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

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

This is to certify that **Substitute Bill No. 176-31 (LS), "AN ACT TO *AMEND* §§30102(2) AND (6), 30103(4), 31102, 31107, 31108(2) AND (6), 31110(5), 31111, 31112, AND ARTICLE 1 OF CHAPTER 32; TO *REPEAL* §§31102.1, 31115, 31116(C) AND 33104; TO *ADD* NEW §§33105 AND 33106; AND TO MOVE ARTICLE 3 OF CHAPTER 32 TO DIVISION 5, ALL OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM COMMUNITY COLLEGE,"** was on the 19th day of September, 2011, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 20th day of Sept., 2011, at 4:10 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 176-31 (LS)
As substituted by the Committee on Education
and Public Libraries; and amended on the Floor.

Introduced by: Judith T. Won Pat, Ed.D.
T. R. Muña Barnes
Sam Mabini, Ph.D.
F. F. Blas, Jr.
T. C. Ada
V. Anthony Ada
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A.Yamashita, Ph.D.

AN ACT TO *AMEND* §§30102(2) AND (6), 30103(4), 31102, 31107, 31108(2) AND (6), 31110(5), 31111, 31112, AND ARTICLE 1 OF CHAPTER 32; TO *REPEAL* §§31102.1, 31115, 31116(C) AND 33104; TO *ADD* NEW §§33105 AND 33106; AND TO MOVE ARTICLE 3 OF CHAPTER 32 TO DIVISION 5, ALL OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM COMMUNITY COLLEGE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §30102(2) of Chapter 30, Title 17, Guam Code Annotated, is *amended* to read:

"(2) *Guam Community College* means both secondary and post-secondary career and technical education."

Section 2. §30102(6) of Chapter 30, Title 17, Guam Code Annotated, is *amended* to read:

"(6) *Career and Technical Education* means organized educational programs which are directly related to the preparation of individuals for paid employment, or for additional preparation for a career requiring other than a baccalaureate or advance degree."

Section 3. §30103(4) of Chapter 30, Title 17, Guam Code Annotated, is *amended* to read:

"(4) strengthen the formal secondary and post-secondary education program in the career and technical fields."

Section 4. §31102 of Chapter 31, Title 17, Guam Code Annotated, is hereby *amended* to read:

"**§ 31102. Advisory Committee.**

The Board *shall* establish Advisory Committees for each of the different career programs or levels of instruction and appoint committee members from among people in the community who can best advise the Board in their area of expertise or on matters pertaining to the Board's responsibilities as established by law."

Section 5. §31102.1 of Chapter 31, Title 17, Guam Code Annotated, is hereby *repealed.*

Section 6. §31107 of Chapter 31, Title 17, Guam Code Annotated, is hereby *amended* to read:

"**§ 31107. Purposes.**

The purposes of the College *shall* be:

(1) to establish career and technical education, and other related occupational training and education courses of instruction aimed at developing educated and skilled workers for Guam;

(2) to coordinate with the Guam Education Board the development of career and technical education programs in all public schools;

(3) to establish and maintain short-term extension and apprenticeship training programs in Guam;

(4) to expand and maintain secondary and post-secondary educational programs in the career and technical fields;

(5) to award appropriate certificates, degrees and diplomas to qualified students; and

(6) to serve as the State Agency and the Board of Control for Vocational Education for purposes of the United States Vocational Education Act of 1946 and 1963, and subsequent amendments thereto. The government of Guam hereby accepts together with the benefits of funds appropriated thereunder the Vocational Education Act of 1946 and any act or acts amendatory thereof or supplementary thereto as enacted by the Congress of the United States."

Section 7. §31108(2) of Chapter 31, Title 17, Guam Code Annotated, is *amended* to read:

"(2) to coordinate and recommend improvements in career and technical educational programs in order to match career and technical education programs with current and existing job needs;"

Section 8. §31108(6) of Chapter 31, Title 17, Guam Code Annotated, is *amended* to read:

"(6) to act as the State Agency and Board of Control for Career and Technical Education; and"

Section 9. §31110(5) of Chapter 31, Title 17, Guam Code Annotated, is *amended* to read:

"(5) to cause to be submitted to *I Maga'lahi* (the Governor) and *I Liheslatura* (the Legislature) one hundred twenty (120) days from the end of each fiscal year a report describing the condition and progress of career and technical education during the year including a financial report showing the result of operations for the preceding fiscal year and financial status of the College on the last day thereof. The report shall be made in the manner provided by the Board; and"

Section 10. §31111 of Chapter 31, Title 17, Guam Code Annotated, is hereby *amended* to read:

"**§ 31111. Custody of Federal Funds; Expenditures.**

(a) The Guam Community College is the designated custodian of all funds received by the government of Guam from the federal government for programs administered by the Guam Community College, *except* for funds awarded to the Guam Community College received via sub-grants within Title V through the Guam Department of Education. The Board of Trustees is authorized and directed to receive and provide for the proper custody of the funds, and to make disbursement thereof in the manner provided in the federal acts which govern the expenditure of the funds.

(b) The Board of Trustees is authorized to establish a public not for profit corporation that *shall* be separate and apart from the government of Guam and the Guam Community College for the purpose of being able to accept private gifts, donations, endowments, grants, and other monies which may be offered to the Guam Community College. Such gifts, donations,

endowments or grants, supra, *shall* be in accordance with the laws of Guam and subject to reasonable conditions. Such funds received *shall* be deposited into a fund controlled by the corporation, supra, and *shall* be known as the "Guam Community College Foundation".

