

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Liheslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

August 3, 2011

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

RE: Committee Report on Bill No. 245-31 (COR) As Substituted

Hafa Adai Speaker Won Pat:

The Committee on Rules, Federal, Foreign & Micronesia Affairs, and Human and Natural Resources hereby reports out its findings and recommendations on **Bill No. 245-31 (COR) – "AN ACT TO ADD A-NEW SUBITEMS (k) AND (k)(1) TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING NON-IMMIGRANT TEMPORARY WORKERS TO PARTICIPATE IN THE DECISION MAKING OVER ANY RECRUITMENT AND SELECTION OF PERSONNEL OR THE PROCESSING OF APPLICATIONS FOR TEMPORARY ALIEN LABOR CERTIFICATION"**

Committee votes are as follows:

 6 TO DO PASS
 0 TO NOT PASS
 0 TO REPORT OUT ONLY
 0 TO ABSTAIN
 0 TO PLACE IN INACTIVE FILE

Very Truly Yours,


Rory J. Respicio

2011 AUG -3 PM 4:33

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Libeslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

COMMITTEE REPORT ON SUBSTITUTE BILL NO. 245-31 (COR)

“AN ACT TO ADD A-NEW SUBITEMS (k) AND (k)(1) TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING NON-IMMIGRANT TEMPORARY WORKERS TO PARTICIPATE IN THE DECISION MAKING OVER ANY RECRUITMENT AND SELECTION OF PERSONNEL OR THE PROCESSING OF APPLICATIONS FOR TEMPORARY ALIEN LABOR CERTIFICATION.”

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
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I Mina'trentai Unu na Libeslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

August 1, 2011

MEMORANDUM

To: All Members
Committee on Rules, Federal, Foreign & Micronesian Affairs, and Human & Natural Resources

From: Senator Rory J. Respicio 

Subject: Committee Report on Bill No. 245-31 (COR) As Substituted

Transmitted herewith for your review and consideration is the **Committee Report on Substitute Bill No. 245-31 (COR) – “AN ACT TO ADD A-NEW SUBITEMS (k) AND (k)(1) TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING NON-IMMIGRANT TEMPORARY WORKERS TO PARTICIPATE IN THE DECISION MAKING OVER ANY RECRUITMENT AND SELECTION OF PERSONNEL OR THE PROCESSING OF APPLICATIONS FOR TEMPORARY ALIEN LABOR CERTIFICATION.”**

This report includes the following supporting documents:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 245-31(COR) As Substituted
- Copy of Bill No. 245-31 (COR)
- Public Hearing Sign-in Sheet
- Copy of Submitted Testimony
- Referral of Bill No. 245-31(COR)
- Fiscal Note for Bill No. 245-31(COR)
- Public Hearing Notices
- Public Hearing Agenda

Please take the appropriate 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!

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mind'trentai Unu na Liheslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

COMMITTEE VOTE SHEET

Substitute Bill No. 245-31 (COR) –B.J.F. Cruz –“AN ACT TO ADD A–NEW SUBITEMS (k) AND (k)(1) TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING NON-IMMIGRANT TEMPORARY WORKERS TO PARTICIPATE IN THE DECISION MAKING OVER ANY RECRUITMENT AND SELECTION OF PERSONNEL OR THE PROCESSING OF APPLICATIONS FOR TEMPORARY ALIEN LABOR CERTIFICATION.”

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Rory J. Respicio Chairperson						
Senator Judith P. Guthertz Vice-Chairperson						
Speaker Judith T. Won Pat, Ed.D. Member						
Vice-Speaker Benjamin J.F. Cruz Member						
Legislative Secretary Tina Rose Muña Barnes Member						
Senator Thomas C. Ada Member						
Senator vicente c. pangelinan Member						
Senator Dennis G. Rodriguez, JR. Member						
Senator Adolpho B. Palacios Member						
Senator Aline A. Yamashita, Ph.D. Member						
Senator Christopher M. Duenas Member						

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Libeslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

COMMITTEE REPORT DIGEST

I. OVERVIEW

BILL NO. 245-31 (COR) – “AN ACT TO ADD A NEW ITEM TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING NON-IMMIGRANT TEMPORARY WORKERS TO PARTICIPATE IN THE RECRUITMENT AND SELECTION OF PERSONNEL OR THE PROCESSING OF APPLICATIONS FOR TEMPORARY ALIEN LABOR CERTIFICATION,” was introduced by Vice Speaker Benjamin J.F. Cruz on June 23, 2011; and was subsequently referred to the Committee on Rules; Federal, Foreign & Micronesia Affairs; and Human and Natural Resources on the same date.

Senator Rory J. Respicio, Chairperson of the Committee on Rules; Federal, Foreign & Micronesia Affairs; and Human and Natural Resources convened a public hearing on Thursday, July 7, 2011 at 9:00 AM in the Legislature’s Public Hearing Room. Among the items on the day’s agenda was the consideration of Bill No. 245-31 (COR).

Public Notice Requirements

In accordance with the Open Government Law, notices were disseminated to all senators and to all main media broadcasting outlets first, on June 29, 2011, and second, on July 5, 2011. Notice was also sent to the Guam Department of Labor.

Committee Members/Senators Present

Senator Rory J. Respicio, Chairperson
Senator Judith P. Guthertz, Vice-Chairperson
Speaker Judith T. Won Pat, Ed.D., Member
Senator Thomas C. Ada, Member
Senator Adolpho B. Palacios, Sr., Member
Senator Christopher M. Duenas, Member
Senator Aline A. Yamashita, Ph.D, Member
Senator V. Anthony “Tony” Ada

II. SUMMARY OF TESTIMONY & DISCUSSION

There being no objection from the Committee, **Senator Rory J. Respicio** addressed Bill No. 244, 245 and 246 together and **called to order** the hearing on said bills at approximately **11:49 A.M.**, announcing the titles of each bill and reading, for the record, the sponsor’s statement (attached), submitted by Vice Speaker Cruz.

Senator Respicio then opened the floor for testimony.

Mr. Jose Garrido expressed his support for all three bills but wanted to also make a strong statement. In reference to Bill 244, he believes it's a good bill and addresses at least the employer's name, address, and telephone number. He thinks that anyone who aspires to employ an H-2 worker also has the legal responsibility of the individual. He also believes that it is a violation for a non-immigrant temporary worker to process an application in the Government of Guam. He agrees that it isn't Mr. Massey's fault, because if nobody reports it to him, then there's no way for him to know what's going on.

Mr. Greg Massey, Administrator for the Alien Labor Processing & Certification Division (ALPCD) at the Guam Department of Labor (GDOL), paraphrased the written testimony submitted by Labor Director Leah Beth Naholowaa.

Mr. Massey explained that there are systems in place to identify US workers, but regulations state that an advertisement cannot indicate the name of the employer. There needs to be this system in place because if an employer's name is reflected in a job advertisement, interested applicants will be able to directly approach the employer, whether to apply or simply to inquire as to what the advertised position entails. This would make it impossible for GDOL to monitor each situation, for example, tracking the number of applicants, which is not only part of their requirements, but is an important component in allowing them to adequately deliver services.

Senator Guthertz asked Mr. Massey, in regards to Bill 245, about who would conduct the job interviews? To which, Mr. Massey replied that the person who conducts the interview must be the person who normally conducts the interview and has hiring and firing authority.

Senator Respicio clarified that an H-1 worker could be conducting the interview, because that could be a management-level position and this bill just prohibits an H-2 from conducting the interview.

Mr. Massey adds that this bill would limit the employer and the power or say they have in their business.

Senator Guthertz asked Mr. Massey what types of enforcements are in place to ensure compliance with local and federal laws.

Mr. Massey explained that anyone who knows the business is familiar with him and his Division's small task force. They write up citations multiple times a week, and are consistently on top of employers. However, ALPCD doesn't publicize each of their citations, they way that other, OSHA for example, does.

Senator Guthertz mentioned that there is a major concern in the community that we're going to open up the island to foreign workers for the build-up. One way to quell the uneasy feeling growing from residents on the island is to open up the statistics on enforcements, on fines, and on violations the Departments finds and fixes.

