cruz, M.D.
Lieutenant Governor

P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

Alberto "Tony" Lamorena V
Director

February 8, 2010

The Honorable Adolpho B. Palacios Sr.
Chairman, Committee on Labor, the Public Structure,
Public Libraries and Technology
I Mina' Trenta Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Senator Palacios and Members of the Committee:

Subject: Testimony on Bill No. 313-30 (COR)

I support the intention of Bill No. 313-30(COR). However, I recommend Bill No. 313-30(COR) be amended to recognize that the Department of Labor incurs a cost to process and register each applicant and that a flat registration processing fee be assessed in addition to the proposed prorated monthly registration fee. The DOL should recoup whatever costs it incurs to process the application in addition to its program costs. The DOL can provide the Committee its actual cost to process and approve an application, although I offer $84.00, given the bill allows as little as a 1-day registration fee of $2.74 ($1,000 / 365 days.) The government should not be funding DOL's cost to process these applications under any scenario.

My amendments to the bill are as follows:

Section 1. Page 1, Line 9 to read as follows:
"*I Liheslatura* finds that a more reasonable approach to determining a reasonable fee would be to base it upon the costs of processing an application in addition to the time each individual worker is legally authorized to be in Guam for employment purposes."

Section 2. Page 2, Add §7119.
"(b) The Guam Department of Labor is authorized to collect a processing fee of Eighty-Four Dollars ($84.00) per non-immigrant temporary worker from the employer of each non-immigrant temporary worker, payable at the time of registration by the non-immigrant worker."

Sincerely

Albert M. Perez
Chief Economist

cc: Director, Bureau of Statistics and Plans

Bureau of Budget & Management Research
Fiscal Note of Bill No. 313-30

An act to amend §7119 of Title 22, Guam Code Annotated, Chapter 7, Article 1 relative to computing the non-immigrant temporary worker registration fee for each non-immigrant worker on a pro-rated length of time no greater than the length of time the worker is legally authorized to be in Guam for employment purposes.

Department/Agency Appropriation Information		
Dept./Agency Affected: Department of Labor/Agency for Human Resources Development	Dept./Agency Head: Maria S. Connelley	
Department's General Fund (GF) appropriation(s) to date: Operations		$1,361,652
Department's Other Fund (Specify) appropriation(s) to date: Manpower Development Fund		$1,049,999
Total Department/Agency Appropriation(s) to date:		$2,411,651

Fund Source Information of Proposed Appropriation			
	General Fund:	Other:	Total:
FY 2010 Adopted Revenues	$540,218,638	$112,566,011	$652,784,649
FY 2010 Appro. (P.L. 30-55 thru 30-75)	($540,228,724)	($113,520,186)	($653,748,910)
Sub-total:	($10,086)	($954,175)	($964,261)
Less appropriation in Bill	$0	$0	$0
Total:	($10,086)	($954,175)	($964,261)

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2010 (if applicable)	FY 2011	FY 2012	FY 2013	FY 2014
General Fund	$0	$0	$0	$0	$0	$0
Tourist Attraction Fund	$0	$0	$0	$0	$0	$0
Total	$0	$0	$0	$0	$0	$0

1. Does the bill contain "revenue generating" provisions? If Yes, see attachment		/X/ Yes	/ / No
2. Is amount appropriated adequate to fund the intent of the appropriation? If no, what is the additional amount required? $ _____	/X/ N/A	/ / Yes	/ / No
3. Does the Bill establish a new program/agency?	/X/ N/A		
If yes, will the program duplicate existing programs/agencies?	/X/ N/A	/ / Yes	/X/ No
Is there a federal mandate to establish the program/agency?		/ / Yes	/ / No
4. Will the enactment of this Bill require new physical facilities?		/ / Yes	/X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:		/ / Yes	/X/ No
/X/ Requested agency comments not received by due date	/ / Other: _____	/X/ Yes	/ / No

Analyst: Dina P. Rivera Date: 2/9/10 Director: _____ Date: 2/10/10
Bertha M. Duenas, Director, BBMR

Footnotes: The Bill has a potential funding impact, however in its present form that impact cannot be determined at this time.

