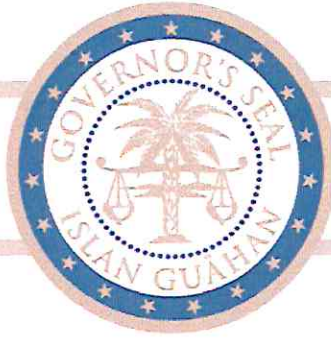


I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
287-35 (COR) As amended by the Committee on Federal and Foreign Affairs, Telecommunications, Technology, and Labor; and further amended on the Floor	Joe S. San Agustin Jose "Pedo" Terlaje Clynton E. Ridgell Tina Rose Muña Barnes Telo T. Taitague Amanda L. Shelton Régine Biscoe Lee Kelly Marsh (Taitano), PhD William M. Castro	AN ACT TO ADD A NEW ITEM (1) TO § 10102(a); A NEW SUBSECTION (q) TO § 10102; A NEW § 10108.1, ALL OF ARTICLE 1, CHAPTER 10, DIVISION 1, TITLE 22, GUAM CODE ANNOTATED; TO AMEND § 81.10 OF TITLE 9, GUAM CODE ANNOTATED; AND, TO AMEND SUBITEM (A) OF § 7120(b)(2) OF ARTICLE 1, CHAPTER 7, DIVISION 1, TITLE 22, GUAM CODE ANNOTATED; RELATIVE TO EXPANDING THE GUAM REGISTERED APPRENTICESHIP PROGRAM (GRAP) TO INCLUDE PRE-APPRENTICESHIPS, AUTHORIZING TAX CREDITS FOR PARTICIPANTS OF THE GRAP, AND PROVIDING WORK CREDIT FOR GRAP APPRENTICES.	2/10/20 4:17 p.m.	3/5/20	Committee on Federal and Foreign Affairs, Telecommunications, Technology, and Labor	7/11/20 1:00 p.m.	7/24/20 3:24 p.m. As amended by the Committee on Federal and Foreign Affairs, Telecommunications, Technology, and Labor	3/6/20	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	10/12/20	AN ACT TO ADD NEW §§ 10102(a)(1), 10102(g), AND 10108.1 TO ARTICLE 1 OF CHAPTER 10, TITLE 22, GUAM CODE ANNOTATED; AND AMEND § 81.10 OF CHAPTER 81, TITLE 9, GUAM CODE ANNOTATED, AND § 7120(b)(2)(A) OF ARTICLE 1, CHAPTER 7, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE GUAM REGISTERED APPRENTICESHIP PROGRAM (GRAP) TO INCLUDE PRE-APPRENTICESHIPS, AUTHORIZING TAX CREDITS FOR PARTICIPANTS OF THE GRAP, AND PROVIDING WORK CREDIT TO INMATES WHO ARE GRAP APPRENTICES.	10/19/20	10/19/20	10/30/20	35-103	10/30/20	Received: 10/30/20 Mess and Comm. Doc. No. 35GL-20-2390.	

UFISINAN I MAGA'HAGA
OFFICE OF THE GOVERNOR



LOURDES A. LEON GUERRERO
MAGA'HAGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÄHI • LIEUTENANT GOVERNOR

October 30, 2020

35GL-20-2390
Speaker Tina Rose Muña Barnes

HONORABLE TINA ROSE MUÑA BARNES, *Speaker*
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

OCT 30 2020
Time 6:41 (148) (PM) ✓
By: *EB*

Re: Bill No. 287-35 (COR) - An Act to Add New §§ 10102(a)(1), 10102(q), and 10108.1 to Article 1 of Chapter 10, Title 22, Guam Code Annotated; and Amend § 81.10 of Chapter 81, Title 9, Guam Code Annotated, and § 7120(b)(2)(A) of Article 1, Chapter 7, Title 22, Guam Code Annotated, Relative to Expanding the Guam Registered Apprenticeship Program (GRAP) to Include Pre-Apprenticeships, Authorizing Tax Credits for Participants of the GRAP, and Providing Work Credit to Inmates who are GRAP Apprentices

Dear Madame Speaker:

Bill No. 287-35 which I am signing into law as *Public Law No. 35-103*, seeks to expand the Guam Registered Apprenticeship Program (GRAP), an initiative that carries far-reaching and meaningful potential for our island. The demand for skilled workers has accelerated in recent years due to an unprecedented increase in commercial and military construction. Unfortunately, because these positions require specific skills and training, many of these jobs are outsourced or remain unfilled simply because our local population cannot access the training necessary to be considered for these positions. It is imperative that we incentivize the training and development of our local workforce, both so that our people can take advantage of these well-paying opportunities, and so that we can service projects that will boost our economy, as well as our local residential communities.

