



Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement

I Mina Trentai Tres Na Liheslaturan Guahan • 33rd Guam Legislature

November 13, 2015

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina Trentai Tres Na Liheslaturan Guahan

155 Hesler Place

Hagåtña, Guam 96910

Rory J. Respicio

VIA: The Honorable Rory J. Respicio

Chairperson, Committee on Rules

2015 NOV 13 PM 2:55
[Signature]

RE: Committee Report on Bill No. 188-33 (COR), as amended

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 188-33 (COR), as amended, **“An act to amend § 70108 and § 70109.1 of chapter 70, division 2, title 21, Guam Code Annotated, relative to promoting consumer protection by requiring the publication of a contractors list, and by strengthening penalties for unlicensed contractors.”**

Committee votes are as follows:

- 5 TO DO PASS
- _____ TO NOT PASS
- _____ TO REPORT OUT ONLY
- _____ TO ABSTAIN
- _____ TO PLACE IN INACTIVE FILE

Si Yu'os ma'åse',

[Signature]

Thomas C. Ada



Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement

I Mina Trentai Tres Na Libeslaturan Guahan • 33rd Guam Legislature

COMMITTEE REPORT

ON

Bill No. 188-33 (COR)

As Amended

“An act to amend § 70108 and § 70109.1 of chapter 70, division 2, title 21, Guam Code Annotated, relative to promoting consumer protection by requiring the publication of a contractors list, and by strengthening penalties for unlicensed contractors.”



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Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Libeslaturan Guahan • 33rd Guam Legislature

November 13, 2015

MEMORANDUM

To: **All Members**
Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement

From: **Senator Thomas C. Ada**, Committee Chairperson 

Subject: **Committee Report on Bill No. 188-33 (COR), as amended**

Transmitted herewith for your consideration is the Committee Report on Bill No. 188-33 (COR), as amended, **“An act to amend § 70108 and § 70109.1 of chapter 70, division 2, title 21, Guam Code Annotated, relative to promoting consumer protection by requiring the publication of a contractors list, and by strengthening penalties for unlicensed contractors.”**

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 188-33 (COR), As Introduced
- Copy of Bill No. 188-33 (COR), As Amended
- Public Hearing Sign-in Sheet
- Written testimony from: Eduardo R. Ordonez (Executive Director, Contractors License Board)
- Copy of Fiscal Note Request
- Copy of Fiscal Note
- COR Referral of Bill No. 188-33 (COR)
- Notices of Public Hearing
- Public Hearing Agenda

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.



Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
 Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

COMMITTEE VOTE SHEET

Bill No. 188-33 (COR) As Amended, "An act to amend § 70108 and § 70109.1 of chapter 70, division 2, title 21, Guam Code Annotated, relative to promoting consumer protection by requiring the publication of a contractors list, and by strengthening penalties for unlicensed contractors."

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR THOMAS C. ADA Chairperson	<i>TC Ada</i> 11/13/15	✓				
SENATOR RORY J. RESPICIO Vice Chairperson	<i>Rory Respicio</i> 11-13-15					
VICE SPEAKER BENJAMIN J.F. CRUZ Member	<i>B. Cruz</i>	✓				
SENATOR FRANK B. AGUON, JR. Member						
SENATOR DENNIS RODRIGUEZ, JR. Member	<i>D. Rodriguez</i> 11/13	✓				
SENATOR NERISSA UNDERWOOD Member	<i>N. Underwood</i>	✓				
SENATOR FRANK BLAS, JR. Member						
SENATOR MARY TORRES Member						
SENATOR JAMES V. ESPALDON Member						



Sen. Thomas Ada Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 188-33 (COR) was introduced on October 12, 2015 by Senator Tommy A. Morrison and was subsequently referred on October 13, 2015 by the Committee on Rules to the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement convened a public hearing on November 06, 2015 at 10:00 am in *I Liheslaturan's* Public Hearing Room to receive public testimony on Bill No. 188-33 (COR).

Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on October 28, 2015 (5-Day Notice) and again on November 03, 2015 (48-Hour Notice). Notice was also posted on the Legislature television channel.

Senators Present

Senator Thomas C. Ada	<i>Committee Chairperson</i>
Senator James V. Espladon	<i>Committee Member</i>
Senator Frank F. Blas Jr.	<i>Committee Member</i>
Senator Tommy A. Morrison	Legislative Member
Senator Brant McCreadie	Legislative Member

The public hearing was Called-to-Order at 10:00am.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Chairperson Ada turns the floor over to the sponsor of Bill No. 188-33 (COR) to give an introduction.