Mr. Massey, while open to the suggestion, explained that part of their success is tied to the fact that they don't force their visibility in the media.

Senator Guthertz expressed her belief that this is public information and should be very transparent to help provide assurance to the people of Guam that the Department is carrying out its enforcement duties, otherwise, like right now, no one knows how the industry is being policed.

Mr. Massey expressed his intent to look into publication.

When the conversation moved to Bill 246, **Mr. Massey** expressed the Department's support of the bill, but also mentioned that this policy was previously in place but eventually stopped because in the end it was not effective. His concern was a technical one, regarding covering the cost of supplies for this requirement. To address this concern, though, the Department proposed an amendment to the bill to allow for the Department to electronically provide the information to each mayor's office.

Senator Guthertz suggested that Mr. Massey was not being realistic in that this process would not require a lot of money. She also expressed her belief that everyone on Guam would love to know what jobs are available on the island and that our printed newspapers would support and probably have a small section dedicated to this info, to read something along the lines of "Job Available Now" with further information on the job. But she also expressed her support for the electronic transmittal of this information. Even the media recognizes that this is a critical time for the island; and even using Channel 12 PBS would help get the word out. She wanted to make clear that there are ways to do this that wouldn't cost a lot of money, but will still let people know that there are jobs opportunities available.

Senator Respicio joined the conversation expressing his support of the Departments suggestion to provide the information by email.

Mr. Vicente Garrido also expressed his support of Bill 245 and has always believed in transparency. If what Senator BJ Cruz is saying in the June 6, 2011 edition of the Marianas Variety is true about what is happening at DOL, then it's sorry to say that there is corruption in progress.

Mr. Francis Munoz also testified in support of all three bills. His interest is in the immigration laws that apply to Guam as it does in the mainland USA. When we look at all these contractors

and the skilled workers they are looking to bring in, and yet the attorney general was hoping to take the skilled workers from our island first before bringing in workers. We have not been informed, because this Body has no idea of how many legal and illegal immigrants are here. He doesn't like that illegal aliens are running around and not being taken care of. He doesn't see INS doing their job and he hopes that that changes.

Senator Respicio comments on the issue of enforcement and mentions that he has considered revisiting the 70/30 funding split of the Manpower Development Fund between the Guam Community College (70%) and the Department of Labor (30%).

Mr. Massey adds that Guam has the strongest H-2 program in the country. The issue/problem with the H-2 hiring rates is that there are hardly any local applicants for the vacant positions. He wants to clarify the misconception that employers prefer H-2 workers because H-2 workers are "cheap labor." In fact, local employers would much rather hire US workers because they are required to do so much more in order to hire an H-2, including paying much more in fees and preparing multiple reports per year.

Mr. Jose Garrido talks about the ads that are run in the newspaper. He believes that as he's gone to some of the H-2 workers homes and work places, that he could fire half of them and send them back home. He poses the question, 'is everyone who comes to Guam as skilled as the ads dictate that they must be?'

Mr. Munoz believes that with the assistance of the Attorney General, then we can stop what's going on and try to keep it to local hiring first.

Mr. Massey responds explaining that if any local workers feel they were passed up because of discrimination issues, they can approach the ALPCD office.

Senator Respicio also wanted to add a clarification to the general misconception regarding foreign workers being "cheap labor," as he explains that H-2 workers do not get paid less, because the law requires that they are paid the prevailing wage.

Mr. Munoz states that we're in a financial crisis and we can't afford to be hiring people anymore. He claims that the senators will be heavily burdened.

Senator Respicio thanks everyone for their participation.

Mr. Massey adds a last comment that he hopes there will be a roundtable discussion on the issue so that he can answer all the questions that came up in more detail.

There being no further discussion, **Senator Respicio** thanked the individuals for their testimony, **adjourned the hearing at approximately 1:14 PM** and declared Bills 244, 245, and 246 as having been publicly heard.

III. FINDINGS & RECOMMENDATIONS

In response to the suggestions presented during the public hearing, various amendments were made to the language of the bill, which are reflected in the substitute version of Bill 245, which is included in this report.

Therefore, the Committee on Rules; Federal, Foreign & Micronesian Affairs; and Human & Natural Resources **hereby reports out Substitute Bill No. 245-31 (COR) - "AN ACT TO ADD A NEW SUBITEMS (k) AND (k)(1) TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING NON-IMMIGRANT TEMPORARY WORKERS TO PARTICIPATE IN THE DECISION MAKING OVER ANY RECRUITMENT AND SELECTION OF PERSONNEL OR THE PROCESSING OF APPLICATIONS FOR TEMPORARY ALIEN LABOR CERTIFICATION," with the recommendation TO DO PASS.**

I MINA TRENTAI UNU NA LIHESLATURAN GUÅHAN
(2011 (First) Regular Session

Bill No. 245-31 (COR)

As Substituted by the Committee on Rules;
Federal, Foreign & Micronesian Affairs; and
Human and Natural Resources.

Introduced by:

B.J.F. Cruz
R.J. Respicio
M. Silva Tajjeron

**AN ACT TO ADD A-NEW SUBITEMS (k) AND (k)(1) TO §7118.1 OF
CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED
RELATIVE TO PROHIBITING NON-IMMIGRANT TEMPORARY
WORKERS TO PARTICIPATE IN THE DECISION MAKING OVER
ANY RECRUITMENT AND SELECTION OF PERSONNEL OR THE
PROCESSING OF APPLICATIONS FOR TEMPORARY ALIEN LABOR
CERTIFICATION.**

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

2 **Section 1.** A new item (k) is hereby *added* to §7118.1 of Chapter 7 of Title 22 of the
3 Guam Code Annotated to read as follows:

4 “(k) It shall be unlawful for a non-immigrant temporary worker admitted to Guam under
5 the H-2(b) program to participate in making any determinations as to the recruitment and
6 selection of personnel or the processing of applications for temporary alien labor
7 certification. Non-immigrant temporary workers admitted to Guam under the H-2(b)
8 program are expressly prohibited from conducting job interviews, rating job applicants or
9 applications, or partaking in any other activity involving making any determinations
10 concerning the ~~screening~~ or selection of employees.

11 (1) **Enforcement.** Upon verification by the Department of Labor that a violation
12 of this Section has taken place, the Department *shall* assess a penalty on the
13 employer as prescribed by § 7125, *infra*.”

I MINA TRENTAI UNU NA LIHESLATURAN GUÅHAN
(2011 (First) Regular Session)

2011 JUN 23 - 10
M 9:07

Bill No. 2453 (COR)

Introduced by:

B.J.F. Cruz
R.J. Respicio
M. Silva Taijeron

**AN ACT TO ADD A NEW ITEM TO §7118.1 OF CHAPTER 7
OF TITLE 22 OF THE GUAM CODE ANNOTATED
RELATIVE TO PROHIBITING NON-IMMIGRANT
TEMPORARY WORKERS TO PARTICIPATE IN THE
RECRUITMENT AND SELECTION OF PERSONNEL OR THE
PROCESSING OF APPLICATIONS FOR TEMPORARY
ALIEN LABOR CERTIFICATION**

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

2 **Section 1.** A new item (k) is hereby *added* to §7118.1 of Chapter 7 of
3 Title 22 of the Guam Code Annotated to read as follows:

4 “(k) It shall be unlawful for a non-immigrant temporary worker
5 admitted to Guam under the H-2(b) program to participate in the
6 recruitment and selection of personnel or the processing of
7 applications for temporary alien labor certification. Non-immigrant
8 temporary workers admitted to Guam under the H-2(b) program are
9 expressly prohibited from conducting job interviews, rating job
10 applicants or applications or any other activity involving the screening
11 or selection of employees.”

