

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. -35 ()

Introduced by:

James C. Moylan

**AN ACT TO ADD § 70104(e) TO CHAPTER 70, TITLE 21,
GUAM CODE ANNOTATED, RELATIVE TO
PROVIDING THE EXECUTIVE DIRECTOR OF THE
GUAM CONTRACTORS LICENSE BOARD THE
AUTHORIZATION TO ISSUE TEMPORARY LICENSES
IN THE ABSENCE OF A QUORUM BY THE BOARD.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that due to a lack of a quorum by the Guam Contractors License Board, nearly 700 businesses have experienced a standstill with attaining either their license or renewal of an existing license. Unfortunately this prevents such entities from moving forward with their projects, which ultimately creates a fiscal calamity since every project establishes economic activity, from the creation of jobs and new taxes from purchases and income.

Government Board and Commissions represent a civic duty by residents, and are merely volunteer efforts by those who wish to serve their community in such capacities. Lack of quorums are realistic, and unfortunately for licensing entities such as the Guam Contractors License Board, the inability for members to meet in a timely manner to approve licenses can result in a pause for business activity.

1 Since most license applications as well as renewals require a standard
2 checklist, it is only fair that for those applicants who have completed the
3 requirements, paid the requisite fees, and/or have not attained a citation in the past
4 by the Guam Contractors License Board, that they not be victims of a lack of a
5 quorum, and that they be provided the opportunity to secure a temporary license.
6 It would be an ideal and business friendly policy for the Executive Director of the
7 Guam Contractors License Board, whose primary responsibility is to manage such
8 licenses and licensees and to assure that all parties adhere to the rules and
9 regulations promulgated by the Board, be provided the authority to issue temporary
10 licenses.

11 A temporary license would allow the licensee to proceed with their business
12 activity, inclusive of the hiring of employees, purchasing needed materials and
13 equipment and contributing economically. Upon the convening of the Guam
14 Contractors License Board, the board would have the ability to ratify any
15 temporary licenses issued by the Executive Director with the intent of making
16 them permanent. If the Board feels that any license was inadvertently issued, they
17 shall have the authority to rescind such license until the licensee addresses the
18 concerns outlined. This check and balance would assure that rules and regulations
19 promulgated by the entity would be adhered to.

20 **Section 2.** § 70104(e) is hereby *added* to Chapter 70, Title 21, Guam Code
21 Annotated to read as follows:

22 “(e) Notwithstanding any other provisions of the law, if the Board is
23 unable to meet due to a lack of a quorum for *more than thirty (30) days*, the
24 Executive Director *shall* have the authority to issue a temporary license
25 pursuant to this Chapter under the premise that all requirements for attaining
26 that license have been completed, and that the applicant has not received a
27 citation for any violation pursuant to this Chapter in the past. The Board

1 shall ratify the license during their next meeting, and shall have the authority
2 to rescind the temporary license issued by the Executive Director if it is
3 deemed to have been issued inadvertently.”

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

9 **Section 4. Effective Date.** The Act *shall* become effective upon enactment.