Senator Morrison: He starts by saying the measure was introduced to protect consumers from unlicensed contractors. Unfortunately, unlicensed contractors continue to find business among Guam families from air conditioning repairs, excavation and grading to home renovation. He then goes on to mention that the Contractors License Board (CLB) in 2011 investigated 13 cases involving unlicensed contractors, in 2012 there were 6 cases, in 2013 there was 9 cases and 2014 there was 7 cases. For this year, 2015 he says there was 5 cases and aside from the estimated \$2,260,700 in unlicensed contractors activities, it is difficult to forget the infamous unlicensed contractor who convinced a number of Guam families into paying him \$140,000 for work that was never performed or left incomplete. He continues by saying this contractor went to great lengths to avoid his victims in court by calling in bomb threats.

The bill is an effort to protect our families by ensuring homes and structures are built right, that peoples earned money is protected and that illegal contractors are put out of business. He then says regardless of the value of the projects of unlicensed projects, the safety of our families and others targeted by the scam-artists should be the utmost concern to our community. If enacted it will send a strong message to unlicensed contractors to play by the rules, and recognizes the value of publishing a contractors list to consumers who may not be aware if an individual or business is unlicensed. He finishes by saying this measure will make it clear that violators will be fined 50% of the projects value, half of that value will provide relief to consumers.

Chairperson Ada calls up those who have signed up to give testimony.

Eduardo R. Ordonez, *Executive Director, Contractors License Board*: Mr. Ordonez reads his testimony in favor of Bill No. 188-33 (COR).

Chairperson Ada opens to Senators present for questions.

Senator Morrison: He says he just wants to commend some of the investigators that are present at the public hearing. That is to include the administrative staff that have assisted in bringing awareness to the community about how they deal with these contractors. He then says that it is unfortunate that most of the victims are elderly and if people do their due diligence and work with the CLB to ensure they are working with a license contractor.

Senator Espaldon: He starts by saying that in section 2 it mandates the CLB follow the triple A process when writing rules and regulations and adds a new item C, which identifies what a citation should contain and sets penalties. He asks currently how does the CLB handle these situations?

Mr. Ordonez: He mentions that there is break down in their rules and regulations and with the difficulty of the breakdown, he says that a copy can be provided to the senators. He then turns the question to a member of the investigation unit.

Vince Aguon, *Investigator, Contractors License Board*: He starts by saying the CLB accepts tips from the public and the contractors. When a tip is received about unlicensed contractors, the investigators go out and does a site investigation and gathers facts and is issued a citation to cease and desist. That information is then forwarded to the consumer, it is up to the consumer to pursue legal remedies. They are informed that it may or may not help the case. Mr. Aguon mentions that he was called as a witness for the infamous case that Senator Morrison had alluded to. As far as unlicensed contractors receiving work, he says that he see it mostly in the elderly and young families. The families are not just the victims but the licensed contractors as well. He then says these contractors are obeying P.L. 30-11 and are ensuring that their workers are being paid and covered under workmen's compensation. The unlicensed contractors don't care about the people they employ and that brings in safety hazards.

Senator Espaldon: He makes clarification that he was inquiring how the current procedure handles the situation now. He then states that from his understanding that the CLB doesn't bring the case about but gives that information to the consumer and it is up to them?

Mr. Aguon: He states that by law the CLB investigators are allowed to give citations. There is a monetary sum and that is \$205,000. Should they be caught in another violation the amount he believes doubles.

Senator Espaldon: He asks another question, are those who do side jobs but work for a licensed contractor or the weekend warrior, are those people then classified as an unlicensed contractor?

Mr. Aguon: He states that you can say that they may be classified as that but it depends on the value of the project. And some of the projects can go as high as \$7000.

Senator Morrison: He mentions there is a process for home renovations and it has a threshold amount. So those doing these types of projects can go through a certain process.

Mr. Aguon: He says the amount is \$2000 to \$3000.

Senator Espaldon: He interprets that to mean that the weekend warriors can do a project that is under that threshold amount, they are not the target of the bills intent?

Mr. Aguon: He references that under Title 21 GCA, 70108 the license required section, if they exceed the amount of \$2500.

Chairperson Ada: The publication of the list of license contractors, as written right now should be published annually, he says. The best time to put together that list would be in June or that one time of the year that the licenses are renewed. He then gives an example of what happens if the list is published in June and a contractor applies for a license after, that person will not make it on the list until next year. There will be an intentional discrimination on the contractor?

Mr. Aguon: He responds by saying if they are a new applicant, the update will go into the website.

Chairperson Ada: If that is the case, then language should be added into the bill to ensure the CLB is required to make updates. Otherwise, the new contractor is never going to make it on the list. Chairperson Ada then states his other concern is the disincentive of the company that gets cited. He then asks if there was thought into publishing contractors who are in violation of the law?