**Public Hearing
Sign-in Sheet(s)
for Bill No. 245-31 (COR)**

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
 AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE

PUBLIC HEARING SIGN-IN SHEET

Thursday, July 7, 2011-9:00 AM

I Liheslatura • Public Hearing Room • Hagåtña, Guam

Bill No. 245-31 (COR) – B.J. Cruz – “An act to add a new item to §7118.1 of Chapter 7 of Title 22 of the Guam Code Annotated relative to prohibiting non-immigrant temporary workers to participate in the recruitment and selection of personnel or the processing of applications for Temporary Alien Labor Certification.”

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
<i>Juan W. Garrido</i>	<i>Guam Citizens</i>	✓		✓	<i>632-7968</i>	
<i>Greg Massay</i>	<i>Guam DC</i>	✓	✓	✓	<i>475-7005</i>	<i>Greg.Massay@delagoa.gu</i>
<i>Ben Falek Garrido</i>	<i>Self</i>	✓		✓		

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
 AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Liheslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

PUBLIC HEARING SIGN-IN SHEET

Thursday, July 7, 2011-9:00 AM

I Liheslatura • Public Hearing Room • Hagåtña, Guam

Bill No. 245-31 (COR) – B.J. Cruz – “An act to add a new item to §7118.1 of Chapter 7 of Title 22 of the Guam Code Annotated relative to prohibiting non-immigrant temporary workers to participate in the recruitment and selection of personnel or the processing of applications for Temporary Alien Labor Certification.”

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Fajet F. MAMOD,	Self	Support Support		<input checked="" type="checkbox"/>		

Written Testimonies
Submitted on
Bill No. 245-31 (COR)



July 6, 2011

The Honorable Rory J. Respicio
Chairman, Committee on Rules; Federal, Foreign & Micronesian
Affairs; and Human & Natural Resources
31st Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

Re: Author Statements for Bill No.'s 244-31, 245-31 and 246-31

Dear Chairman Respicio and members of the committee:

Buenas yan Hafa Adai and thank you for the opportunity to present written testimony on three measures presented today for deliberation.

You and Senator Mana Silva Taijeron joined me in introducing these bills to promote transparency in the temporary labor certification process for the Temporary Non-agricultural Employment H-2B Program. The measures are as follows:

- **Bill No. 244-31 (COR)** would mandate employers to disclose their names, addresses and telephone numbers when advertising job opportunities for temporary alien labor certification.
- **Bill NO. 245-31 (COR)** would prohibit H-2(b) alien workers from hiring or processing alien labor certifications.
- **Bill No. 246-31 (COR)** would require the Director of Labor to post all job vacancies for temporary alien labor certification at all Mayor's Offices.

The Governor of Guam has delegated authority to certify that qualified workers in Guam and the United States are not available to perform the required services, and that the alien's employment will not adversely affect the wages and working conditions of United States resident workers who are similarly employed on Guam. This

process is initiated by employers submitting application for temporary labor certification to the Guam Department of Labor, which then recommends to the Governor action.

In recent months, I have been critical of whether the approval of certain applications for labor certification were warranted, given our high unemployment rate and numerous graduates from the Guam Community College.

I have been given assurances from the Guam Department of Labor that applications for labor certifications recommended for approval by the governor meet the minimal requirements of both local and federal law. However, it concerns me that only meeting minimal requirements is adequate to ensure that qualified local and U.S. workers are afforded every opportunity to fill jobs being sought for temporary alien labor.

The measures being heard today are in no way an indictment of the work of the Department of Labor. Nor is it an indictment of the integrity of employers seeking temporary alien labor under the H-2B program. However, I question whether the minimal requirements prescribed under regulations sanctioned by the U.S. Department of Labor for determining the availability of qualified U.S. workers to fill labor demands is adequate.

In recent months, I have seen advertisements for a public relations specialist, laundromat supervisor, graphic designers and bakers. After reviewing documents provided to my office under a request made under the Freedom of Information Act, I have seen the approval for certifications for specialty cooks, landscape gardeners, floral designers, butchers, air-conditioning and refrigeration mechanics, graphic designers, wedding service attendants, and automotive repairers. In another example, certification was recommended for approval to fill the position of a caregiver after 18 locals applied for the position.

Furthermore, thanks to the U.S. Congress, there is no cap on the number of H-2B workers permitted to work on Guam. Consider the number H-2B workers permitted in the U.S. mainland: a mere 66,000 for a country that boasts a labor force of 153.7 million people. There are currently about 1200 H-2B workers now permitted to work on Guam.

where the unemployment rate is now 13.3% and about 65,000 persons who are employed.

Bills 244-31, 245-31 and 246-31 are several ways to address this issue and provide some level of transparency to ensure local and qualified job seekers have every opportunity to apply for and fill positions employers are seeking to fill with alien workers. Furthermore, consumers who are concerned about well-being of our local workforce can know those companies in our community who make an earnest effort to hire locally.

The Guam Administrative Rules for Temporary Alien Labor Certification currently prohibits employers from disclosing their identities and contact information. Bill No. 244 proposes to change this so that companies that are seeking to recruit alien workers should disclose who they are. Prospective applicants should be able to apply for these vacant jobs directly with the employers. My office has consulted with the Department on amending this bill to be consistent with federal regulations.

Another reform measure is Bill No. 246-31 to mandate the Director of Labor to post job opportunities at Mayor's offices throughout the island. The Mayors' know who are unemployed in their villages. They can help spread the word and find qualified candidates.

The final bill would prohibit alien workers from conducting hiring or participating in the alien labor certification process. In recent weeks, My Senatorial office has received complaints of H-2(b) alien workers conducting job interviews on local applicants.

Senseramente,



BENJAMIN J.F. CRUZ



DEPARTMENT OF
LABOR

DIPATTMENTON HUMOTNÁT ♦ LEAH BETH O. NAHLOWAA, Director

EDDIE BAZA CALVO
Governor
RAY TENORIO
Lieutenant Governor

July 6, 2011

Hon. Rory J. Respicio
Chairman
Committee on Rules, Federal, Foreign & Micronesian Affairs,
and Human & Natural Resources
31st Guam Legislature
155 Hesler St., Suite 302
Hagåtña, Guam 96910

Dear Chairman Respicio,

It is with pleasure that the Guam Department of Labor offers written testimony on three bills undergoing public hearing with your committee. After careful thought and consideration, we humbly offer the following comments on each bill:

Bill No 244-31

The systems to determine the availability of workers in connection with Temporary Labor Certifications in Guam, and any revisions to that system must be approved by the Commissioner of Immigration pursuant regulations in 8 CFR 214.2(h)(6)(v). The current policy was set and published as the *Administrative Policy for Temporary Alien Employment; Certification on Guam found at Federal Register Vol. 50. No.3, Friday Jan. 4, 1985, Notices*. In section (VI)(E) of the Administrative Policy the employer is required to advertise for 3 days and that the advertisement refer applicants to apply with the Guam Employment Service and that the advertisement **“shall not identify the employer’s name, address and telephone number”**

Bill 244-31 seeks to amend provisions in the Guam Administrative Rule which mirrors the federally mandated policy. Although the legislature may amend the Guam Administrative Rule as proposed in Bill 244-31, the Department and the employer would still be mandated follow the federal requirements as changes in the federal policy have not been proposed, approved by the DHS and published in the federal register as required under federal regulations.

In light of the above, the changes to the GAR proposed in Bill 244-31 would be in conflict with federal regulations and would likely not be enforceable.

The Department is in opposition to the amendment of the GAR proposed in Bill 244-31 for two reasons:

1. Language conflicts with current federal rules.
2. The inclusion of the employer's name would likely encourage applicants to apply directly with the employer, thereby limiting DOL's ability to independently verify qualified and available applicants applying for the job. By ensuring that ALL responding job seekers apply directly with the Guam Employment Service, DOL can refer applicants to multiple employers and protect workers who may be improperly rejected.

Should applicants apply directly with the employer, DOL would have no record of the applicant and would rely solely on the employer's recruitment results. An unscrupulous employer may fail to report qualified and available US applicants and Guam DOL would not have any means to be aware of the existence of the applicants unless the applicant approaches DOL with a complaint. The potential for fraud and abuse is too great should this loophole be put in place.