Expenditures from the fund *shall* be made in accordance with such conditions as may be attached to the gift, donation, endowment or grant."

Section 11. §31112 of Chapter 31, Title 17, Guam Code Annotated, is hereby *amended* to read:

"**§ 31112. Non-appropriated Funds.**

Notwithstanding the provisions of "5162 and 5163 of the Government Code (as enacted in Part V, Section 6 of P.L. No. 15-48), the Guam Community College is authorized to use all revenues, to include tuition payments and fees, derived from its own sources, upon resolution of the Board of Trustees, for the benefit of the College and in the furtherance of the purposes of this Chapter."

Section 12. §31115 of Chapter 31, Title 17, Guam Code Annotated, is hereby *repealed.*

Section 13. Subsection (c) of §31116 of Chapter 31, Title 17, Guam Code Annotated, is hereby *repealed.*

Section 14. Article 1 of Chapter 32, Title 17, Guam Code Annotated, is hereby *amended* to read:

"**ARTICLE 1**

SCOPE OF INSTRUCTION

§32101. Organization Structure.

§32102. Post-Secondary and Continuing Education.

§32103. Apprenticeship Training.

§32104. Cooperative Programs Authorized.

§ 32101. Organization Structure.

The Board of Trustees is authorized to determine the College's organizational structure and the composition of divisions of programs as it deems appropriate to achieve its mission as outlined within Division 4 of Title 17 of the Guam Code Annotated.

§ 32102. Post-Secondary and Continuing Education.

The Board of Trustees *shall* offer career and technical education programs through post-secondary programs and continuing education courses. The programs may be either credit or non-credit, and may be degree or non-degree programs.

§ 32103. Apprenticeship Training.

The Board of Trustees *shall* consider problems of developing local skills in the various crafts and trades and developing a program of apprenticeship training and apprenticeship standards in accordance with standards established by and acceptable for registration with the Bureau of Apprenticeship and Training, United States Department of Labor or its successor.

The Board *shall*, in cooperation with an appropriate advisory committee composed of members of the construction industry, general business community, labor community, the general public and the Department of Education, formulate an apprenticeship program in the several career and technical fields in which critical shortages of trained personnel exist.

§ 32104. Cooperative Programs Authorized.

The College is authorized to enter into contracts with public or private organizations, firms, companies or individuals to provide technical manpower training and testing programs. Such contracts *shall* be utilized to

provide for specialized training and testing in particular fields *not* otherwise available within the College which are designed to train or test local persons in needed skills and at the same time to train employees to carry on such courses.

Any contract under this Section may require the training of College employees to continue teaching such a course on a self-sustaining basis after the initial contract period which *shall not* be in excess of three (3) years."

Section 15. §33104 of Chapter 33, Title 17, Guam Code Annotated, is hereby *repealed.*

Section 16. The Compiler of Laws *shall* move Article 3 of Chapter 32, Title 17, Guam Code Annotated, titled: "Peace Officer Standards and Training Commission" to Division 5 of Title 17, Guam Code Annotated, and renumber accordingly.

Section 17. A new §33105 is hereby *added* to Chapter 33, Title 17, Guam Code Annotated, to read:

"**§ 33105. Procurement Authority.**

The College is authorized to promulgate its own services, supplies, and construction procurement regulations pursuant to Title 5 GCA, §§ 5125, 5131, 5030 (k) and (q), 5120, 5302(b) and (c), 5304(b), 5306(d), and 5307.

The procurement laws and regulations established in Guam's Procurement law, found in Title 5 GCA, Chapter 5, and 2 G.A.R. Division 4 *shall* be used by GCC in the procurement of all services, supplies, and construction procurement contracts. The College will use the laws and regulations established in Title 5 GCA, Chapter 5, and 2 G.A.R. Division 4 as its own regulations unless and until the Board of Trustees approves different or additional procurement regulations.

The College will employ its own Chief Procurement Officer, who will serve as the procurement officer for all supplies, services, and construction contracts for the College.

The College may, upon the Board of Trustee's approval, delegate its procurement authority of construction contracts to the Department of Public Works.

The College may, upon the Board of Trustee's approval, delegate its procurement authority of services and supplies contracts to the General Service Agency."

Section 18. A new §33106 is hereby *added* to Chapter 33, Title 17, Guam Code Annotated, to read:

"**§ 33106.** Authorization of the College to enter into a renewable lease agreement with Guam Power Authority in order to develop educational opportunities to train workers for the emerging technologies related to sustainable and renewable energy.

(a) *I Liheslatura* (the Legislature) hereby grants the College, pursuant to Title 1 GCA, §1800, the authority to enter into this lease agreement with GPA.

(b) *I Liheslatura* (the Legislature) hereby grants the College, pursuant to Title 21 GCA, §60112, the authority for the College to enter into this lease agreement with GPA.

(c) *I Liheslatura* (the Legislature) hereby grants the College, pursuant to Title 2 GCA, §2107, an exception for the College to enter into this lease agreement with GPA, without requiring a separate piece of legislation.

(d) *I Liheslatura* (the Legislature) intends for this statute to supersede any and all related statutes that would otherwise impede the

College's ability to enter into this lease agreement with GPA.

(e) The lease *shall* be subject to legislative approval in accordance with the AAA process."