Mr. Ordonez: He responds by saying that is a good idea and says that is something that can be worked on.

Chairperson Ada: He states that his final concern is the way the law is written the penalty will be the value of the project and 50% will go to the consumer. He asks if there is a process currently at the CLB to hear out the accused?

Mr. Ordonez: He replies that there is a due process in place.

Senator Espaldon: He asks if those trained, an example was the Guam Trades Academy, if they are doing side jobs for a license contractor and decides to venture on their own, how difficult would it be for these individuals to get a license?

Mr. Aguon: He mentions that when a site investigation is done on an unlicensed contractor, they receive a citation and are given recommendation to go down to the CLB office. From there they are given an application and how to be in compliance with the law.

Senator Espaldon: He states that he is just trying to understand the process and if it is too difficult for someone to apply then maybe that process needs to be looked at. Is it difficult for individuals who have the skill, knowledge and training to get a license to do part-time jobs?

Mr. Aguon: He said it would be recommended that they apply for a C30, limited home improvement, if they are just starting off. They need to have 4 years of justification performing the construction activity and if they have a degree on that trade it would eliminate 3 years of the requirement. Another route they can take he says, it to hire someone with a responsible management employee (RME) and that would be the fastest process. That person with the RME would be hired and licensed and they are able to preform the job.

Senator Espaldon: He asks if there is any testing required?

Mr. Aguon: He replies that there is testing and it is waiting to be updated, each trade has a different test. They would have to pass the CLB law in order to receive their license, that is the only thing that is charged for. The contractors will go through administration to see their results, then that is forwarded to the investigation supervisor and an interview is conducted. From there it goes back to administration and a date is scheduled, so long as everything is passed.

Senator Morrison: To answer Senator Espaldon's question, there are many people who have the skills and at one point DRT handled the handyman license but had a threshold of \$1000. These people were at least registered at Rev and Tax but that process was suspended because of the abuse.

Frank Perez, Contractor: He starts by saying a few things he has noticed while being in the field for about 5 years. It is hard for competition to happen when things are not being enforced, he gives an example of the Navy Exchange selling AC units outside of the base and doing installation without a license. He then says if he gets work on the base, he has to follow certain procedures and get clearances. Where is someone supposed to go to help and figure these issues out? He then mentions a situation he had at Rev and Tax, who gives a license for AC cleaning. If you pay a license under a certain amount of revenue that person doesn't have

to pay for GRT's, he says. However, that license is not recognized by CLB. He then mentions that it is a good thing that the contractors will be fined but also makes a recommendation to fine the consumer as well, both parties can be looked at as guilty.

He then mentions that people that work for him are not allowed to do sideline jobs. They are a representation of him, it took him a long time to build a representation and it only takes one person to ruin it. Law and other things change be changed and fixed but once someone gets hurt, what happens there? He says that he goes to expos every year to improve his business and there is a lot of improvement to be done here. He then asks what should be done if livelihood is at stake but the bigger companies are also doing the same thing. It is all about the price and you pay for what you get. The little guys are here and whatever money they generate will go back into the economy. He mentions that he has considered making an "Angie's List" for Guam, to view reputations and qualities of contractors.

Senator Morrison: He responds by saying the issue to be address about the exchange and the selling of projects. He goes on to say he is in contact with the Admiral and he understands that there are certain jurisdictions and federal laws that allows contractors to be exempted from obtaining contractors license, being that work is being done on the base. If the statue needs to be addressed to make that clear then that route will be looked at. He then goes on that another issue that he will look at is the matter with Rev and Tax.

Mr. Perez: He says it is like a double edge sword, an example is someone doing a landscaping business but wants to expand his business to include other services. How to do you address that issue? He says that it is dishearten to work this hard but yet things are not being enforced.

Senator Espaldon: He says that with Mr. Perez being in the industry, they should be asking him what should be done.

Mr. Perez: He responds by saying enforcement.

Senator Espaldon: He replies by saying enforcement from the CLB to go out and inspect job sites. That would include everything from major renovations to the landscaper that was just mentioned.

Mr. Perez: He says if fines are imposed and enforced, then let that money go back to the government. If a salary of \$40,000 has to be paid but a return of fees of \$500,000 then it is worth it.

Senator Espaldon: He asks CLB how many investigators they have?

Mr. Aguon: He responds that there are currently 2 site investigators and there are 2 or 3 waiting to come onboard. Everything that has to do with construction from license to a licenser, there are 800-1000 members of the contractors license.

