

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

<b>BILL NO.</b>	<b>SPONSOR</b>	<b>TITLE</b>	<b>DATE INTRODUCED</b>	<b>DATE REFERRED</b>	<b>CMTE REFERRED</b>	<b>PUBLIC HEARING DATE</b>	<b>DATE COMMITTEE REPORT FILED</b>	<b>FISCAL NOTES</b>
<b>130-32 (COR)</b>	T. C. Ada	AN ACT TO AMEND §1106.(k) OF CHAPTER 1 TITLE 22 GUAM CODE ANNOTATED RELATIVE TO IMPOSING FINES FOR EMPLOYING ALIENS WITHOUT LAWFUL WORK STATUS	5/31/13 4:21 p.m.	5/31/13	Committee on Rules, Federal, Foreign & Micronesia Affairs, Human & Natural Resources, and Election Reform			<b>Fiscal Note Requested 6/3/13</b>



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
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Senator  
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Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

June 3, 2013

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

**John A. Rios**  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

**RE: Request for Fiscal Notes– Bill Nos. 128 – 130 (COR)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

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

Attachments (1)

Cc: Clerk of the Legislature

2013 JUN - 3 PM 1:38

Bill Nos.	Sponsor	Title
128-32(COR)	Frank B. Aguon, Jr.	THE CUSTOMS AND QUARANTINE AGENCY ENACTS THE FOLLOWING RULES AND REGULATIONS TO AMEND TITLE 4, GOVERNMENT ADMINISTRATIVE RULES AND REGULATIONS, CHAPTER 2, ARTICLE 5, §2505(a)(2) OF THE CUSTOMS, AGRICULTURE, AND QUARANTINE INSPECTION SERVICE CHARGE PURSUANT TO 5GCA73, §73151.
129-32(COR)	T.R. Muña Barnes, Chris M. Dueñas	AN ACT TO AUTHORIZE THE A.B. WON PAT GUAM INTERNATIONAL AIRPORT AUTHORITY TO ISSUE REVENUE BONDS FOR THE PURPOSE OF REFUNDING THE GENERAL REVENUE BONDS, 2003 SERIES A, B, C AND D, REFINANCE THE ENERGY EFFICIENCY LOAN, TO FINANCE NEW PROJECTS.
130-32(COR)	T. C. Ada	AN ACT TO AMEND §1106.(k) OF CHAPTER 1 TITLE 22 GUAM CODE ANNOTATED RELATIVE TO IMPOSING FINES FOR EMPLOYING ALIENS WITHOUT LAWFUL WORK STATUS.



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May 31, 2013

### MEMORANDUM

**To: Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From: Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

**Subject: Referral of Bill No. 130-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 130-32(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 Dos na Liheslaturan Guåhan*.

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

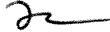
*Si Yu'os Ma'åse!*

Attachment

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2013 (FIRST) Session**

Bill No. 130-37 (WR)

Introduced by:

T.C. Ada 

2013 MAY 31 PM 4: 21



**AN ACT TO AMEND §1106.(k) OF CHAPTER 1 TITLE 22 GUAM  
CODE ANNOTATED RELATIVE TO IMPOSING FINES FOR  
EMPLOYING ALIENS WITHOUT LAWFUL WORK STATUS**

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

1           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
2 the Guam Department of Labor (DOL), pursuant to §1106.(k) of Chapter 1, Title 22,  
3 Guam Code Annotated, has the power to investigate “*the condition of aliens relative to*  
4 *their employment.*” However the authority to arrest and prosecute aliens who do not  
5 possess lawful work status is vested with the U.S. Department of Immigration and  
6 Customs Enforcement (ICE), a Division of the U.S. Department of Homeland Security  
7 (USDHS).

8           *I Liheslatura* finds that, while ICE has the authority to arrest and prosecute aliens,  
9 the Guam DOL, as authorized by Guam law, has regulatory authority for the enforcement  
10 of Guam’s labor laws.

11           *I Liheslatura* finds that under current law, aliens without lawful work status are  
12 subject to legal consequences if discovered employed on Guam. The DOL has the power  
13 to investigate, but the law does not provide authority to penalize employers hiring aliens  
14 who do not possess lawful work status. Thus, there is no disincentive to discourage  
15 employers from hiring aliens who do not possess lawful work status.