This bill will also provide additional resources to eligible inmates under the GRAP program, which will enable these motivated individuals to land on their feet and reintegrate into our communities in a productive and impactful way.

Senseramente,

LOURDES A. LEON GUERRERO
I Maga'hagan Guåhan
Governor of Guam

Enclosure: Bill No. 287-35 (COR) *nka P.L. 35-103*

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

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

This is to certify that **Bill No. 287-35 (COR), "AN ACT TO ADD NEW §§ 10102(a)(1), 10102(q), AND 10108.1 TO ARTICLE 1 OF CHAPTER 10, TITLE 22, GUAM CODE ANNOTATED; AND AMEND § 81.10 OF CHAPTER 81, TITLE 9, GUAM CODE ANNOTATED, AND § 7120(b)(2)(A) OF ARTICLE 1, CHAPTER 7, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE GUAM REGISTERED APPRENTICESHIP PROGRAM (GRAP) TO INCLUDE PRE-APPRENTICESHIPS, AUTHORIZING TAX CREDITS FOR PARTICIPANTS OF THE GRAP, AND PROVIDING WORK CREDIT TO INMATES WHO ARE GRAP APPRENTICES,"** was on the 19th day of October 2020, duly and regularly passed.



Tina Rose Muña Barnes
Speaker

Attested:



Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 19th day of October, 2020, at 5:38 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 10/30/2020

Public Law No. 35-103

2020-11977
Jessica Cruz

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 287-35 (COR)

As amended by the Committee on Federal and Foreign Affairs, Telecommunications, Technology, and Labor; and further amended on the Floor.

Introduced by:

Joe S. San Agustin
Jose "Pedo" Terlaje
Clynton E. Ridgell
Tina Rose Muña Barnes
Telo T. Taitague
Amanda L. Shelton
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
William M. Castro
James C. Moylan
Louise B. Muña
Telena Cruz Nelson
Sabina Flores Perez
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *ADD* NEW §§ 10102(a)(1), 10102(q), AND 10108.1 TO ARTICLE 1 OF CHAPTER 10, TITLE 22, GUAM CODE ANNOTATED; AND *AMEND* § 81.10 OF CHAPTER 81, TITLE 9, GUAM CODE ANNOTATED, AND § 7120(b)(2)(A) OF ARTICLE 1, CHAPTER 7, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE GUAM REGISTERED APPRENTICESHIP PROGRAM (GRAP) TO INCLUDE PRE-APPRENTICESHIPS, AUTHORIZING TAX CREDITS FOR PARTICIPANTS OF THE GRAP, AND PROVIDING WORK CREDIT TO INMATES WHO ARE GRAP APPRENTICES.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Guam Registered Apprenticeship Program (GRAP), which was established
4 in 2006 by the enactment of Public Law 28-142, recognizes the need for an adequate
5 number of skilled industrial, construction, and technical workers to meet present and
6 future needs arising from military contracts, the private sector, and government
7 maintenance of the island’s infrastructure.

8 With the H-2B shortages and worker requirements of the Guam buildup-
9 related construction projects, Guam’s housing market continues to be out of reach
10 for many families. Based on information real estate and construction industry
11 representatives provided to local media recently, the cost of building homes on
12 Guam has increased in part due to a shortage of labor. According to a media article
13 dated December 7, 2019, “... the median price in 2017 for residential [homes] is
14 about \$225,000. As of 2019, in the first ten (10) months the median price is at
15 \$270,000. That’s a twenty percent (20%) increase in median price over a two (2)-
16 year period only.”