Mr. Perez: He says that the CLB needs more personnel. He says that he is willing to pay an increase in fees, if that is going to increase the personnel.

Mr. Aguon: He goes to say that Mr. Perez is also a victim, the elimination of unlicensed activities is to protect contractors like Mr. Perez and the public.

Senator Espaldon: He says that from hearing both gentlemen speak, it seems that education for public awareness is needed. Law can solve not everything, there are loopholes and some people just don't follow it.

Mr. Aguon: They are looking for funding to publish in magazines like Casa Guam, even to post information at the Mayor's Office, so the community is not victimized.

Chairperson Ada ends the public hearing for Bill No. 188-33 (COR).

III. Findings and Recommendations

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement finds that language needs to be included in the bill to account for contractors who have registered for a license after the publication of the list of authorized contractors to business on Guam. The author of Bill No. 188-33 (COR) has made those corrections to the bill.

After considering the findings and testimonies given at the public hearing, the Committee hereby reports out **Bill 188-33 (COR) as amended**, with the recommendation TO BE PASSED.

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 188-33 (COR)

Introduced by:

T.A. Morrison *Y*

AN ACT TO AMEND § 70108 AND § 70109.1 OF
CHAPTER 70, DIVISION 2, TITLE 21, GUAM CODE
ANNOTATED, RELATIVE TO PROMOTING
CONSUMER PROTECTION BY REQUIRING THE
PUBLICATION OF A CONTRACTORS LIST, AND BY
STRENGTHENING PENALTIES FOR UNLICENSED
CONTRACTORS.

AUS OCT 12 PM 3:29

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

2
3 **Section 1. Publication of Contractors List Required.** § 70108 of
4 Chapter 70, Division 2, Title 21, Guam Code Annotated, is hereby *amended*, to
5 read:

6 “§ 70108. Licenses; Publication of Contractors List Required. No
7 person within the purview of this Chapter shall act, or assume to act, or
8 advertise, as general engineering contractor, general building contractor or
9 specialty contractor without a license previously obtained under and in
10 compliance with this Chapter and the rules and regulations of the
11 Contractors License Board (CLB).

12 The CLB shall publish, in print and electronically, in a newspaper of
13 general circulation, as defined in 5GCA, § 8104(a)(5), a list of contractors
14 authorized to conduct business on Guam. The list of contractors shall

1 include, but not be limited to, the Contractor's Name and Phone Number(s),
2 CLB License Number, Identification of Responsible Managing Employee,
3 and Authorized Classification(s). The list of contractors shall be published,
4 annually, no later than on the first Monday of August, and shall also be
5 made available to the general public via the CLB's website."
6

7 **Section 2. Citations Involving Unlicensed Contractors.** § 70109.1 of
8 Chapter 70, Division 2, Title 21, Guam Code Annotated, is hereby *amended*, to
9 read:

10 **“§ 70109.1. Investigation Citation Authority.**

11 (a) In addition to any other remedy available, the investigator of the
12 Contractors License Board may issue citations to acting contractors, licensed
13 or unlicensed, in violation of the provisions of this Chapter and rules
14 promulgated pursuant to the requirements of the Administrative
15 Adjudication Law.

16 (b) Each citation shall be in writing and shall describe the basis of the
17 citation, including the statutory provisions alleged to have been violated.
18 The citation shall also contain an order to cease and desist from the
19 violation, and an assessment of civil penalties no less than Two Hundred
20 Dollars (\$200) but not to exceed fifty percent (50%) of the value of the
21 project.

22 (c) Citations for unlicensed contractors shall each contain an order to
23 cease and desist from the violation, an assessment of civil penalties of fifty
24 percent (50%) of the value of the project – of which no less than fifty
25 percent (50%) shall be designated as a source for restitution. Payments to
26 affected individuals shall be made in accordance with rules promulgated by

1 the CLB in accordance with the requirements of the Administrative
2 Adjudication Law.

3 (d) Recipients of contractual work shall be notified of each violation
4 in a timely manner.”

5
6 **Section 3. Effective Date.** The provisions of this Act shall take effect upon
7 enactment, and shall be applied prospectively.

8
9 **Section 4. Severability.** *If* any provision of this Act or the application to
10 any person or circumstance is found to be invalid or contrary to law, such
11 invalidity *shall not* affect other provisions or applications of this Act which can be
12 given effect without the invalid provision or application, and to this end the
13 provisions of this Act are severable.

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 188-33 (COR)

As Amended by the Author.