1            *I Liheslatura therefore intends to protect the limited number of jobs on Guam for*  
2 *those who are legally eligible and qualified for the jobs available.*

3 **Section 2. §1106.(k) of Chapter 1, Title 22 GCA is hereby *amended to read:***

4            (k) May investigate the condition or status of aliens relative to their employment.

5            “(1) To facilitate the investigation, employers shall ensure that all alien  
6 workers on a work site or at a place of business possess some form of valid,  
7 government issued picture identification to include, but not limited to: a passport,  
8 a Guam Driver’s License, or an employment authorization card; and the Director  
9 or his authorized representative may request such identification documents from  
10 any alien worker at a place of work in Guam. If a worker’s immigration status is  
11 in question the Department may temporarily detain such individual on site so that  
12 the Department can verify the worker’s status with immigration officials.

13            (2) Should an alien who does not possess lawful work status be found to  
14 be employed at a place of work in Guam, the employer shall be subject to civil  
15 penalties of One Thousand Dollars (\$1,000) per worker for the first offense, Two  
16 Thousand Five Hundred Dollars (\$2,500) per worker for the second offense and  
17 Five Thousand Dollars (\$5,000) per worker for the third offense.

18            (i) A second offense is defined as any violation of this section not  
19 on the same day of the date noted on the First (1<sup>st</sup>) Notice of Violation (or  
20 citation), but within 12 (twelve) months of the date noted on the First (1<sup>st</sup>)  
21 Notice of Violation (or citation). A third offense is defined as any  
22 violation of this section not on the same day noted on the Second (2<sup>nd</sup>)  
23 Notice of Violation (citation), but within 12 (twelve) months of the date  
24 noted on Second (2<sup>nd</sup>) Notice of Violation (or citation).

1                   (ii) For employers who have committed a third offense, the  
2                   Director shall, within thirty (30) days, also refer the matter to the  
3                   appropriate licensing entity, including but not limited to: the Guam  
4                   Contractors License Board (GCLB) or the Department of Revenue &  
5                   Taxation who shall, within ninety (90) days, conduct an investigation to  
6                   determine if a suspension of the employer's contractor license, business  
7                   license, or operating license is justified, and if so, suspension for a period  
8                   of not less than one year and not more than 3 years is hereby authorized.  
9                   In the event of a timely appeal to the Director, referral to licensing  
10                  authorities shall be deferred until the completion of the appeal process.

11                  (3) In the event of a violation, if the employer of an alien worker without  
12                  lawful work status is not readily identifiable, the prime contractor at a job site or  
13                  the owner of the business establishment inspected shall be liable for the assessed  
14                  civil penalty. In cases where work has been contracted or subcontracted and the  
15                  direct employer is not readily identifiable, the prime contractor or the contractor  
16                  named on the building permit shall be liable for any fines levied pursuant to this  
17                  section.

18                  (4) In the event of a violation of this section, the offender shall be served  
19                  with a Notice of Violation, commonly referred to as a citation, which details the  
20                  violation and the amount of fine to be imposed. The offender shall have the right  
21                  to an administrative hearing conducted by the Director of Labor as the hearing  
22                  officer. The offender may appeal in writing within fifteen (15) calendar days from  
23                  the receipt of the Notice of Violation, to the Director of Labor, requesting a  
24                  hearing to present facts and law in defense of the offender.

1                   (5) Failure to pay an assessed fine within 120 days from the issuance of a  
2                   Notice of Violation, or by a due date set in a DOL Administrative Order shall be a  
3                   felony.

4                   (6) Fines generated from section §1106.(k)(2) shall be deposited into the  
5                   DOL Manpower Development Fund and expended in accordance with provisions  
6                   at 22 GCA § 7118.1(e).”

7                   **Section 3. Promulgation of Rules and Regulations.** The Department of Labor  
8                   *may* promulgate rules and regulations consistent with the laws of the United States and  
9                   Guam as *may* be necessary to insure program effectiveness.

10                  **Section 4. Severability.** *If* any provision of this Law or its application to any  
11                  person or circumstance is found to be invalid or contrary to law, such invalidity *shall not*  
12                  affect other provisions or applications of this Law which can be given effect without the  
13                  invalid provisions or application, and to this end the provisions of this Law are severable.

14                  **Section 6. Effective Date.** This Act shall become effective 30 days after its  
15                  enactment.