

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

Bill No. 49-31 (COR)

Introduced by:

B.J.F. Cruz   
D.G. Rodriguez, Jr. 

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**AN ACT TO AMEND §70116 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE GUAM CONTRACTOR'S LICENSE BOARD'S AUTHORITY TO REVOKE, SUSPEND, AND RENEW A CONTRACTOR'S LICENSE SUBJECT TO THE CONTRACTOR'S FINANCIAL STANDING WITH GOVERNMENT AGENCIES THAT PROVIDE HEALTHCARE SERVICES TO A CONTRACTOR'S NON-IMMIGRANT TEMPORARY WORKERS.**

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

2 **Section 1. Legislative Findings and Intent.** It is generally  
3 recognized that the Government of Guam is undergoing financial challenges  
4 and lacks the ability to provide *consistent* non-appropriated funding for  
5 healthcare services to Guam Memorial Hospital Authority (GMHA) to act as  
6 a supplement “cash flow” for operations and inventory through special and  
7 emergency funding. The gravest concern in the near future is that the  
8 GMHA will be unable to carry the burden of providing uncompensated  
9 healthcare services to seasonal and temporary immigrant workers, or provide  
10 services where payment is not provided in a timely fashion as a result of the  
11 “military build-up”.

1 GMHA already experiences extreme difficulty in collecting payment  
2 from immigrant workers and their sponsors/contractors for healthcare  
3 services. Unlike non-immigrant workers who become patients of GMHA,  
4 GMHA is severely limited in collecting from these workers because of their  
5 particular circumstances and limited means to contact these individuals.

6 *I Liheslaturan Guåhan* finds it would be in the public's best interest  
7 that a contractor's license be revoked, suspended, withheld and/or denied if  
8 the contractor's sponsoring the non-immigrant temporary worker fail to  
9 assure that payment for healthcare services is adequately and promptly meet  
10 the satisfaction of the Guam Memorial Hospital Association.

11 It is the intent of *I Liheslatura* to assist the hospital in collecting on  
12 such debts by amending the existing law that governs contractors' licensing  
13 requirements.

14 **Section 2.** §70116 of Title 22, Guam Code Annotated is hereby  
15 *amended* to read as follows:

16 **“§ 70116. Revocation, Suspension and Renewal of Licenses.**

17 (a) The Contractors License Board may revoke any license  
18 issued hereunder, or suspend the right of the licensee to use such  
19 licenses, or refuse to renew any such license for any of the following  
20 causes:

21 (1) Conviction of any felony or misdemeanor involving  
22 moral turpitude;

23 (2) Any dishonest or fraudulent or deceitful act as a  
24 contractor which causes a substantial damage to another;

25 (3) Pursuing a continued and flagrant course of  
26 misrepresentation or of making false promises through  
27 advertising or otherwise;

1 (4) Abandonment of any construction project or  
2 operation without reasonable or legal excuse;

3 (5) Willful departure from or willful disregard of plans or  
4 specifications in any material respect without consent of the  
5 owner or his duly authorized representative, which is  
6 prejudicial to a person entitled to have the construction project  
7 or operation completed in accordance with such plans and  
8 specifications;

9 (6) Willful violation of any law of the Territory or of any  
10 political subdivision thereof, relating to building, including any  
11 violation of any applicable rule or regulation of the Department  
12 of Public Health, or of any applicable safety or labor law;

13 (7) Failure to make and keep records showing all  
14 contracts, documents, records, receipts and disbursements by a  
15 licensee of all his transactions as a contractor for a period of not  
16 less than three (3) years after completion of any construction  
17 project or operation to which the records refer or to permit  
18 inspections of such records by the Board;

19 (8) When the licensee being a co-partnership or a joint  
20 venture permits any member of such co-partnership or joint  
21 venture who does not hold a license to actively participate in  
22 the contracting business thereof;

23 (9) When the licensee being a corporation permits any  
24 officer or employee of such corporation who does not hold a  
25 license to have the direct management of the contracting  
26 business thereof;

1 (10) Misrepresentation of a material fact by an applicant  
2 in obtaining a license;

3 (11) Failure of a licensee to complete in a material  
4 respect any construction project or operation for the agreed  
5 price if such failure is without legal excuse;

6 (12) Willful failure in any material respect to comply  
7 with this Chapter or the rules and regulations promulgated  
8 pursuant thereto;

9 (13) Willful failure or refusal to prosecute a project or  
10 operation to completion with reasonable diligence;

11 (14) Willful failure to pay when due a debt incurred for  
12 services of materials rendered or purchased in connection with  
13 his operations as a contractor when the individual has the  
14 ability to pay or when the individual has received sufficient  
15 funds therefore as payment for the particular operation for  
16 which the services or materials were rendered or purchased;

17 (15) The false denial of any debt due or the validity of  
18 the claim therefore with intent to secure for licensee, employer  
19 or other person, any discount of such debt or with intent to  
20 hinder, delay or defraud the person to whom such debt is due;

21 (16) Failure to secure or maintain workmen's  
22 compensation insurance;

23 (17) Knowingly entering into a contract with an  
24 unlicensed contractor involving work or activity for the  
25 performance of which licensing is required under this Chapter;  
26 or

1 (18) When the Responsible Management Employee  
2 and/or the majority stockholders have, under another corporate  
3 or company structure, caused the non-payment of employees  
4 wages and/or the abandonment of alien workers to become a  
5 burden on the Government.

6 (19) Willful failure to pay when due a debt or penalty  
7 incurred for damaging a public utility operated by the Guam  
8 Power Authority, the Guam Telephone Authority or the Guam  
9 Waterworks Authority and the Department of Public Works.

10 (20) Knowingly taps into any power, water, sewer line,  
11 or facility belonging to the Guam Power Authority and/or the  
12 Guam Waterworks Authority without first obtaining permission  
13 through the established service rules and regulations of each  
14 respective governmental agency.

15 (21) Failure to satisfy medical and healthcare expenses  
16 for non-immigrant temporary workers originating from the  
17 utilization of government healthcare facilities and associated  
18 services, including but not limited to the Guam Memorial  
19 Hospital Authority, Department of Public Health and Social  
20 Services, Department of Mental Health and Substance Abuse,  
21 Guam Skilled Nursing Unit, and governmental ambulance and  
22 medical transportation services. Government agencies shall be  
23 responsible for providing formal notices, reports, or letters to  
24 the Guam Contractor's Licensing Board indicating the  
25 delinquency consisted with this section.

1           (b) No license shall be suspended for longer than two (2) years  
2           and no person whose license is revoked shall be eligible for a new  
3           license until the expiration of two (2) years.

4           (c) For purposes of this Section, the Contractors License Board  
5           in cooperation and in conjunction with the Department of Public  
6           Works, Department of Revenue and Taxation and the Department of  
7           Labor may have investigative powers for purposes of carrying out the  
8           intent of this Section.”