Introduced by:

T.A. Morrison

**AN ACT TO AMEND § 70108 AND § 70109.1 OF
CHAPTER 70, DIVISION 2, TITLE 21, GUAM CODE
ANNOTATED, RELATIVE TO PROMOTING
CONSUMER PROTECTION BY REQUIRING THE
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7 person within the purview of this Chapter *shall* act, *or* assume to act, *or*
8 advertise, as general engineering contractor, general building contractor *or*
9 specialty contractor without a license previously obtained under and in
10 compliance with this Chapter and the rules and regulations of the
11 Contractors License Board (CLB).

12 The CLB shall publish, in print and electronically, in a newspaper of
13 general circulation, as defined in 5GCA, § 8104(a)(5)(B), a list of
14 contractors authorized to conduct business on Guam. The list of contractors

1 shall include, but not be limited to, the Contractor's Name and Phone
2 Number(s), CLB License Number, Identification of Responsible
3 Managing Employee, and Authorized Classification(s). The CLB shall
4 also include instructions on how the public may verify if certain contractors
5 have been added to, or removed from, the Contractors List. The list of
6 contractors shall be published, annually, no later than on the first Monday of
7 August, and shall also be made available to the general public via the CLB's
8 website, and shall be updated on a monthly basis."
9

10 **Section 2. Citations Involving Unlicensed Contractors.** § 70109.1 of
11 Chapter 70, Division 2, Title 21, Guam Code Annotated, is hereby *amended*, to
12 read:

13 **“§ 70109.1. Investigation Citation Authority.**

14 (a) In addition to any other remedy available, the investigator of the
15 Contractors License Board may issue citations to acting contractors, licensed
16 *or* unlicensed, in violation of the provisions of this Chapter and rules
17 promulgated pursuant to the requirements of the Administrative
18 Adjudication Law.

19 (b) Each citation *shall* be in writing and shall describe the basis of the
20 citation, including the statutory provisions alleged to have been violated.
21 The citation *shall* also contain an order to cease and desist from the
22 violation, and an assessment of civil penalties *no less than* Two Hundred
23 Dollars (\$200) but *not to exceed* fifty percent (50%) of the value of the
24 project.

25 (c) Citations for unlicensed contractors shall each contain an order to
26 cease and desist from the violation, an assessment of civil penalties of fifty
27 percent (50%) of the value of the project – of which *no less than* fifty

1 percent (50%) shall be used to compensate affected consumers designated as
2 a source for restitution. Payments to affected individuals shall be made in
3 accordance with rules promulgated by the CLB in accordance with the
4 requirements of the Administrative Adjudication Law.

5 (d) Recipients of contractual work shall be notified of each violation
6 in a timely manner.”

7
8 ~~Section 3. Effective Date.~~ The provisions of this Act shall take effect upon
9 enactment, and shall be applied prospectively.

10
11 **Section 34. Severability.** *If* any provision of this Act or the application to
12 any person or circumstance is found to be invalid or contrary to law, such
13 invalidity *shall not* affect other provisions or applications of this Act which can be
14 given effect without the invalid provision or application, and to this end the
15 provisions of this Act are severable.

Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement
 Public Hearing
 November 06, 2015
 10:00 a.m.
 / Liheslaturan Guåhan, Hagåtña

Bill No. 188-33 (COR) – T.A. Morrison

An act to amend § 70108 and § 70109.1 of Chapter 70, Division 2, Title 21, Guam Code Annotated, relative to promoting consumer protection by requiring the publication of a contractors list, and by strengthening penalties for unlicensed contractors.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER	EMAIL ADDRESS
Ronnie Santos	CEB		X			6472465	ronnie.santos@ceb.guam.gov
EDDIE CRUZ	n		X	X			
Vincent Peter C. Aguirre	CEB			X			
Nida A. Bailey	CEB			X			

Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement
 Public Hearing
 November 06, 2015
 10:00 a.m.
 / Liheslaturan Guåhan, Hagåtña

Bill No. 188-33 (COR) – T.A. Morrison

An act to amend § 70108 and § 70109.1 of Chapter 70, Division 2, Title 21, Guam Code Annotated, relative to promoting consumer protection by requiring the publication of a contractors list, and by strengthening penalties for unlicensed contractors.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER	EMAIL ADDRESS
<i>C. N. Santos</i>	<i>CLB</i>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
<i>FRANK PEREZ</i>	<i>CONTRACTOR</i>	<input checked="" type="checkbox"/>				<i>✓ 649-4016</i>	<i>actecnguan@gmail.com ✓</i>



CONTRACTORS LICENSE BOARD

Inetnon Malisensiyen Kontratista

542 North Marine Corp Drive A. - Tamuning, Guam 96911
649-2211, 9676, 649-2210(Fax)



EDDIE BAZA CALVO
GOVERNOR

EDUARDO R. ORDONEZ
EXECUTIVE DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