17 While the opportunity for skilled trainers to train numerous individuals with
18 interest in construction trade training, the need to expand the opportunities for
19 individuals often comes with the inability to cover costs for such training. Offering
20 a pre-apprentice training program will provide the industry with an opportunity to
21 seek and retain the “cream of the crop” in trades workers, affording both employers
22 and apprentices the opportunity to affirm their desire for such employment, and a
23 tax credit offered to employers of skilled trainers will provide the industry with a
24 balance to continue the training of apprentices, ultimately gaining new skilled
25 laborers.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to strengthen local
2 workforce development by expanding available training opportunities under the
3 Guam Registered Apprenticeship Program (GRAP) to individuals qualified to work
4 on U.S. soil and who desire to enter the workforce as apprentices. According to the
5 U.S. Department of Labor, a pre-apprenticeship is a program or set of services
6 designed to prepare individuals to enter and succeed in a registered apprenticeship
7 program. A pre-apprenticeship program, by definition, has a documented partnership
8 with at least one (1) registered apprenticeship program. Quality pre-apprenticeship
9 programs are a starting point toward a successful career path for under-represented
10 job seekers, such as disadvantaged women and men, individuals with disabilities,
11 and others, who may not be aware of this approach to obtain good jobs with
12 opportunities for advancement. Pre-apprenticeships help individuals meet the entry
13 requirements for apprenticeship programs and ensure they are prepared to be
14 successful in their apprenticeship. There are a wide variety of pre-apprenticeship
15 programs serving a broad range of populations. Some programs focus on serving a
16 specific target population, such as veterans, while many pre-apprenticeship
17 programs focus on youth.

18 *I Liheslaturan Guåhan* intends to extend the GRAP to businesses that provide
19 skilled trainers to the Eligible Training Provider List (ETPL) or to non-profit
20 organizations working with a registered ETPL on Guam who provide training in
21 carpentry, painting, masonry, electrical, plumbing, HVAC, metal work, heavy
22 equipment, surveying, or renewable energy technology, or other skills as defined in
23 the Occupational List prioritized by the United States Department of Labor, to
24 workers who are unemployed and unskilled, unemployed and unskilled veterans,
25 service-disabled veterans, residential substance abuse treatment program
26 participants, or eligible participants of the Work Credit program, the Temporary
27 Assistance for Needy Families (TANF) Program, and the Able-Bodied Without

1 Dependents Program. Including eligible participants of the Work Credit program
2 provides an opportunity for adult offenders to pursue rehabilitation while developing
3 valuable skills critical to avoiding recidivism and re-engaging their families and
4 communities.

5 **Section 2.** A new § 10102(a)(1) is hereby *added* to Article 1 of Chapter 10,
6 Title 22, Guam Code Annotated, to read:

7 “(1) *Pre-apprentice* means a person receiving training in preparation
8 to enter an apprenticeship.”

9 **Section 3.** A new § 10102(q) is hereby *added* to Article 1 of Chapter 10,
10 Title 22, Guam Code Annotated, to read:

11 “(q) *Skilled trainer* means a journeyman or journeyworker.”

12 **Section 4.** A new § 10108.1 is hereby *added* to Article 1 of Chapter 10, Title
13 22, Guam Code Annotated, to read:

14 **“§ 10108.1. Tax Credit for Pre-Apprenticeship Program**
15 **Participants.**

16 Any business that provides skilled trainers to the Eligible Training
17 Provider List (ETPL) or to a non-profit organization working with a registered
18 ETPL on Guam and employs skilled trainers shall be entitled to a tax credit
19 against its business privilege tax liability equal to one hundred percent (100%)
20 of the eligible costs paid or incurred by the business; provided, that:

21 (a) the apprenticeship training program teaches an approved
22 occupation under § 10104 of this Article;

23 (b) the apprentice completes a training stage of an
24 apprenticeship program as determined by DOL following USDOL-OA
25 standards. No tax credit shall be claimed by a program participant for
26 an apprentice unless the apprentice satisfactorily completes the current
27 level of training;

1 (c) the eligible costs were paid or incurred during the
2 apprentice's participation in the Program;

3 (d) the eligible costs were paid or incurred within the previous
4 three (3) calendar years from the date the costs are submitted to DOL
5 for certification. Costs paid or incurred earlier than the three (3)
6 calendar years preceding the date the costs are submitted to DOL shall
7 not be certified as eligible costs;

8 (e) no business or program participant holding a Qualifying
9 Certificate (QC) shall claim tax credits pursuant to this Section. The
10 Guam Economic Development Authority shall assist the Director in
11 determining whether a participant may claim the credit;

12 (f) the apprentice must work a minimum of one hundred
13 twenty (120) hours per month at the trade;