We understand the intent of the Bill and offer that the legislature may opt to enhance the advertising requirement **prior** to the filing of an application for Temporary Labor Certification. Recruitment efforts prior to filing (hereinafter referred to as "prior recruitment") are not structured under the current rules and typically, any recruitment done by the employer is acceptable since current rules do not quantify what prior advertisements efforts are minimally acceptable. The prior advertisement directs applicants to apply directly with the employer.

The legislature may amend the GAR by adding verbiage that mandates standards for prior advertisements by setting a duration (ie. 2 working days), or set a type (ie. Newspaper, radio, internet) or required verbiage in an advertisement such as the employer's name.

It is noteworthy to mention that increased prior recruitment will increase the employer's cost and may meet with opposition from the public.

Bill 245-31

In documentation submitted in the Temporary Labor Certification, as required by federal regulations, the employer assures the department that:

“The employer’s representative who interviews or considers United States workers for the job offered to the alien shall be the person who normally interviews and considers, on behalf of the employer, applicants for job opportunities.”

Bill 245-31 prohibits an H-2B worker from interviewing or being a part of the recruitment process. The Department supports this bill as it strengthens the mere assurance made by the employer by outlawing it by statute.

The concern that the Department has is the enforcement of this statute, which is not addressed in the language of the bill. Questions that come to mind are: Is violation of the statute a criminal offense or a civil offense? Who is liable for violations...the employer or the alien?

To address these questions, we suggest that language be inserted as follows:

Section (k)(1): Enforcement- Upon verification by the Department of Labor that an unlawful interview has taken place in violation of this section, the Department shall issue a fine to the employer of not less than Five Hundred Dollars (\$500.00) for the first offense.

This section clearly defines who investigates the violation, who is liable for a violation and what the penalty would be.

Bill 246-31

Bill 246-31 states:

“(q) Shall cause the posting of all job opportunities for which applications for temporary alien labor certification have been submitted by employers at each Mayor's office.”

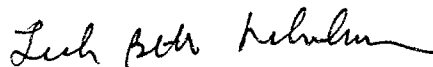
Letter to Sen. Respicio
Re: Testimony on Bills 244-31, 245-31 & 246-31
Page 2 of 4

The Department has no objection to the provisions in Bill 246-31, however, there is a concern as to manpower and copying costs associated with this provision. If the information can be provided electronically, we feel that the spirit of the provision can be fulfilled in a more cost effective and expedient way. To allow this, we recommend the following amended language:

"(q) Shall cause the posting of all job opportunities for which applications for temporary alien labor certification have been submitted by employers at each Mayor's office by transmitting appropriate job announcements electronically to the email address for each Mayor's Office on Guam. A listing of email addresses, for the purposes of this section, will be provided to the Department by the Mayor's Council of Guam ."

We hope that the comments we have provided, on the three Bills above, has been helpful in fine tuning the legislation before your committee. The Department and its staff stand ready to answer any further questions that you may have with regards to the above.

Sincerely,



/s/ LEAH BETH NAHLOWAA
Director of Labor

cc. Office of the Governor

Cruz questions H2 approvals

By Theresa Hart
theresa@mgv.com
Variety News Staff
D.H. #245-31

VICE Speaker Benjamin J.F. Cruz is questioning why the Department of Labor (DOL) approved 75 of 641 H-2 temporary labor certifications for jobs on Guam, saying those 75 positions could have been filled by Guam residents.

In a letter to Gov. Eddie Baza Calvo, Cruz questioned DOL Director Leah Beth Naholowaa and "another official" acting on the governor's behalf, for signing off on the 75 applications. Cruz said as of May 24, Naholowaa and "another official" approved Form GDOL 750 R/2010 Alien Labor Certifications. Normally, Cruz said, the governor of Guam has the signatory authority to sign off on these applications and not another official acting on his behalf.

"I believe that the employment of temporary alien workers for these positions will adversely affect local wage rates and compensation, and therefore may be in violation of the administrative rules that govern alien labor certification," wrote Cruz.

Cruz said the employer or DOL have not done their due diligence to demonstrate the effort to recruit United States residents. Cruz said to ensure compliance, he would like to address this issue by introducing a bill to "eliminate loopholes that enable discrimination against local resident workers."

Cruz pointed out that at DOL's job fair, there were more than 2,700 Guam residents seeking jobs, and "hundreds of



Senator Benjamin Cruz gestures in this file photo. Cruz is questioning why the Department of Labor approved 75 of 641 H-2 temporary labor certificates for jobs on Guam, saying those jobs could have been filled by local residents.

our youth have graduated from high school," while others have completed certified training programs in vocations by the Guam Community College and the Guam Trades Academy.

The 75 certifications were for the following jobs: air conditioning mechanic; refrigeration mechanic; automatic repairer; butcher; camp cook; computer aided design drafter; dive instructor; electronic motor repairer; environmental control systems installer/services; floral designer; graphic designer; heavy equipment mechanic; heavy equipment operator; landscape gardener; landscaper; maintenance mechanic; plumber; sales representative;

scuba instructor; sous chef; specialty cook; and wedding service attendant.

Under Guam's laws and administrative rules, temporary labor certifications are issued after two determinations are made, said Cruz.

The first is that there are no U.S. resident workers who are available to fill a job opportunity in an employment position established in Guam; and the second is that the employment of a temporary alien worker on Guam in a particular employment position will not adversely affect wage rates, other compensation, or the working conditions of U.S.-resident workers similarly employed on Guam.

**Fiscal Note on
Bill No. 245-31 (COR)**

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 245-31**

An act to add a new item to §7118.1 of Chapter 7 of Title 22, Guam Code Annotated, relative to prohibiting Non-Immigrant Temporary workers to participate in the recruitment and selection of personnel or the processing of applications for Temporary Alien Labor Certification.

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Labor	Dept./Agency Head: Leah Beth Naholowaa, Director
Department's General Fund (GF) appropriation(s) to date:	1,404,912
Department's Other Fund (Specify) appropriation(s) to date:	<u>1,310,697</u>
Total Department/Agency Appropriation(s) to date:	\$2,715,609

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance ¹		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

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

*Due to other Budgetary priorities and deadline of review of fiscal note, insufficient time to coordinate with the affected dept/agency.

Analyst: Dina P. Rivera Date: 7/18/11 Director: John A. Rios, Acting Director Date: 7/18/11

Footnotes:

The Bill has a potential for additional funding impact. However, in its present form, this impact cannot be determined at this time.

* 7/12/11

**Referral of
Bill No. 245-31 (COR)**



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

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JJS

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
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LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

June 23, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio

Subject: Referral of Bill Nos. 242-31 (COR) through 246-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 242-31 (COR) through 246-31 (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 members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åsel

(4) Attachment

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

June 23, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
244-31 (COR)	B. J.F. Cruz, R. J. Respicio, M. Silva Taijeron	AN ACT TO ADD A NEW ITEM (I) TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO REQUIRING THE DISCLOSURE OF AN EMPLOYER'S NAME, ADDRESS AND TELEPHONE NUMBER IN ADVERTISEMENTS OF JOB OPPORTUNITIES REQUIRED FOR CERTIFICATION OF TEMPORARY ALIEN LABOR	6/23/11 9:07 a.m.	6/23/11		Committee on Rules, Federal Foreign & Micronesia n Affairs and Human & Natural Resources			
245-31 (COR)	B. J.F. Cruz, R. J. Respicio, M. Silva Taijeron	AN ACT TO ADD A NEW ITEM TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING NON-IMMIGRANT TEMPORARY WORKERS TO PARTICIPATE IN THE RECRUITMENT AND SELECTION OF PERSONNEL OR THE PROCESSING OF APPLICATIONS FOR TEMPORARY ALIEN LABOR CERTIFICATION.	6/23/11 9:07 a.m.	6/23/11		Committee on Rules, Federal Foreign & Micronesia n Affairs and Human & Natural Resources			

**Public Hearing
Notices & Agenda
for Bill No. 245-31 (COR)**

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES




I Mina'trentai Unu na Libeslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

June 29, 2011

MEMORANDUM

To: All Members
Committee on Rules; Federal, Foreign & Micronesia Affairs; and Human & Natural Resources

From: Senator Rory J. Respicio 

Subject: First Notice of Public Hearing – Thursday, July 7, 2011, 9:00 A.M.

