MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
TWENTY-NINTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

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October 15, 2007

The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 32(EC), 39(EC), 41(EC), 49(EC), 102(LS), 106(EC), 130(EC), 139(EC); and Substitute Bill Nos. 33(EC), 65(EC), 78(LS), 105(EC), 109(EC), 115(EC), 116(EC) & 132(EC) which were passed by *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on October 10, 2007.

Sincerely,

RAY TENORIO
Senator and Secretary of the Legislature

Enclosures (16)

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 65 (EC), "AN ACT TO ENHANCE THE ENFORCEMENT POWERS OF THE DEPARTMENT OF REVENUE AND TAXATION REGARDING THE SALE OF ALCOHOLIC BEVERAGES BY BUSINESS ESTABLISHMENTS BY *ADDING* A NEW §3122 TO CHAPTER 3, ARTICLE 1, TITLE 11 GUAM CODE ANNOTATED,"** was on the 10th day of October 2007, duly and regularly passed.

Edward J.B. Calvo
Acting Speaker

Attested:

Ray Tenorio
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this 15th day of Oct, 2007, at 1245 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

Bill No. 65 (EC)
As substituted by the Committee on Finance & Taxation, Commerce, and Economic Development and amended on the Floor.

Introduced by:

A. B. Palacios, Sr.
Frank F. Blas, Jr.
Edward J.B. Calvo
James V. Espaldon
Mark Forbes
Judith Paulette Guthertz
Frank T. Ishizaki
J. A. Lujan
Tina Rose Muña Barnes
v. c. pangelinan
R. J. Respicio
David L.G. Shimizu
Ray Tenorio
A. R. Unpingco
J. T. Won Pat

AN ACT TO ENHANCE THE ENFORCEMENT POWERS OF THE DEPARTMENT OF REVENUE AND TAXATION REGARDING THE SALE OF ALCOHOLIC BEVERAGES BY BUSINESS ESTABLISHMENTS BY *ADDING* A NEW §3122 TO CHAPTER 3, ARTICLE 1, TITLE 11 GUAM CODE ANNOTATED.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that it has been many years since the laws pertaining to the licensing of businesses and establishments that sell alcoholic beverages have been updated to allow for more

effective enforcement by the appropriate personnel of the Department of Revenue and Taxation. The Department of Revenue and Taxation recently suggested for the establishment of a schedule of fines and penalties that can be assessed to a business for non-compliance with existing laws.

Therefore, this legislation amends specific provisions relative to the licensing of businesses and others in the sale of alcoholic beverages, and allow for improved compliance and enforcement by the pertinent government regulatory personnel. Through these updates and changes, proper officials will be provided with necessary enforcement mechanisms that will enhance their ability to assure the community that appropriate and necessary restrictions are being applied to the operational activities of these businesses for the benefit of the Guam community.

Section 2. A new §3122 is hereby *added* to Chapter 3, Article 1, Title 11 Guam Code Annotated, to read as follows:

"**§3122.** (a) Closed. *Closed* means that the premise(s) *shall* be vacated by all persons immediately after the 'authorized' hours of sale in §3414 of this Title. In this Section, 'all persons' does not include employees who may remain in the premises for the purpose of cleaning and maintenance. §3613 of Article 6 of this Chapter *shall* apply to this Section with respect to hearing and penalty as appropriate."

Section 3. §3414 of Chapter 3, Article 4, Title 11, Guam Code Annotated, is hereby *amended* to read as follows:

"**§3414. Hours of Sale. On Sale Premises.** An on-sale licensee *shall* not sell or serve any person any alcoholic beverages after 2:00 a.m., except that preceding New Year's Day, the selling time *shall* be 2:00 a.m., on Saturdays, Sundays and holidays the selling time *shall* be 4:00 a.m. Provided, however, that all alcoholic beverages must be consumed within 15 minutes of the time permitted for the sale thereof and premise(s) *shall* be closed thereafter. A

licensee may begin selling or serving alcoholic beverages at 8:00 a.m., Monday through Sunday, inclusive."

Section 4. Subsection (b) of §2105 of Chapter 2, Title 3, Guam Administrative Rules and Regulations, relative to Business Regulations, is hereby *amended* to read as follows:

"(b) All Class 4, On-Sale establishments *shall* have a duly registered manager or assistant manager or registered designated responsible person on the premises, in the absence of the licensee, and during the hours from 7:00 p.m. daily until closing. 'Registered designated responsible person' means a person designated by the president, corporation, or owner of the establishment, who *shall* be responsible in the absence of the manager or assistant manager, and who *shall* be registered with the Department of Revenue and Taxation. The manager or assistant manager or registered designated responsible person *shall* be capable and competent in maintenance of order and responsible for compliance with pertinent laws and regulations as pertains to the licensed premises. Should the duly registered manager, assistant manager, and registered designated responsible person be absent from the premises at 7:00 p.m. until closing, the premises *shall* be 'CLOSED' immediately until such time that one of the persons named herein is present. If the premises remains open in violation of this Section, the licensee *shall* pay a penalty of $100.00 for each violation."

Section 5. Funds Generated to Support Compliance and Regulatory Activities of the Alcoholic Beverage Control Board of the Department of Revenue and Taxation. All funds generated as a result of the fine or penalties imposed herein *shall* be subject to appropriation by *I Liheslaturan Guåhan* and re-directed to the Department of Revenue and Taxation for the express use by the Better Public Service Fund. In consultation with the Board, the Director of

Revenue and Taxation *shall* present, in the Department's annual budgetary submission to *I Liheslaturan Guåhan,* the sums generated from these penalties, with the funds to be directed for alcoholic beverage license enforcement and other regulatory activities.

Section 6. Severability. *If* any of the provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall *not* affect any other provision or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.