BBMR-FN1

BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

FELIX P. CAMACHO
GOVERNOR

MICHAEL W. CRUZ, M.D.
LIEUTENANT GOVERNOR

BERTHA M. DUENAS
DIRECTOR

FACSIMILE INFORMATION PAGE

PLEASE DELIVER TO: Senator Adolpho Palacios

ATTENTION:

FACSIMILE NUMBER: 472-5022

FROM: Director

Total Pages (Including Cover): -2-

RE: Fiscal Note of Bill no. 313-30

COMMENTS:

Original for pick-up at Central Files

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Our phone numbers are: (671) 475-9412 / 9106. Our fax number is: (671) 472-2825

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COMMITTEE ON LABOR, THE PUBLIC STRUCTURE, PUBLIC LIBRARIES AND TECHNOLOGY

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Interim Chairman

Committee on Labor, The Public Structure, Public Libraries and Technology Members:

Senator Adolpho B. Palacios, Sr.
Interim Chairman

Senator Frank B. Aguon, Jr.
Member

Senator Judith P. Guthertz, DPA
Member

Senator Tina Rose Muña-Barnes
Member

Senator vicente "ben" pangelinan
Member

Senator Rory J. Respicio
Member

Senator Telo Taitague
Member

Speaker Judith T. Won Pat
Ex-Officio Member

February 2, 2010

RECEIVED
FEB 02 2010
Bureau of Budget & Mgmt. Research

Bertha M. Duenas
Director, Bureau of Budget and Management Research
P.O. Box 2950
Hagatna, GU 96910

Dear Director Duenas,

Pursuant to Title 2 Guam Code Annotated, Chapter 9, I respectfully request BBMR prepare fiscal note(s) for the following bill(s):

- **Bill 313-30 (COR)-** An act to amend § 7119 of Title 22 Guam Code Annotated, Chapter 7, Article 1 relative to computing the Non-Immigrant Temporary Worker Registration Fee for each non-immigrant worker on a pro-rated length of time no greater than the length of time the worker is legally authorized to be in Guam for employment purposes. - By: **R.J. Respicio, J.P. Guthertz, and B.J.F. Cruz**

- **Bill 215-30 (LS) -** An act to amend items (d) and (e) of §10103 of Chapter 10 of 58CA relative to the timeframes for complying with Freedom of Information Act requests. - By: **R. Tenorio, E.J.B. Calvo, and A.B. Palacios, Sr.**

- **Bill 274-30 (LS) -** An act relative to establishing the "Guam World War II Loyalty Recognition Commission" for the purposes of bringing together island leaders and WWII survivors of the community for the purpose of aggressively pursuing the endorsement and timely passage of the Guam War Reparations Legislation in acknowledgement of the inhumane treatment received by the people of Guam during World War II; and, to repeal and reenact §2201 and §2204 of Chapter 22, Title 1, Guam Code Annotated. - By: **F.B. Aguon, Jr.**

Office/Mailing Address: 155 Hesler Pl., Hagatña GU 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

- **Bill 277-30 (LS) -** An act to add a new §4127 to Chapter 4 of 4GCA relative to authorizing the granting of administrative leave for donations of blood. - By: **Ray Tenorio, E.B. Calvo, and T.R. Muna-Barnes**

- **Bill 286-30 (COR) -** An act to designate certain positions of the Solid Waste Division of the Department of Public Works to permanent fulltime classified positions of the Government of Guam. - By: **v.c. pangelinan**

Copies of the aforementioned bill(s) may be obtained at the *I Liheslaturan Guåhan* website, www.guamlegislature.com. In the event that a fiscal note or waiver is not received by February 12, 2010, it shall be deemed waived pursuant to Title 2 G.C.A., Chapter 9, §9105.

Sincerely,

Adolpho Borja Palacios, Sr.