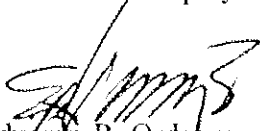
Date: November 5, 2015

Hafa adai,

Within the past five years, more than \$2 Million worth of projects were carried out by unlicensed contractors. These are individuals and business owners who either fail to meet the requirements of the Contractor License Board, or they simply have no regard for following the law. Their decision to perform unlicensed construction results in so many unknowns; places the safety of consumers (and workers) at risk; raises a question if business, withholding, and other taxes and fees have been paid; and potentially leaves a huge mess for regulatory agencies including DPW, GEPA, GPA, GWA, DRT, GFD, etc. to clean up after.

Moreover, the fact that dozens of construction projects have occurred under the radar these last five years (with possibly more unaccounted for) is a wrong message we want to give our law-abiding contractors and potential investors. Guam does not condone unlicensed contractors, and any effort to address this serious issue must be considered moving forward. Sen. Tommy Morrison the author of Bill No. 188-33 (COR) believes that this measure is a step forward in Guam's efforts to address unlicensed contractors by 1.) Requiring the CLB to publish a list of licensed contractors at least once, annually, in a newspaper of general circulation; and 2.) Requiring unlicensed contractors that are fined by the CLB to pay 50% of a projects value - with the balance to be paid as restitution to the affected consumer(s).

Good-standing contractors that follow the law must be supported with a level playing field, and those who wish to disregard the law should be put out of business. There's a greater number of contractors that play rules- why shouldn't they?



Eduardo R. Ordonez
Executive Director



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

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Senator

Rory J. Respicio

CHAIRPERSON

MAJORITY LEADER

Senator

Thomas C. Ada

VICE CHAIRPERSON

ASSISTANT MAJORITY LEADER

Speaker

Judith T.P. Won Pat, Ed.D.

Member

Vice-Speaker

Benjamin J.F. Cruz

Member

Legislative Secretary

Tina Rose Muna Barnes

Member

Senator

Dennis G. Rodriguez, Jr.

Member

Senator

Frank Blas Aguon, Jr.

Member

Senator

Michael F.Q. San Nicolas

Member

Senator

Nerissa Bretania Underwood

Member

V. Anthony Ada

MINORITY LEADER

Mary C. Torres

MINORITY MEMBER

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 188-33 (COR) – Tommy Morrison, "AN ACT TO AMEND § 70108 AND § 70109.1 OF CHAPTER 70, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PROMOTING CONSUMER PROTECTION BY REQUIRING THE PUBLICATION OF A CONTRACTORS LIST, AND BY STRENGTHENING PENALTIES FOR UNLICENSED CONTRACTORS,"**– on October 13, 2015. COR hereby certifies that BBMR confirmed receipt of this request October 13, 2015 at 2:55 P.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 188-33 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

Senator Rory J. Respicio

Chairperson, Committee on Rules

November 13, 2015

Date



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muna Barnes
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Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

October 13, 2015

VIA E-MAIL

joey.calvo@bbmr.guam.gov

Jose S. Calvo
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes – Bill Nos. 187-33(COR) and 188-33(COR)

Hafa Adai Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Tres 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 of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
187-33 (COR)	B. J.F. Cruz	AN ACT TO AMEND CHAPTER 35, TITLE 22 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM ACCOUNTANCY ACT OF 2003, AND TO REPEAL AND REENACT TITLE 25, CHAPTER 2 OF THE GUAM ADMINISTRATIVE RULES, RELATIVE TO POLICIES WITHIN THE ADMINSTRATIVE RULES AND REGULATIONS OF THE GUAM BOARD OF ACCOUNTANCY.
188-33 (COR)	Tommy Morrison	AN ACT TO AMEND § 70108 AND § 70109.1 OF CHAPTER 70, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PROMOTING CONSUMER PROTECTION BY REQUIRING THE PUBLICATION OF A CONTRACTORS LIST, AND BY STRENGTHENING PENALTIES FOR UNLICENSED CONTRACTORS.



COMMITTEE ON RULES

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Senator

Rory J. Respicio

CHAIRPERSON

MAJORITY LEADER

Senator

Thomas C. Ada

VICE CHAIRPERSON

ASSISTANT MAJORITY LEADER

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Frank Blas Aguon, Jr.

