

I Mina'Trentai Kuåttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
250-34 (LS) As amended by the Committee on Innovation and Economic, Workforce, and Youth Development; and substituted and further amended on the Floor.	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) AND (c), AND TO AMEND § 7120, AND TO ADD A NEW § 7119(d), ALL OF CHAPTER 7, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO DEVELOPING A LOCAL SKILLED WORKFORCE ON GUAM BY INCREASING REGISTRATION FEES OF NON-IMMIGRANT TEMPORARY WORKERS.	3/2/18 4:05 p.m.	3/7/18	Committee on Appropriations and Adjudication	3/27/18 10:00 a.m.	4/13/18 8:43 a.m.	Fiscal Note Request 3/8/18 Fiscal Note 3/28/18	Supplemental Committee Report. 4/24/18 9:23 a.m
				3/7/18	Committee on Innovation and Economic, Workforce, and Youth Development		As amended by the Committee on Innovation and Economic, Workforce, and Youth Development.		
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
4/23/18	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.	5/01/18	5/03/2018 11:50 a.m.	5/15/18	34-98	5/15/18	Received: 5/17/18 Mess and Comm. Doc. No. 34GL-18-1896.		



EDDIE BAZA CALVO
Governor
RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

MAY 16 2018

The Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuàttro Na
Lihselaturan Guâhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

GH 34-18-1996
Speaker Benjamin J.F. Cruz

MAY 17 2018
Time: 2:46 [] AM [] PM File No. 34-1942
Received By: *elen*

Dear Mr. Speaker:

Transmitted herewith is Bill No. 250-34 (LS), "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," which was signed into law on May 15, 2018, as Public Law 34-98.

Senseramente,

EDDIE BAZA CALVO
Governor of Guam

2018 MAY 17 PM 3:32

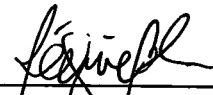
I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2018 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÁHEN GUÁHAN*

This is to certify that Substitute Bill No. 250-34 (LS), "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," was on the 1st day of May 2018, duly and regularly passed.

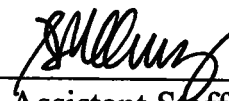

Benjamin J.F. Cruz
Speaker

Attested:




Régine Biscoe Lee!
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 2nd day of May, 2018,
at 11:50 o'clock ~~P~~A.M.



Assistant Staff Officer
Maga'låhi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: MAY 15 2018

Public Law No. 34-98

**I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2018 (SECOND) Regular Session**

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.

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 Morrison
Louise B. Muña
Mary Camacho Torres
FRANK B. AGUON, JR.
James V. Espaldon
Dennis G. Rodriguez, Jr.

**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.**

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

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

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

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

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

16 “(c) For each non-immigrant temporary worker, Two Thousand
17 Dollars (\$2000.00) per annum, or the prorated amount of One Hundred Sixty-
18 six Dollars and Sixty-seven Cents (\$166.67) each month, representing the
19 monthly registration fee, *shall* go to the MDF and appropriated pursuant to §
20 7120 of this Article; the remaining Ninety-one Dollars (\$91.00) per annum,
21 or the prorated amount of Seven Dollars and Sixty Cents (\$7.60) each month,
22 representing the monthly sanitary inspection fee, *shall* go to the DPHSS
23 Sanitary Inspection Revolving Fund.”

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

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

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

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

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

1 (\$500.00) of the renewal fee for the first six (6) months and Eighty-three
2 Dollars and Thirty-four cents (\$83.34) for the monthly prorated amount under
3 § 7119(d) for each non-immigrant temporary worker working exclusively on
4 civilian construction projects not related to planned construction projects of
5 the military realignment occurring on Guam, as indicated in the project
6 summary sheet of the employer's approved temporary labor certification, or
7 in business activities not related to construction projects on Guam. In cases
8 where the fee is prorated, the Department may adjust the prorated fee amount
9 to account for the waiver."

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

12 **"§ 7120. Manpower Development Fund.**

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

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

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

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

1 (3) workforce development and training programs; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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