TRANSMISSION VERIFICATION REPORT

TIME : 02/02/2010 15:03
NAME : SEN. PALACIOS
FAX : 671-472-5022
TEL :
SER.# : G9N282826

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PAGE(S)	02
RESULT	OK
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COMMITTEE ON LABOR, THE PUBLIC STRUCTURE, PUBLIC LIBRARIES AND TECHNOLOGY

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Interim Chairman

Committee on Labor, The Public Structure, Public Libraries and Technology Members:

Senator Adolpho B. Palacios, Sr.
Interim Chairman

Senator Frank B. Aguon, Jr.
Member

Senator Judith P. Guthertz, DPA
Member

Senator Tina Rose Muña-Barnes
Member

Senator vicente "ben" pangelinan
Member

Senator Rory J. Respicio
Member

Senator Telo Taitague
Member

Speaker Judith T. Won Pat
Ex-Officio Member

February 2, 2010

Bertha M. Duenas
Director, Bureau of Budget and Management Resources
P.O. Box 2950
Hagatna, GU 96910

Dear Director Duenas,

Pursuant to Title 2 Guam Code Annotated, Chapter 9, I respectfully request BBMR prepare fiscal note(s) for the following bill(s):

- **Bill 313-30 (COR)**- An act to amend § 7119 of Title 22 Guam Code Annotated, Chapter 7, Article 1 relative to computing the Non-Immigrant Temporary Worker Registration Fee for each non-immigrant worker on a pro-rated length of time no greater than the length of time the worker is legally authorized to be in Guam for employment purposes. - By: **R.J. Respicio, J.P. Guthertz, and B.J.F. Cruz**

- **Bill 215-30 (LS)** - An act to amend items (d) and (e) of §10103 of

COMMITTEE ON RULES
I Mina'Trenta na Liheslaturan Guåhan • 30th Guam Legislature
155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

SENATOR RORY J. RESPICIO
CHAIRPERSON

SENATOR
Judith P. Guthertz
VICE CHAIRPERSON

MAJORITY MEMBERS:

Judith T. Won Pat
SPEAKER

Benjamin J. F. Cruz
VICE SPEAKER

Tina Rose Muña Barnes
LEGISLATIVE SECRETARY

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Frank B. Aguon, Jr.
SENATOR

Adolpho B. Palacios, Sr.
SENATOR

Vicente C. Pangelinan
SENATOR

Matthew Rector
SENATOR

MINORITY MEMBERS:

Frank F. Blas, Jr.
SENATOR

James V. Espaldon
SENATOR

January 14, 2010

MEMORANDUM

To: **Pat Santos**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Chairperson, Committee on Rules

Subject: **Referral of Bill No. 313-30 (COR)**

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 313-30 (COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan.*

Should you have any questions, please contact Stephanie Mendiola or Elaine Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

Clerk of the Legislature
ACKNOWLEDGEMENT RECEIPT
Received by:
Time: 12:50 p.m.
Date: 1/14/10

I Mina'Trenta Na Liheslaturan Guåhan

Bill Log Sheet

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B313-30 (COR)	R. J. Respicio, J. P. Guthertz, DPA, B. J.F. Cruz	An act to amend § 7119 of Title 22 Guam Code Annotated, Chapter 7, Article 1 relative to computing the Non-Immigrant Temporary Worker Registration Fee for each non-immigrant worker on a pro-rated length of time no greater than the length of time the worker is legally authorized to be in Guam for employment purposes.	1/13/10 2:00 p.m.	1/14/10	Committee on Labor, the Public Structure, Public Libraries and Technology			

COMMITTEE ON LABOR, THE PUBLIC STRUCTURE, PUBLIC LIBRARIES AND TECHNOLOGY

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Interim Chairman

Committee on Labor, The Public Structure, Public Libraries and Technology Members:

Senator Adolpho B. Palacios, Sr.
Interim Chairman

Senator Frank B. Aguon, Jr.
Member

Senator Judith P. Guthertz, DPA
Member

Senator Tina Rose Muña-Barnes
Member

Senator vicente "ben" pangelinan
Member

Senator Rory J. Respicio
Member

Senator Telo Taitague
Member

Speaker Judith T. Won Pat
Ex-Officio Member

January 22, 2010

MEMORANDUM

TO: ALL SENATORS

FROM: Interim Chairman, Committee on Labor, the Public Structure, Public Libraries, and Technology

Subject: First Notice of Public Hearing
Friday, January 29, 2010- 1:30 p.m.

