MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN 2011 (FIRST) Regular Session

Bill No. 391-31 (cor)

Introduced by:

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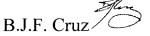
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AN ACT TO ADD A NEW § 5011 TO PART A, ARTICLE 1 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED; TO AMEND § 44107 OF TITLE 22, GUAM CODE ANNOTATED; AND TO ADD A NEW § 44115 TO TITLE 22, GUAM CODE ANNOTATED: RELATIVE TO **ESTABLISHING** PROCUREMENT POLICY IN FAVOR OF BUSINESSES **PARTICIPATING** IN THE **GUAM** REGISTERED APPRENTICESHIP **PROGRAM** OR **CURRENTLY EMPLOYING PERSONS** WHO **COMPLETED** THAT PROGRAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new §5011 is hereby *added* to Part A, Article 1 of Chapter 5, Title 5, Guam Code Annotated, to read as follows:

"§ 5011. Policy in favor of Apprenticeship Program Participants.

All procurement of construction services by the government of Guam, including construction services funded by federal sources, valued in excess five hundred thousand dollars (\$500,000) *shall* be made from among businesses that are certified by the Director of Labor as program participants of the Guam Registered Apprenticeship Program pursuant to 22 GCA Chapter 44 *or* that employ a person who has successfully completed that program. For the purpose of enforcing this Section, the Director of Labor *shall* promulgate rules and regulations which may include, but not be limited

to, reasonable fees to recover the cost of certification and compliance. Such rules and regulations *shall* be established pursuant to the Administrative Adjudication Law."

Section 2. § 44107 of Title 22 of the Guam Code Annotated is hereby *amended* to read as follows:

"§ 44107. Administration of the Guam Registered Apprenticeship Program.

- (a) The Director of Labor shall administer the *Guam Registered Apprenticeship Program* and shall establish rules and regulations necessary to implement this Chapter pursuant to the Administrative Adjudication Law *within* ninety (90) days after the enactment hereof.
- (b) The Director shall ensure proper educational accreditation standards are met and maintained by program providers, using educational classes provided by an institution of higher education or employer provided USDOL BAT approved educational learning resources.
- (c) Program participants having five (5) or more apprentices in training shall adopt and register with the Director a written Affirmative Action Plan and Selection Procedure according to Title 29 C.F.R. Part 30. Program participants may set their own minimum requirements, qualifications and credentials for apprentices, subject to approval by the Director, provided that said requirements are fair, nondiscriminatory, and comply with all applicable Program requirements and USDOL BAT standards.
- (d) The Director of Labor *may* establish additional rules and regulations necessary to *require* program participants pursuant to 5 GCA § 5011 to provide apprenticeship opportunities to eligible persons with less

than two (2) years of work experience in construction trades. Such rules and 1 regulations shall be established pursuant to the Administrative Adjudication 2 Law. 3 **Section 3.** A new § 44115 is hereby *added* to Title 22 of the Guam Code 4 Annotated to read as follows: 5 "§ 44115. Certified Apprentice Employer Fund. 6 (a) There is hereby established a special fund called the Certified 7 Apprentice Employer Fund, hereinafter called the Fund, which shall be 8 maintained separate and apart from any other funds of the government of 9 Guam, and independent records and accounts shall be maintained in 10 connection therewith. 11 (b) All monies received from fees pursuant to 5 GCA § 5011 shall be 12 paid into the Fund, and shall be expended solely for the purposes of and in 13 amounts found necessary by the Director of Labor in order to certify that a 14 business is participating in the Guam Registered Apprenticeship Program or 15 currently employs a person who has successfully completed that program. 16 (c) All monies which are deposited in or paid into the Fund are hereby 17 appropriated to and made continuously available for expenditure by the 18 Director of Labor, and shall not lapse at any time, be transferred to any other 19 fund, or be subject to any form of interfund borrowing. 20 (d) The Director shall provide quarterly statements of revenues and 21 expenditures of the fund to the Speaker of I Liheslaturan Guahan." 22 23

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