14 (g) the apprentice must be paid the prevailing wage required
15 by the Program, which shall be a graduated percentage of journeyman
16 wages as outlined in the apprenticeship standards;

17 (h) pre-apprentices are not counted as apprentices, and wages
18 earned by pre-apprentices are not eligible for this tax credit;

19 (i) apprenticeship training costs paid by Workforce
20 Innovation and Opportunity Act (WIOA) funds, Department of Labor
21 Manpower Development Fund (MDF) funds, Hotel/Restaurant
22 Industry Training Program funds, and any training costs paid by the
23 government of Guam or federal funding shall not be eligible Program
24 costs and shall not be applied as a tax credit;

25 (j) skilled trainers must provide training in all apprenticeable
26 occupations, as defined in the Occupational List prioritized by the
27 United States Department of Labor, to participants who are

1 unemployed and unskilled, unemployed and underskilled veterans,
2 participants of residential substance abuse treatment programs,
3 participants of the Temporary Assistance for Needy Families Federal
4 Benefits Program, participants of the Able-Bodied Without Dependents
5 Program, or eligible participants of the Work Credit program
6 authorized in 9 GCA § 81.10;

7 (k) the application of the one hundred percent (100%) tax
8 credit as described in this Section shall apply only when a minimum of
9 ten (10) pre-apprentice applicants are qualified as described in
10 Subsection (j) of this Section, and the pre-apprentice applicants, as
11 defined herein, are registered with an approved training ETPL or non-
12 profit organization; and

13 (l) the term of the pre-apprentice cycle shall extend up to a
14 term of no less than six (6) months for participating non-profit and for-
15 profit organizations with Workforce Innovation Opportunity Act
16 (WIOA) agreements.

17 A program participant may only carry forward the tax credit if allowed
18 by the Guam Department of Revenue and Taxation procedures.”

19 **Section 5.** § 81.10 of Chapter 81, Title 9, Guam Code Annotated, is hereby
20 *amended* to read:

21 **“§ 81.10. Work Credit.**

22 (a) Any person in custody may work at cleaning up littered areas,
23 parks and beaches or other types of work details beneficial to the island of
24 Guam, including participation in a pre-apprenticeship program authorized
25 through the Guam Registered Apprenticeship Program as provided in Article
26 1, Chapter 10, Title 22, Guam Code Annotated; provided, that the Director of
27 Corrections:

1 (1) determines that the person meets the following eligibility
2 requirements that he or she:

3 (A) has not been convicted of a second degree felony or
4 higher which is homicide, criminal sexual conduct, robbery or
5 escape as set forth in Chapters 16, 25, 40, and 58 of this Title,
6 respectively; and

7 (B) is physically able to do such work.

8 (b) The Director shall provide supervision of the work detail.

9 (c) The person's sentence shall be reduced by one (1) day for each
10 forty (40) hours of work done that involves cleaning up littered areas, parks,
11 and beaches or other types of work details beneficial to the island of Guam.
12 The person's sentence shall be reduced by two (2) days for each forty (40)
13 hours of work done that involves educational or on-the-job training, or a
14 combination of both.

15 (d) The Directors of Public Works and Parks and Recreation, and
16 any non-profit organization authorized to participate in the Work Credit
17 program, shall cooperate with the Director of Corrections in choosing sites for
18 work.

19 (e) Inmates who were eligible to work in previous work detail
20 programs shall only participate in work governed by this Section if they
21 qualify.

22 (f) This Section shall apply to any person who is convicted for the
23 first time of Driving Under the Influence, as defined by 9 GCA § 92101(a), *et*
24 *seq.*"

25 **Section 6.** § 7120(b)(2)(A) of Article 1, Chapter 7, Division 1, Title 22,
26 Guam Code Annotated, is *amended* to read:

1 “(A) direct financial assistance to students enrolled in the
2 apprenticeship or pre-apprenticeship program who may not qualify for the
3 Free Application for Federal Student Aid (FAFSA), such as the Pell Grant.
4 Any unused portion of the allocation under this Subsection shall be returned
5 to the MDF;”

6 **Section 7. Severability.** If any provision of this Act or its application to any
7 person or circumstance is found to be invalid or contrary to law, such invalidity shall
8 not affect other provisions or applications of this Act that can be given effect without
9 the invalid provision or application, and to this end the provisions of this Act are
10 severable.

11 **Section 8. Effective Date.** This Act shall be effective upon enactment.