The Committee on Labor, the Public Structure, Public Libraries, and Technology has scheduled a public hearing starting at 1:30 p.m., Friday, January 29, 2010, at the *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- Confirmation Hearing for **Manuel R. Pinauin** to serve as a member of the Civil Service Commission for a term of six (6) years.
- Confirmation Hearing for **Luis Baza** to serve as a member of the Civil Service Commission for a term of six (6) years.
- **Bill 313-30 (COR)**- An act to amend § 7119 of Title 22 Guam Code Annotated, Chapter 7, Article 1 relative to computing the Non-Immigrant Temporary Worker Registration Fee for each non-immigrant worker on a pro-rated length of time no greater than the length of time the worker is legally authorized to be in Guam for employment purposes. - By: **R.J. Respicio, J.P. Guthertz, and B.J.F. Cruz**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bills may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Fred Burgos or Jennifer Dulla at 472-5047/5048.

cc: Protocol/MIS/Audio
Clerk of the Legislature

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Office/Mailing Address: 155 Hesler Pl., Hagatña GU 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY
I Mina'Trenta na Liheslaturan Guåhan
SENATOR ADOLPHO B. PALACIOS, SR.
Interim Chairman

January 22, 2010
(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Labor, the Public Structure, Public Libraries, and Technology has scheduled a public hearing starting at 1:30 p.m., Friday, January 29, 2010, at the *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- Confirmation Hearing for **Manuel R. Pinauin** to serve as a member of the Civil Service Commission for a term of six (6) years.
- Confirmation Hearing for **Luis Baza** to serve as a member of the Civil Service Commission for a term of six (6) years.
- **Bill 313-30 (COR)-** An act to amend § 7119 of Title 22 Guam Code Annotated, Chapter 7, Article 1 relative to computing the Non-Immigrant Temporary Worker Registration Fee for each non-immigrant worker on a pro-rated length of time no greater than the length of time the worker is legally authorized to be in Guam for employment purposes. - By: **R.J. Respicio, J.P. Guthertz, and B.J.F. Cruz**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bills may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Fred Burgos or Jennifer Dulla at 472-5047/5048.

Office/Mailing Address: 155 Hesler Pl., Hagatña GU 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

Gmail

Adolpho Palacios <senabpalacios@gmail.com>

First Notice of Public Hearing scheduled for January 29, 2010, 1:30 p.m.

Adolpho Palacios <senabpalacios@gmail.com> **Fri, Jan 22, 2010 at 10:00 AM**
To: speaker@judiwonpat.com, office@senatorada.org, "Senator Frank B. Aguon" <aguon4guam@gmail.com>, aguonmedia@gmail.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J. B. Calvo" <sencalvo@gmail.com>, "Sen. BJ Cruz" <senadotbjcruz@gmail.com>, senjim@ite.net, senator@espaldon.com, judiguthertz@gmail.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senatortelo@gmail.com, Senator Ray Tenorio <ray@raytenorio.com>, vbermudes@guamlegislature.org, yong@guamlegislature.org, Pat Santos <psantos@guamlegislature.org>, fterlaje@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, sgtarms@guamlegislature.org, Stephanie Mendiola <sem@guamlegislature.org>, roeann@raytenorio.com, nsantos@senatorada.org

January 22, 2010

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

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Adolpho Palacios <senabpalacios@gmail.com>

First Notice of Public Hearing scheduled for January 29, 2010, 1:30 p.m.

Adolpho Palacios <senabpalacios@gmail.com> **Fri, Jan 22, 2010 at 10:02 AM**
To: mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, news@k57.com, news@spbguam.com, news@guam.com, Catriona Melyan <cmelyan@guampdn.com>, amier@mvguam.com, marvic@mvguam.com, admin@mvguam.com, advertise@mvguam.com, jontalk@k57.com, msilva@k57.com, kstonews@ite.net, john@marianasmedia.com, jeff@marianasmedia.com, clynt@spbguam.com

January 22, 2010

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FAX JOURNAL REPORT

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FAX : 671-472-5022
TEL :
SER.# : G9N282826

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BROADCAST REPORT

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FAX : 671-472-5022
TEL :
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TEL :
SER.# : G9N282826