Håfa Adai! Please be advised that I will be conducting a **public hearing on Thursday, July 7, 2011, beginning at 9:00 A.M.**, in the Public Hearing Room to receive testimony on the following items:

- **BILL NO. 154-31 (COR)** – J.P. GUTHERTZ, DPA – AN ACT TO ADD A NEW SUB ITEM 3104(A) AND 3105(A) TO CHAPTER 3, AND ADD A NEW SUB ITEM 20007(A) TO CHAPTER 20, AND ADD A NEW SUB ITEM 21007(A) TO CHAPTER 21, ALL OF TITLE 3 GUAM CODE ANNOTATED AND TO ADD A NEW SUB ITEM 2109(A) AND AMEND SUB SECTIONS 2110(A) AND 2111 OF CHAPTER 21, TITLE 1 GUAM CODE ANNOTATED RELATIVE TO THE REGISTRATION, EDUCATION CAMPAIGN AND VOTING PROCESS FOR THE PLEBISCITE ON POLITICAL STATUS FOR GUAM.
- **BILL NO. 193-31 (COR)** – C.M. DUENAS – AN ACT TO ADD A NEW §44115 TO CHAPTER 44 OF TITLE 22, GUAM CODE ANNOTATED, ESTABLISHING A SCHOLARSHIP PROGRAM FOR ECONOMICALLY-DISADVANTAGED STUDENTS SEEKING CAREERS IN THE CONSTRUCTION TRADES; PROVIDING FUNDING SOURCES FOR THE PROGRAM; AND, CITING THIS ACT AS THE “BUILDING GUAM’S TRADES SCHOLARSHIP PROGRAM.”
- **BILL NO. 244-31 (COR)** – B.J.F. CRUZ – AN ACT TO ADD A NEW ITME (I) TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO REQUIRING THE DISCLOSURE OF AN EMPLOYER’S NAME, ADDRESS AND TELEPHONE NUMBER IN ADVERTISEMENTS OF JOB OPPORTUNITIES REQUIRED FOR CERTIFICATE OF TEMPORARY ALIEN LABOR.

Memo to Committee

Re: Public Hearing – Thu, Jul 7, 2011, 9:00 AM

June 29, 2011

Page 2

- **BILL NO. 245-31 (COR)** – B.J.F. CRUZ –AN ACT TO ADD A NEW ITEM TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING NON-IMMIGRANT TEMPORARY WORKERS TO PARTICIPATE IN THE RECRUITMENT AND SELECTION OF PERSONNEL OR THE PROCESSING OF APPLICATIONS FOR TEMPORARY ALIEN LABOR CERTIFICATION.
- **BILL NO. 246-31 (COR)** – B.J.F. CRUZ – AN ACT TO ADD A NEW ITEM (Q) TO §1106 OF ARTICLE 1 OF CHAPTER 1 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO REQUIRING THE DIRECTOR OF LABOR TO POST JOB OPPORTUNITIES AT MAYORS' OFFICES.
- **BILL NO. 253-31 (COR)** – C.M. DUENAS – AN ACT TO ADD A NEW § 2110 TO CHAPTER 2, TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING A REPORT FROM THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT FOR ANY ZONING LEGISLATION.
- **BILL NO. 254-31 (COR)** – R.J. RESPICIO – AN ACT TO *ADD A NEW* SUBITEM (J) TO §9104 OF CHAPTER 9, TITLE 22, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING ADMINISTRATIVE LEAVE FOR INJURED INDIVIDUALS CERTIFIED BY THE WORKER’S COMPENSATION PROGRAM.

Written testimony should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs; and Human & Natural Resources, and may be submitted via email to cor@guamlegislature.org; fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, Hågatña, Guam 96910. Should special assistance or accommodations be required, please contact Elaine Tajalle at my office at (671) 472-7679 or by e-mail at etajalle@guamlegislature.org. *Si Yu'os ma'åse'!*

cc: All Senators
Clerk of the Legislature
Legal Counsel
Sergeant-at-Arms/AV
MIS



Elaine Tajalle <etajalle@guamlegislature.org>

1st Notice of PH: Thu, Jul 7, 9AM

1 message

Senator Rory J. Respicio <cor@guamlegislature.org>

Wed, Jun 29, 2011 at 5:10 PM

To: phnotice@guamlegislature.org

Hafa Adai:


Please see attached for the first notice of the public hearing scheduled for Thursday, July 7, 2011 at 9:00 AM.

Thank you,
Rory

--

Rory J. Respicio
Senator

Majority Leader and Chairperson
Committee on Rules;
Federal, Foreign & Micronesian Affairs;
and Human & Natural Resources
I Mina'Trentai Unu Na Liheslaturan Guåhan
155 Hesler Place, Ste. 302
Hagåtña, Guam 96910
Phone: (671) 472-7679
Fax: (671) 472-3547

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Listserv: phnotice@guamlegislature.org

aline4families@gmail.com
audrey@judiwonpat.com
berleneranae@hotmail.com
bruce.lloyd.media@gmail.com
carlo@tinamunabarnes.com
chechsantos@gmail.com
chelsa@tinamunabarnes.com
cherbert.senatordrodriguez@gmail.com
cipo@guamlegislature.org
clerks@guamlegislature.org
cor@guamlegislature.org
cyrus@senatorada.org
doc.wyittenbachsantos@gmail.com
duenasenator@gmail.com
edleonguerrero@gmail.com
edwardglee671@yahoo.com
elaine@tinamunabarnes.com
etajalle@guamlegislature.org
evelyn4families@gmail.com
fbtorres@judiwonpat.com
frank.blasjr@gmail.com
gavin@tinamunabarnes.com
guamnativesun@yahoo.com
jamespcastro@gmail.com
jane@tinamunabarnes.com
icamacho@senatorada.org
jmesngon.senatordrodriguez@gmail.com
joshua.tenorio@senatorbjcruz.com
judiguthertz@gmail.com
laurielisla@gmail.com
leonguerrero.angela@gmail.com
leslie.g@senatormabini.com

lou4families@gmail.com
louise_atalig@yahoo.com
markaflague@gmail.com
marksayama@gmail.com
maryfejeran@gmail.com
mis@guamlegislature.org
mtorres.senatordrodriguez@gmail.com
nsantos@senatorada.org
office@senatorada.org
oliviampalacios@gmail.com
peterlg@gmail.com
pitcruz@yahoo.com
rhea@tinamunabarnes.com
rob.tupaz@gmail.com
roryforguam@gmail.com
sem@guamlegislature.org
senabpalacios@gmail.com
senator@senatorbjcruz.com
senator@tinamunabarnes.com
senatordrodriguez@gmail.com
senatormana@gmail.com
sensorsam@senatormabini.com
senatortonyada@guamlegislature.org
senbenp@guam.net
sgtarms@guamlegislature.org
speaker@judiwonpat.com
steve@judiwonpat.com
tanya4families@gmail.com
tom@senatorada.org
tterlaje@guam.net

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Minatrentai Unu na Liheslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

June 29, 2011

For Immediate Release

First Notice of Public Hearing
Thursday, July 7, 2011 – 9:00 AM

(Hagåtña, Guam) Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; and Human & Natural Resources will be conducting a public hearing on **Thursday, July 7, 2011**, beginning at **9:00 AM** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on the following:

- **BILL NO. 154-31 (COR)** – J.P. GUTHERTZ, DPA – AN ACT TO ADD A NEW SUB ITEM 3104(A) AND 3105(A) TO CHAPTER 3, AND ADD A NEW SUB ITEM 20007(A) TO CHAPTER 20, AND ADD A NEW SUB ITEM 21007(A) TO CHAPTER 21, ALL OF TITLE 3 GUAM CODE ANNOTATED AND TO ADD A NEW SUB ITEM 2109(A) AND AMEND SUB SECTIONS 2110(A) AND 2111 OF CHAPTER 21, TITLE 1 GUAM CODE ANNOTATED RELATIVE TO THE REGISTRATION, EDUCATION CAMPAIGN AND VOTING PROCESS FOR THE PLEBISCITE ON POLITICAL STATUS FOR GUAM.
- **BILL NO. 193-31 (COR)** – C.M. DUENAS – AN ACT TO ADD A NEW §44115 TO CHAPTER 44 OF TITLE 22, GUAM CODE ANNOTATED, ESTABLISHING A SCHOLARSHIP PROGRAM FOR ECONOMICALLY-DISADVANTAGED STUDENTS SEEKING CAREERS IN THE CONSTRUCTION TRADES; PROVIDING FUNDING SOURCES FOR THE PROGRAM; AND, CITING THIS ACT AS THE "BUILDING GUAM'S TRADES SCHOLARSHIP PROGRAM."
- **BILL NO. 244-31 (COR)** – B.J.F. CRUZ – AN ACT TO ADD A NEW ITME (I) TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO REQUIRING THE DISCLOSURE OF AN EMPLOYER'S NAME, ADDRESS AND TELEPHONE NUMBER IN ADVERTISEMENTS OF JOB OPPORTUNITIES REQUIRED FOR CERTIFICATE OF TEMPORARY ALIEN LABOR.

For Immediate Release

"First Notice of Public Hearing: Thu, Jul 7, 2011, 9:00 AM"

June 29, 2011

Page 2

- **BILL NO. 245-31 (COR)** – B.J.F. CRUZ –AN ACT TO ADD A NEW ITEM TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING NON-IMMIGRANT TEMPORARY WORKERS TO PARTICIPATE IN THE RECRUITMENT AND SELECTION OF PERSONNEL OR THE PROCESSING OF APPLICATIONS FOR TEMPORARY ALIEN LABOR CERTIFICATION.
- **BILL NO. 246-31 (COR)** – B.J.F. CRUZ – AN ACT TO ADD A NEW ITEM (Q) TO §1106 OF ARTICLE 1 OF CHAPTER 1 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO REQUIRING THE DIRECTOR OF LABOR TO POST JOB OPPORTUNITIES AT MAYORS' OFFICES.
- **BILL NO. 253-31 (COR)** – C.M. DUENAS – AN ACT TO ADD A NEW § 2110 TO CHAPTER 2, TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING A REPORT FROM THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT FOR ANY ZONING LEGISLATION.
- **BILL NO. 254-31 (COR)** – R.J. RESPICIO – AN ACT TO ADD A NEW SUBITEM (J) TO §9104 OF CHAPTER 9, TITLE 22, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING ADMINISTRATIVE LEAVE FOR INJURED INDIVIDUALS CERTIFIED BY THE WORKER'S COMPENSATION PROGRAM.

For copies of the above mentioned bills please visit the Guam Legislature's website at www.guamlegislature.com. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery/mail to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910; via e-mail to cor@guamlegislature.org; or via facsimile to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Elaine Tajalle at 472-7679.

###



Mary Maravilla <marymaravilla19@gmail.com>

1st Notice of PH: Thu, Jul 7, 9AM

Senator Rory J. Respicio <cor@guamlegislature.org>

Wed, Jun 29, 2011 at 5:12 PM

To: hottips@kuam.com, mvariety@pticom.com, news@guampdn.com, news@pacificnewscenter.com

Bcc: marymaravilla19@gmail.com

Hafa Adai:

Please see attached media release regarding the first notice of the public hearing scheduled for next Thursday, July 7, 2011 at 9:00 AM in the Legislature's Public Hearing Room.

Thank you,
Rory

--

Rory J. Respicio
Senator

Majority Leader and Chairperson
Committee on Rules;
Federal, Foreign & Micronesian Affairs;
and Human & Natural Resources
I Mina'Trentai Unu Na Liheslaturan Guåhan
155 Hesler Place, Ste. 302
Hagåtña, Guam 96910
Phone: (671) 472-7679
Fax: (671) 472-3547



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SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Libeslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

July 1, 2011

VIA E-MAIL

leahbeth.naholowaa@dol.guam.gov

Ms. Leah Beth Naholowaa

Director
Guam Department of Labor
414 W. Soledad Ave.
GCIC Bldg., 4th Floor
Hagåtña, Guam 96910

RE: Notice of Public Hearing – Thursday, July 7, 2011 – 9:00 A.M.

Dear Director Naholowaa:

Hafa adai. Please be advised that, in my capacity as the Chairperson of the Committee on Rules; Federal, Foreign & Micronesian Affairs; and Human & Natural Resources, I will be conducting a public hearing on **Thursday, July 7, 2011 at 9:00 A.M.** in the Legislature's Public Hearing Room. Among the items on the day's agenda are the following bills, which may be of particular interest to you:

- **BILL NO. 193-31 (COR)** – C.M. DUENAS – AN ACT TO ADD A NEW §44115 TO CHAPTER 44 OF TITLE 22, GUAM CODE ANNOTATED, ESTABLISHING A SCHOLARSHIP PROGRAM FOR ECONOMICALLY-DISADVANTAGED STUDENTS SEEKING CAREERS IN THE CONSTRUCTION TRADES; PROVIDING FUNDING SOURCES FOR THE PROGRAM; AND, CITING THIS ACT AS THE "BUILDING GUAM'S TRADES SCHOLARSHIP PROGRAM."
- **BILL NO. 244-31 (COR)** – B.J.F. CRUZ – AN ACT TO ADD A NEW ITME (I) TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO REQUIRING THE DISCLOSURE OF AN EMPLOYER'S NAME, ADDRESS AND TELEPHONE NUMBER IN ADVERTISEMENTS OF JOB OPPORTUNITIES REQUIRED FOR CERTIFICATE OF TEMPORARY ALIEN LABOR.
- **BILL NO. 245-31 (COR)** – B.J.F. CRUZ –AN ACT TO ADD A NEW ITEM TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING NON-IMMIGRANT TEMPORARY WORKERS TO PARTICIPATE IN THE RECRUITMENT AND SELECTION OF PERSONNEL OR THE PROCESSING OF APPLICATIONS FOR TEMPORARY ALIEN LABOR CERTIFICATION.

Letter to L. Naholowaa, Director, GDOL
Re: Public Hearing – Thu, Jul 7, 2011, 9:00 AM
July 1, 2011
Page 2

- **BILL NO. 246-31 (COR)** – B.J.F. CRUZ – AN ACT TO ADD A NEW ITEM (Q) TO §1106 OF ARTICLE 1 OF CHAPTER 1 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO REQUIRING THE DIRECTOR OF LABOR TO POST JOB OPPORTUNITIES AT MAYORS' OFFICES.
- **BILL NO. 254-31 (COR)** – R.J. RESPICIO – AN ACT TO ADD A NEW SUBITEM (J) TO §9104 OF CHAPTER 9, TITLE 22, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING ADMINISTRATIVE LEAVE FOR INJURED INDIVIDUALS CERTIFIED BY THE WORKER'S COMPENSATION PROGRAM.

In your capacity as the Director of the Guam Department of Labor, I encourage you to appear before this committee and provide testimony on the aforementioned bills, copies of which can be found by visiting the Legislature's website at www.guamlegislature.com. Please feel free to extend this invitation to other interested members of our community. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs; and Human & Natural Resources, and may be hand-delivered or mailed to the Office of Senator Rory J. Respicio at 155 Hesler Place, Hagåtña, Guam 96910; e-mailed to cor@guamlegislature.org; or faxed to (671) 472-3547.

Please feel free to contact me, should you have any questions or concerns. I look forward to your attendance and participation.