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Michael F.Q. San Nicolas

Member

Senator

Nerissa Bretania Underwood

Member

V. Anthony Ada

MINORITY LEADER

Mary C. Torres

MINORITY MEMBER

October 13, 2015

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill No. 188-33(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 188-33(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 Tres 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 Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
188-33 (COR)	Tommy Morrison	AN ACT TO AMEND § 70108 AND § 70109.1 OF CHAPTER 70, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PROMOTING CONSUMER PROTECTION BY REQUIRING THE PUBLICATION OF A CONTRACTORS LIST, AND BY STRENGTHENING PENALTIES FOR UNLICENSED CONTRACTORS.	10/12/15 3:29 p.m.	10/13/15	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement			



1st Notice of Public Hearing and Oversight Hearing

Blaine Dydasco <bdydasco@senatorada.org>

Wed, Oct 28, 2015 at 1:21 PM

To: phmaterials@guamlegislature.org, phnotice@guamlegislature.org, Media <media@senatorada.org>, maria.flores@revtax.guam.gov, mj@roadsideguam.com, lujantowing@gmail.com, eduardo.ordonez@clb.guam.gov, Ronnie Santos <ronnie.santos@clb.guam.gov>, info@guam-peals.org, ray@guam-peals.org, gca@teleguam.net, Michael Borja <michael.borja@land.guam.gov>, john.rios@investguam.com, Tommy Morrison <tommy@senatormorrison.com>, jason@senatormorrison.com, Brant McCreadie <brantforguam@gmail.com>, Sixto Quintanilla <sixquintanilla@gmail.com>, orsini.rikki@gmail.com, ejcalvo@tpiguam.com, markf@bankpacific.com, dave.silva@aon.com, philipf@bankpacific.com, bbutler@guahanis.com, rschnabel@calvos.com, Therese Terlaje <tterlaje@guam.net>, uriah.perez@fe.navy.mil

Cc: Charlene Flores <flores@senatorada.org>, Peter Tran <peter@senatorada.org>, Joseph Borja <jborja@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>, Coy Torres <coy@senatorada.org>, Tom Ada <tom@senatorada.org>

October 28, 2015

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1st Notice of Public Hearing and Oversight Hearing: Friday, November 06, 2015 – 10:00am and 1:30pm**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement will be conducting a Public Hearing and Oversight Hearing on **Friday, November 06, 2015 at 10:00am and 1:30pm**. This meeting will take place in the Public Hearing Room of / *Liheslaturan Guåhan*. The agenda is as follows:

10:00am – Public Hearing

Bill No. 188-33 (COR) - T.A. Morrison

An act to amend § 70108 and § 70109.1 of Chapter 70, Division 2, Title 21, Guam Code Annotated, relative to promoting consumer protection by requiring the publication of a contractors list, and by strengthening penalties for unlicensed contractors.

BillNo. 191-33 (COR) – B.T. McCreadie

An act to amend subsection (a) of §12104, subitem (3) of §12106(a), and subsection (b) of §12107, each of Chapter 12, Title 16, Guam Code Annotated; relative to towing notice requirements, rate regulation, and liens.

1:30pm – Oversight Hearing

The **Guam International Trade Center** (GITC) Lease.

The **Status of Oka Point** also known as Ypao Point also known as Lot 5173-1-R2-NEW-R6, Oka, Tamuning (Parcel Identification Number M19 L5173-1-R2-NEW-R6) Map No. 076FY2013

Testimony on **Bill No. 188-33 (COR)** and **Bill No. 191-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until **Friday, November 13, 2015 at 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.

--

Blaine Dydasco
Policy Analyst
Office of Senator Tom C. Ada
I Mina' Trentai Tres Na Liheslaturan Guahan-33rd Legislature
Office (671) 473-3301

 **1st Notice.pdf**
379K



2nd Notice of Public Hearing

Blaine Dydasco <bdydasco@senatorada.org>

Tue, Nov 3, 2015 at 10:14 AM

To: phmaterials@guamlegislature.org, phnotice@guamlegislature.org, Media <media@senatorada.org>, maria.flores@revtax.guam.gov, mj@roadsideguam.com, lujantowing@gmail.com, eduardo.ordonez@clb.guam.gov, Ronnie Santos <ronnie.santos@clb.guam.gov>, info@guam-peals.org, ray@guam-peals.org, gca@teleguam.net, Michael Borja <michael.borja@land.guam.gov>, john.rios@investguam.com, Tommy Morrison <tommy@senatormorrison.com>, jason@senatormorrison.com, Brant McCreadie <brantforguam@gmail.com>, Sixto Quintanilla <sixquintanilla@gmail.com>, Rikki Orsini <orsini.rikki@gmail.com>, Ej Calvo <ejcalvo@tpiguam.com>, markf@bankpacific.com, dave.silva@aon.com, philipf@bankpacific.com, bbutler@guahanis.com, rschnabel@calvos.com, Therese Terlaje <tterlaje@guam.net>, uriah.perez@fe.navy.mil, Teresa Topasna <teresa.topasna@land.guam.gov>