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FAX JOURNAL REPORT

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CV : COVERPAGE
POL : POLLING
RET : RETRIEVAL
PC : PC-FAX

BROADCAST REPORT

TIME : 01/22/2010 14:25
NAME : SEN. PALACIOS
FAX : 671-472-5022
TEL :
SER.# : G9N282826

PAGE(S) 02

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BROADCAST REPORT

TIME : 01/22/2010 14:25
NAME : SEN. PALACIOS
FAX : 671-472-5022
TEL :
SER.# : G9N282826

PAGE(S) 02

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BUSY : BUSY/NO RESPONSE
NG : POOR LINE CONDITION
CV : COVERPAGE
PC : PC-FAX

COMMITTEE ON LABOR, THE PUBLIC STRUCTURE, PUBLIC LIBRARIES AND TECHNOLOGY

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Interim Chairman

Committee on Labor, The Public Structure, Public Libraries and Technology Members:

Senator Adolpho B. Palacios, Sr. Interim Chairman

Senator Frank B. Aguon, Jr. Member

Senator Judith P. Guthertz, DPA Member

Senator Tina Rose Muña-Barnes Member

Senator vicente "ben" pangelinan Member

Senator Rory J. Respicio Member

Senator Telo Taitague Member

Speaker Judith T. Won Pat *Ex-Officio Member*

January 27, 2010

MEMORANDUM

TO: ALL SENATORS

FROM: Interim Chairman, Committee on Labor, the Public Structure, Public Libraries, and Technology

Subject: Second Notice of Public Hearing
Friday, January 29, 2010- 1:30 p.m.

The Committee on Labor, the Public Structure, Public Libraries, and Technology has scheduled a public hearing starting at 1:30 p.m., Friday, January 29, 2010, at the *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- Confirmation Hearing for **Manuel R. Pinauin** to serve as a member of the Civil Service Commission for a term of six (6) years.
- Confirmation Hearing for **Luis Baza** to serve as a member of the Civil Service Commission for a term of six (6) years.
- **Bill 313-30 (COR)-** An act to amend § 7119 of Title 22 Guam Code Annotated, Chapter 7, Article 1 relative to computing the Non-Immigrant Temporary Worker Registration Fee for each non-immigrant worker on a pro-rated length of time no greater than the length of time the worker is legally authorized to be in Guam for employment purposes. - By: **R.J. Respicio, J.P. Guthertz, and B.J.F. Cruz**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bills may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Fred Burgos or Jennifer Dulla at 472-5047/5048.

cc: Protocol/MIS/Audio
Clerk of the Legislature

GUAM LEGISLATURE
REPRODUCTION/MAIL ROOM
DATE: 1/27/2010
TIME: 2:00 PM / PM
RECEIVED BY:

Office/Mailing Address: 155 Hesler Pl., Hagatña GU 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

COMMITTEE ON LABOR, THE PUBLIC STRUCTURE,
PUBLIC LIBRARIES AND TECHNOLOGY
I Mina'Trenta na Liheslaturan Guåhan
SENATOR ADOLPHO B. PALACIOS, SR.
Interim Chairman

January 27, 2010
(Pursuant to §8107, Title 5 GCA – 2 days prior to hearing date)

PUBLIC HEARING NOTICE

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Office/Mailing Address: 155 Hesler Pl., Hagatña GU 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

Gmail by Google

Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing scheduled for January 29, 2010, 1:30 p.m.

Adolpho Palacios <senabpalacios@gmail.com> **Tue, Jan 26, 2010 at 11:16 PM**
To: speaker@judiwonpat.com, office@senatorada.org, "Senator Frank B. Aguon" <aguon4guam@gmail.com>, aguonmedia@gmail.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J. B. Calvo" <sencalvo@gmail.com>, "Sen. BJ Cruz" <senadotbjcruz@gmail.com>, senjim@ite.net, senator@espaldon.com, judiguthertz@gmail.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senatortelo@gmail.com, Senator Ray Tenorio <ray@raytenorio.com>, vbermudes@guamlegislature.org, yong@guamlegislature.org, Pat Santos <psantos@guamlegislature.org>, fterlaje@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, sgtarms@guamlegislature.org, Stephanie Mendiola <sem@guamlegislature.org>, roeann@raytenorio.com, nsantos@senatorada.org

January 27, 2010

(Pursuant to §8107, Title 5 GCA – 2 days prior to hearing date)

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Gmail by Google

Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing scheduled for January 29, 2010, 1:30 p.m.