Very truly yours,


Rory J. Respicio



Rory Respicio <cor@guamlegislature.org>

Public Hearing Notice - Thu, Jul 7, 9AM

Senator Rory J. Respicio <cor@guamlegislature.org>

Fri, Jul 1, 2011 at 11:46 AM

To: "leahbeth.naholowaa" <leahbeth.naholowaa@dol.guam.gov>

Cc: joyjean.matanona@dol.guam.gov, greg.massey@dol.guam.gov, joannalynn.fullerton@dol.guam.gov


Hafa Adai Director Naholowaa:

Attached, please find your invitation letter to the public hearing scheduled for Thursday, July 7, 2011 at 9:00 AM.

Thank you,
Rory

—
Rory J. Respicio
Senator

Majority Leader and Chairperson
Committee on Rules;
Federal, Foreign & Micronesian Affairs;
and Human & Natural Resources
I Mina Trentai Unu Na Liheslaturan Guahan
155 Hesler Place, Ste. 302
Hagåtña, Guam 96910
Phone: (671) 472-7679
Fax: (671) 472-3547

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SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mind'trentai Unu na Libeslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

July 5, 2011

MEMORANDUM

To: All Members
Committee on Rules; Federal, Foreign & Micronesian Affairs; and Human & Natural Resources

From: Senator Rory J. Respicio 

Subject: Second Notice of Public Hearing – Thursday, July 7, 2011, 9:00 A.M.

Håfa Adai! Please be advised that I will be conducting a **public hearing on Thursday, July 7, 2011, beginning at 9:00 A.M.**, in the Public Hearing Room to receive testimony on the following items (to be heard in the order indicated):

1. **BILL NO. 253-31 (COR)** – C.M. DUENAS – AN ACT TO ADD A NEW § 2110 TO CHAPTER 2, TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING A REPORT FROM THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT FOR ANY ZONING LEGISLATION.
2. **BILL NO. 193-31 (COR)** – C.M. DUENAS – AN ACT TO ADD A NEW §44115 TO CHAPTER 44 OF TITLE 22, GUAM CODE ANNOTATED, ESTABLISHING A SCHOLARSHIP PROGRAM FOR ECONOMICALLY-DISADVANTAGED STUDENTS SEEKING CAREERS IN THE CONSTRUCTION TRADES; PROVIDING FUNDING SOURCES FOR THE PROGRAM; AND, CITING THIS ACT AS THE “BUILDING GUAM’S TRADES SCHOLARSHIP PROGRAM.”
3. **BILL NO. 244-31 (COR)** – B.J.F. CRUZ – AN ACT TO ADD A NEW ITME (I) TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO REQUIRING THE DISCLOSURE OF AN EMPLOYER'S NAME, ADDRESS AND TELEPHONE NUMBER IN ADVERTISEMENTS OF JOB OPPORTUNITIES REQUIRED FOR CERTIFICATE OF TEMPORARY ALIEN LABOR.

Memo to Committee

Re: Public Hearing - Thu, Jul 7, 2011, 9:00 AM

July 5, 2011

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4. **BILL NO. 245-31 (COR)** – B.J.F. CRUZ –AN ACT TO ADD A NEW ITEM TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING NON-IMMIGRANT TEMPORARY WORKERS TO PARTICIPATE IN THE RECRUITMENT AND SELECTION OF PERSONNEL OR THE PROCESSING OF APPLICATIONS FOR TEMPORARY ALIEN LABOR CERTIFICATION.
5. **BILL NO. 246-31 (COR)** – B.J.F. CRUZ – AN ACT TO ADD A NEW ITEM (Q) TO §1106 OF ARTICLE 1 OF CHAPTER 1 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO REQUIRING THE DIRECTOR OF LABOR TO POST JOB OPPORTUNITIES AT MAYORS' OFFICES.
6. **BILL NO. 254-31 (COR)** – R.J. RESPICIO – AN ACT TO ADD A NEW SUBITEM (J) TO §9104 OF CHAPTER 9, TITLE 22, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING ADMINISTRATIVE LEAVE FOR INJURED INDIVIDUALS CERTIFIED BY THE WORKER'S COMPENSATION PROGRAM.
7. **BILL NO. 154-31 (COR)** – J.P. GUTHERTZ, DPA – AN ACT TO ADD A NEW SUB ITEM 3104(A) AND 3105(A) TO CHAPTER 3, AND ADD A NEW SUB ITEM 20007(A) TO CHAPTER 20, AND ADD A NEW SUB ITEM 21007(A) TO CHAPTER 21, ALL OF TITLE 3 GUAM CODE ANNOTATED AND TO ADD A NEW SUB ITEM 2109(A) AND AMEND SUB SECTIONS 2110(A) AND 2111 OF CHAPTER 21, TITLE 1 GUAM CODE ANNOTATED RELATIVE TO THE REGISTRATION, EDUCATION CAMPAIGN AND VOTING PROCESS FOR THE PLEBISCITE ON POLITICAL STATUS FOR GUAM.

Written testimony should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs; and Human & Natural Resources, and may be submitted via email to cor@guamlegislature.org; fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, Hagåtña, Guam 96910. Should special assistance or accommodations be required, please contact Elaine Tajalle at my office at (671) 472-7679 or by e-mail at etajalle@guamlegislature.org. *Si Yu'os ma'åse'!*

cc: All Senators
Clerk of the Legislature
Legal Counsel
Sergeant-at-Arms/AV
MIS



Elaine Tajalle <etajalle@guamlegislature.org>

2nd Notice of PH: Thu, Jul 7, 9AM

4 messages

Senator Rory J. Respicio <cor@guamlegislature.org>

Tue, Jul 5, 2011 at 11:15 AM

To: phnotice@guamlegislature.org

Hafa Adai:


Please see attached for the second notice of the public hearing scheduled for Thursday, July 7, 2011 at 9:00 AM.

Thank you,
Rory

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Rory J. Respicio
Senator

Majority Leader and Chairperson
Committee on Rules;
Federal, Foreign & Micronesian Affairs;
and Human & Natural Resources
I Mina' Trentai Unu Na Liheslaturan Guåhan
155 Hesler Place, Ste. 302
Hagåtña, Guam 96910
Phone: (671) 472-7679
Fax: (671) 472-3547

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191K

Elaine Tajalle <etajalle@guamlegislature.org>

Wed, Jul 6, 2011 at 9:12 AM

To: Flo Terlaje <fterlaje@guamlegislature.org>

[Quoted text hidden]

Si Yu'os ma'åse',
Si Elaine

--

Elaine V. Tajalle
Administrative Officer
Office of Senator Rory J. Respicio
I Mina' trentai Unu Na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910
Phone: (671) 472-7679
Fax: (671) 472-3547
Website: www.guamlegislature.org

Listserv: phnotice@guamlegislature.org

aline4families@gmail.com
audrey@judiwonpat.com
berleneranae@hotmail.com
bruce.lloyd.media@gmail.com
carlo@tinamunabarnes.com
chechsantos@gmail.com
chelsa@tinamunabarnes.com
cherbert.senatordrodriguez@gmail.com
cipo@guamlegislature.org
clerks@guamlegislature.org
cor@guamlegislature.org
cyrus@senatorada.org
doc.wyttenbachsantos@gmail.com
duenasenator@gmail.com
edleonguerrero@gmail.com
edwardglee671@yahoo.com
elaine@tinamunabarnes.com
etajalle@guamlegislature.org
evelyn4families@gmail.com
fbtorres@judiwonpat.com
frank.blasjr@gmail.com
gavin@tinamunabarnes.com
guamnativesun@yahoo.com
jamespcastro@gmail.com
jane@tinamunabarnes.com
jcamacho@senatorada.org
jmesngon.senatordrodriguez@gmail.com
joshua.tenorio@senatorbjcruz.com
judiguthertz@gmail.com
laurielisla@gmail.com
leonguerrero.angela@gmail.com
leslie.g@senatormabini.com

lou4families@gmail.com
louise_atalig@yahoo.com
markaflague@gmail.com
marksayama@gmail.com
maryfejeran@gmail.com
mis@guamlegislature.org
mrtorres.senatordrodriguez@gmail.com
nsantos@senatorada.org
office@senatorada.org
oliviampalacios@gmail.com
peterlg@gmail.com
pjtacruz@yahoo.com
rhea@tinamunabarnes.com
rob.tupaz@gmail.com
roryforguam@gmail.com
sem@guamlegislature.org
senabpalacios@gmail.com
senator@senatorbicruz.com
senator@tinamunabarnes.com
senatordrodriguez@gmail.com
senatormana@gmail.com
senatorsam@senatormabini.com
senatortonyada@guamlegislature.org
senbenp@guam.net
sgtarms@guamlegislature.org
speaker@judiwonpat.com
steve@judiwonpat.com
tanya4families@gmail.com
tom@senatorada.org
tterlaje@guam.net