Cc: Charlene Flores <flores@senatorada.org>, Peter Tran <peter@senatorada.org>, Joseph Borja <jborja@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>, Coy Torres <coy@senatorada.org>, Tom Ada <tom@senatorada.org>, Juliette Gillham <juliette@senatorada.org>

November 3, 2015

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1st Notice of Public Hearing and Oversight Hearing: Friday, November 06, 2015 – 10:00am and 1:30pm**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement will be conducting a Public Hearing and Oversight Hearing on **Friday, November 06, 2015 at 10:00am and 1:30pm**. This meeting will take place in the Public Hearing Room of / *Liheslaturan Guåhan*. The agenda is as follows:

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Bill No. 188-33 (COR) - T.A. Morrison

An act to amend § 70108 and § 70109.1 of Chapter 70, Division 2, Title 21, Guam Code Annotated, relative to promoting consumer protection by requiring the publication of a contractors list, and by strengthening penalties for unlicensed contractors.

Bill No. 191-33 (COR) – B.T. McCreadie

An act to amend subsection (a) of §12104, subitem (3) of §12106(a), and subsection (b) of §12107, each of Chapter 12, Title 16, Guam Code Annotated; relative to towing notice requirements, rate regulation, and liens.

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The **Status of Oka Point** also known as Ypao Point also known as Lot 5173-1-R2-NEW-R6, Oka, Tamuning (Parcel Identification Number M19 L5173-1-R2-NEW-R6) Map No. 076FY2013

Testimony on **Bill No. 188-33 (COR)** and **Bill No. 191-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until **Friday, November 13, 2015 at 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.

--

Blaine Dydasco
Policy Analyst
Office of Senator Tom C. Ada
I Mina' Trentai Tres Na Liheslaturan Guahan-33rd Legislature
Office (671) 473-3301

 **2nd Public Hearing Notice.pdf**
390K

Public Hearing Notice Listserv
phnotice@guamlegislature.org (Media, All Senators, and Staff)

Updated: October 28, 2015

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Updated: October 28, 2015

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Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

AGENDA

PUBLIC HEARING

Friday, November 06, 2015

Public Hearing Room, *I Liheslaturan Guåhan*

The agenda is as follows:

10:00am

Bill No. 188-33 (COR) – T.A. Morrison

An act to amend § 70108 and § 70109.1 of Chapter 70, Division 2, Title 21, Guam Code Annotated, relative to promoting consumer protection by requiring the publication of a contractors list, and by strengthening penalties for unlicensed contractors.

Bill No. 191-33 (LS) – B.T. McCreadie

An act to amend subsection (a) of §12104, subitem (3) of §12106(a), and subsection (b) of §12107, each of Chapter 12, Title 16, Guam Code Annotated; relative to towing notice requirements, rate regulation, and liens.

Testimony on the **Bill No. 188-33 (COR)** and **Bill No. 191-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to flores@senatorada.org, or via facsimile to (671) 473-3303 until **Friday, November 13, 2015 at 5:00pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.



Senator Thomas Ada
Committee on Transportation, Infrastructure,
Lands, Border Protection, Veterans' Affairs
and Procurement

Notice of Public Hearing
Friday, November 06, 2015 at 10:00 a.m. and 1:30 p.m.
in the Public Hearing Room of I Liheslaturan Guåhan.

At 10:00 a.m. the Committee will hear testimony on:

1. **Bill 188-33 – T. A. Morrison** – An act to amend §70108 and §70109.1 of Chapter 70, Division 2, Title 21, Guam Code Annotated, relative to promoting consumer protection by requiring the publication of a contractors list, and by strengthening penalties for unlicensed contractors.
2. **Bill 191-33 - B. T. McCreadie** – An act to *amend* subsection (a) of §12104, subitem (3) of §12106(a), and subsection (b) of §12107, each of Chapter 12, Title 16, Guam Code Annotated; relative to towing notice requirements, rate regulation, and liens.

At 1:30 p.m. the Committee will hear testimony on:

1. **The Guam International Trade Center (GITC) Lease.**
2. **The Status of Oka Point** also known as Ypao Point also known as Lot 5173-1-R2-NEW-R6, Oka, Tamuning
(Parcel Identification Number M19 L5173-1-R2-NEW-R6)
Map No. 076FY2013

Individuals requiring special accommodations, auxiliary aids, or services,
should submit their request to Blaine Dydasco at 473-3301.
Paid for by funds of the Committee.

Guam Daily Post 03 November 2015