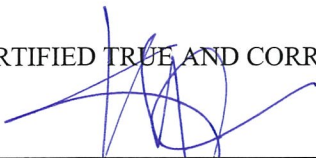


I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session
LEGISLATIVE SESSION VOTING RECORD

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.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building October 19, 2020					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓					
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN	✓					
Senator Louise B. MUÑA	✓					
Speaker Tina Rose MUÑA BARNES	✓					
Vice Speaker Telen Cruz NELSON						✓
Senator Sabina Flores PEREZ	✓					
Senator Clynton E. RIDGELL	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Amanda L. SHELTON	✓					
Senator Telo T. TAITAGUE	✓					
Senator Jose "Pedo" TERLAJE	✓					
Senator Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES	✓					

TOTAL:	14	0	0	0	0	1
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

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2020 (SECOND) Regular Session

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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

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

1 in 2006 by the enactment of Public Law 28-142, recognizes the need for an adequate
2 number of skilled industrial, construction, and technical workers to meet present and
3 future needs arising from military contracts, the private sector, and government
4 maintenance of the island’s infrastructure.

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

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

23 Therefore, it is the intent of *I Liheslaturan Guåhan* to strengthen local
24 workforce development by expanding available training opportunities under the
25 Guam Registered Apprenticeship Program (GRAP) to individuals qualified to work
26 on U.S. soil and who desire to enter the workforce as apprentices. According to the
27 U.S. Department of Labor, a pre-apprenticeship is a program or set of services

1 designed to prepare individuals to enter and succeed in a registered apprenticeship
2 program. A pre-apprenticeship program, by definition, has a documented partnership
3 with at least one (1) registered apprenticeship program. Quality pre-apprenticeship
4 programs are a starting point toward a successful career path for under-represented
5 job seekers, such as disadvantaged women and men, individuals with disabilities,
6 and others, who may not be aware of this approach to obtain good jobs with
7 opportunities for advancement. Pre-apprenticeships help individuals meet the entry
8 requirements for apprenticeship programs and ensure they are prepared to be
9 successful in their apprenticeship. There are a wide variety of pre-apprenticeship
10 programs serving a broad range of populations. Some programs focus on serving a
11 specific target population, such as veterans, while many pre-apprenticeship
12 programs focus on youth.

13 *I Liheslaturan Guåhan* intends to extend the GRAP to businesses that provide
14 skilled trainers to the Eligible Training Provider List (ETPL) or to non-profit
15 organizations working with a registered ETPL on Guam who provide training in
16 carpentry, painting, masonry, electrical, plumbing, HVAC, metal work, heavy
17 equipment, surveying, or renewable energy technology, or other skills as defined in
18 the Occupational List prioritized by the United States Department of Labor, to
19 workers who are unemployed and unskilled, unemployed and unskilled veterans,
20 service-disabled veterans, residential substance abuse treatment program
21 participants, or eligible participants of the Work Credit program, the Temporary
22 Assistance for Needy Families (TANF) Program, and the Able-Bodied Without
23 Dependents Program. Including eligible participants of the Work Credit program
24 provides an opportunity for adult offenders to pursue rehabilitation while developing
25 valuable skills critical to avoiding recidivism and re-engaging their families and
26 communities.

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

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

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

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

8 **Section 4.** A new § 10108.1 is hereby *added* to Article 1 of Chapter 10, Title
9 22, Guam Code Annotated, to read:

10 **“§ 10108.1. Tax Credit for Pre-Apprenticeship Program**
11 **Participants.**

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

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

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

24 (c) the eligible costs were paid or incurred during the
25 apprentice’s participation in the Program;

26 (d) the eligible costs were paid or incurred within the previous
27 three (3) calendar years from the date the costs are submitted to DOL

1 for certification. Costs paid or incurred earlier than the three (3)
2 calendar years preceding the date the costs are submitted to DOL shall
3 not be certified as eligible costs;

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

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

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

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

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

21 (j) skilled trainers must provide training in all apprenticeable
22 occupations, as defined in the Occupational List prioritized by the
23 United States Department of Labor, to participants who are
24 unemployed and unskilled, unemployed and underskilled veterans,
25 participants of residential substance abuse treatment programs,
26 participants of the Temporary Assistance for Needy Families Federal
27 Benefits Program, participants of the Able-Bodied Without Dependents

1 Program, or eligible participants of the Work Credit program
2 authorized in 9 GCA § 81.10;

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

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

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

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

17 **“§ 81.10. Work Credit.**

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

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

26 (A) has not been convicted of a second degree felony or
27 higher which is homicide, criminal sexual conduct, robbery or

1 escape as set forth in Chapters 16, 25, 40, and 58 of this Title,
2 respectively; and

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

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

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

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

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

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

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

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

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

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