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Liheslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

July 5, 2011
For Immediate Release

Second Notice of Public Hearing
Thursday, July 7, 2011 – 9:00 AM

(Hagåtña, Guam) Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; and Human & Natural Resources will be conducting a public hearing on **Thursday, July 7, 2011**, beginning at **9:00 AM** in the Legislature's Public Hearing Room. This hearing is scheduled to receive public testimony on the following (to be heard in the indicated order):

1. **BILL NO. 253-31 (COR)** – C.M. DUENAS – AN ACT TO ADD A NEW § 2110 TO CHAPTER 2, TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING A REPORT FROM THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT FOR ANY ZONING LEGISLATION.
2. **BILL NO. 193-31 (COR)** – C.M. DUENAS – AN ACT TO ADD A NEW §44115 TO CHAPTER 44 OF TITLE 22, GUAM CODE ANNOTATED, ESTABLISHING A SCHOLARSHIP PROGRAM FOR ECONOMICALLY-DISADVANTAGED STUDENTS SEEKING CAREERS IN THE CONSTRUCTION TRADES; PROVIDING FUNDING SOURCES FOR THE PROGRAM; AND, CITING THIS ACT AS THE "BUILDING GUAM'S TRADES SCHOLARSHIP PROGRAM."
3. **BILL NO. 244-31 (COR)** – B.J.F. CRUZ – AN ACT TO ADD A NEW ITME (I) TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO REQUIRING THE DISCLOSURE OF AN EMPLOYER'S NAME, ADDRESS AND TELEPHONE NUMBER IN ADVERTISEMENTS OF JOB OPPORTUNITIES REQUIRED FOR CERTIFICATE OF TEMPORARY ALIEN LABOR.
4. **BILL NO. 245-31 (COR)** – B.J.F. CRUZ –AN ACT TO ADD A NEW ITEM TO §7118.1 OF CHAPTER 7 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING NON-IMMIGRANT TEMPORARY WORKERS TO PARTICIPATE IN THE RECRUITMENT AND SELECTION OF PERSONNEL OR THE PROCESSING OF APPLICATIONS FOR TEMPORARY ALIEN LABOR CERTIFICATION.

For Immediate Release

"Second Notice of Public Hearing: Thu, Jul 7, 2011, 9:00 AM"

July 5, 2011

Page 2

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For copies of the above mentioned bills please visit the Guam Legislature's website at www.guamlegislature.com. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery/mail to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910; via e-mail to cor@guamlegislature.org; or via facsimile to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Elaine Tajalle at 472-7679.

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Rory Respicio <cor@guamlegislature.org>

2nd Notice of PH: Thu, Jul 7, 9AM

Senator Rory J. Respicio <cor@guamlegislature.org>

Tue, Jul 5, 2011 at 11:17 AM

To: hottips@kuam.com, mvariety@pticom.com, news@guampdn.com, news@pacificnewscenter.com
Bcc: am800guam@gmail.com, info@chinesetimesguam.com, publisher@glimpsesofguam.com, managingeditor@glimpsesofguam.com, gktv23@hotmail.com, hana@guam-shinbun.com, khmg@hbcguam.net, mahoquinene@guam.net, admin@leapguam.com, richdevera@gmail.com, ajuan@kijifm104.com, koreatv@kuentos.guam.net, koreannews@guam.net, kcn.kelly@gmail.com, ksto@ite.net, kstonews@ite.net, kstokish@gmail.com, malafunkshun@kuam.com, sabrina@kuam.com, jason@kuam.com, nick@kuam.com, nick.delgado@kuam.com, john@kuam.com, lannie@kuam.com, michele@kuam.com, mindy@kuam.com, joan@kuam.com, jesselujan27@yahoo.com, mabuhaynews@yahoo.com, gerry@mvguam.com, amier@mvguam.com, zita@mvguam.com, janela@mvguam.com, therese.hart.writer@gmail.com, editor@mvguam.com, gina@mvguam.com, Jennifer@mvguam.com, reporter3@glimpsesofguam.com, miseke@mvcguam.com, roly@ktkb.com, rgibson@k57.com, parroyo@k57.com, tcoffman@k57.com, thebigshow@guamcell.net, monty.mcdowell@amiguam.com, norman.aguilar@guamcc.edu, cmhanson@guam.net, news@k57.com, thebigshow@k57.com, jtyquiengco@spbguam.com, onlyonguam@acubedink.com, dcrisost@guam.gannett.com, rlimtiaco@guampdn.com, slimtiaco@guampdn.com, egthompson@guampdn.com, gdumat-ol@guampdn.com, odngirairikl@guampdn.com, roneggers@sbcglobal.net, mwatanabe@guampdn.com, llmatthews@guampdn.com, bmkelman@guampdn.com, cmelyan@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, aalladi@guampdn.com, ylee2@guam.gannett.com, life@guampdn.com, kevin@spbguam.com, betsy@spbguam.com, carlsonc@pstripes.osd.mil, guam@pstripes.osd.mil, tritent@pstripes.osd.mil, AmrheinS@pstripes.osd.mil, FilePS&Sstorieshere@stripes.osd.mil, kai@spbguam.com, malainse@gmail.com, pdkprg@gmail.com, info@guamwave.com, bbautista@spbguam.com, pacificjournalist@gmail.com, editor@saipantribune.com, mcpherson.kathryn@abc.net.au, hill.bruce@abc.net.au, xiosormd@gmail.com, xiosormd@yahoo.com, action@weareguahan.com, admin@weareguahan.com, ricknauta@hitradio100.com, officemanager@hitradio100.com, "Rory J. Respicio" <roryforguam@gmail.com>, tinaokada <tinaokada@gmail.com>, eugenemarques@gmail.com, sem@guamlegislature.org, communications@guam.gov, frankaguon23@gmail.com, oliviampalacios@gmail.com, tjtaitano@cs.com, mlwheeler2000@yahoo.com, marymaravilla19@gmail.com, mspeps@hotmail.com, troy.torres@guam.gov, phillip.leonguerrero@guam.gov, phillipsguam@gmail.com

Hafa Adai:

Please see attached media release regarding the second notice of the public hearing scheduled for this Thursday, July 7, 2011 at 9:00 AM in the Legislature's Public Hearing Room.

Thank you,
Rory

—
Rory J. Respicio
Senator

Majority Leader and Chairperson
Committee on Rules;
Federal, Foreign & Micronesian Affairs;
and Human & Natural Resources
I Mina'Trentai Unu Na Liheslaturan Guåhan
155 Hesler Place, Ste. 302
Hagåtña, Guam 96910
Phone: (671) 472-7679
Fax: (671) 472-3547

SENATOR RORY J. RESPICIO

MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Liheslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

PUBLIC HEARING

Thursday, July 7, 2011 • 9:00 AM

Legislature's Public Hearing Room • Hagåtña, Guam

AGENDA

- I. Call to Order**
- II. Announcements**
- III. Items for Public Consideration**
 - 1. BILL NO. 253-31 (COR) – C.M. DUENAS – AN ACT TO ADD A NEW § 2110 TO CHAPTER 2, TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING A REPORT FROM THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT FOR ANY ZONING LEGISLATION.**
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IV. Closing Remarks

V. Adjournment

For copies of the above mentioned bills, please visit the Guam Legislature's website at www.guamlegislature.com. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, via e-mail to cor@guamlegislature.com, or via facsimile to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Elaine Tajalle at our office. For more information, please call 472-7679. We look forward to your attendance and participation. *Si Yu'os ma'åse'!*