Adolpho Palacios <senabpalacios@gmail.com> **Tue, Jan 26, 2010 at 11:25 PM**
To: mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, news@k57.com, news@spbguam.com, news@kuam.com, Catriona Melyan <cmelyan@guampdn.com>, amier@mvguam.com, marvic@mvguam.com, admin@mvguam.com, ads@mvguam.com, jontalk@k57.com, msilva@k57.com, kstonews@ite.net, jeff@marianasmedia.com, john@marianasmedia.com

January 27, 2010

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FAX JOURNAL REPORT

TIME : 01/27/2010 19:14
NAME : SEN. PALACIOS
FAX : 671-472-5022
TEL :
SER.# : G9N282826

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BUSY : BUSY/NO RESPONSE
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COMMITTEE ON LABOR, THE PUBLIC STRUCTURE, PUBLIC LIBRARIES AND TECHNOLOGY
I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Interim Chairman

PUBLIC HEARING

1:30 p.m., Friday, January 29, 2010
Public Hearing Room, *I Liheslaturan Guåhan*

Notices for the public hearing were disseminated to all local media via fax and email on January 22, 2010 and on January 27, 2010, pursuant to the Open Government Law. Notice of the public hearing was also posted on the Guam Legislature's website.

AGENDA

- Confirmation Hearing for **Manuel R. Pinauin** to serve as a member of the Civil Service Commission for a term of six (6) years.

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Office/Mailing Address: 155 Hesler Pl., Hagatña GU 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

Clerk of the Legislature
RECEIPT ACKNOWLEDGEMENT RECEIPT
Received by: mc
Time: 2:00 pm
Date: 1-13-10

I MINA'TRENTA NA LIHESLATURAN GUAHAN
2010 (SECOND) Regular Session

Bill No. 313 -30 (COR)

Introduced by: R.J. RESPICIO
J.P. GUTHERZ, DPA
B.J.F. CRUZ

AN ACT TO AMEND § 7119 OF TITLE 22 GUAM CODE ANNOTATED, CHAPTER 7, ARTICLE 1 RELATIVE TO COMPUTING THE NON-IMMIGRANT TEMPORARY WORKER REGISTRATION FEE FOR EACH NON-IMMIGRANT WORKER ON A PRO-RATED LENGTH OF TIME NO GREATER THAN THE LENGTH OF TIME THE WORKER IS LEGALLY AUTHORIZED TO BE IN GUAM FOR EMPLOYMENT PURPOSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslatura* finds that the non-immigrant temporary worker fee currently being charged by the Guam Department of Labor is assessed annually for each year or fraction thereof that the worker will be in Guam, despite the fact that many non-immigrant temporary workers, especially those whose skills in certain construction-related areas, are needed for much less than a year.

I Liheslatura finds that a more reasonable approach to determining a fair and reasonable fee would be to base it upon the time each individual worker is legally authorized to be in Guam for employment purposes. *I Liheslatura* additionally finds that such fee, if for only a

portion of a year, should be calculated on a calendar month basis, thus enabling employers to pay fees more closely linked to the actual time each worker will be employed in Guam.

It is therefore the intent of *I Liheslatura* to amend § 7119 of Title 22 Guam Code Annotated relative to the "Non-Immigrant Temporary Worker Registration Fee" to the time allotted in an individual worker's visa to be the determining factor in the calculation of such Fee.

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

"§7119. Non-Immigrant Temporary Worker Registration Fee.

(a) The Guam Department of Labor is authorized to collect a registration fee of One Thousand Dollars ($1,000.00) annually per non-immigrant temporary worker for each calendar year or [~~a fraction thereof~~] Eighty Four Dollars ($84.00) per month, including any fraction of a month thereof, from the employer of each non-immigrant temporary worker, payable at the time of registration by the non-immigrant worker. Such registration fee *shall* be based on a time no greater than the non-immigrant worker's visa authorizes the worker to legally stay and work in Guam."

- o -