UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

November 27, 2019

35GL-19-1271
Speaker Tina Rose Muña Barnes

NOV 27 2019
Time 4:39 ( )AM (X)PM
Received By: dlcn

2019 NOV 27 PM 5:08 APT

HONORABLE TINA ROSE MUÑA BARNES, Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96932

Re: Bill No. 40-35 (COR) – An Act to *Amend* § 3229(c)(7) of Article 2, and *Add* a New § 3126 to Article 1, Both of Chapter 3, Title 11, Guam Code Annotated, Relative to Establishing the 'Alcoholic Beverage Compliance Fees and Fines Fund'

Dear Madame Speaker:

While I believe the measure originally introduced as Bill 40-35 (COR) intends to mitigate a matter already resolved through administrative action, I have signed it into law as ***Public Law No. 35-53***. In accordance with the floor record, the Department of Revenue and Taxation and Department of Administration have created the fund referenced in this measure, which is now being used for the purposes intended by law.

While I will not speak for my predecessor, it should be noted that the affected section of law is being properly implemented because of the due diligence of the sitting Director of the Department of Revenue and Taxation. Notwithstanding her progress on this matter, I appreciate the Legislature's desire to correct or clarify what it believes are drafting errors in prior statute. Those corrections also included a much-needed effort towards expeditious action by allowing the Administrator an avenue to use funds in the event the Alcoholic Beverage Control Board cannot make quorum.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Bill No. 40-35 (COR) *nka Public Law 35-53*
cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

1271

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Jessica Cruz
RCVD AT CENTRAL FILES
NOV 18'19 PM6:08

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

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

This is to certify that **Bill No. 40-35 (COR), "AN ACT TO *AMEND* § 3229(c)(7) OF ARTICLE 2, AND *ADD* A NEW § 3126 TO ARTICLE 1, BOTH OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE 'ALCOHOLIC BEVERAGE COMPLIANCE FEES AND FINES FUND',"** was on the 18th day of November 2019, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 18th day of NOV., 2019, at 5:53 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 11/27/2019

Public Law No. 35-53

Jessica Cruz

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

Bill No. 40-35 (COR)
As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended in the Committee of the Whole.

Introduced by: Telo T. Taitague
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Jose "Pedo" Terlaje
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* § 3229(c)(7) OF ARTICLE 2, AND *ADD* A NEW § 3126 TO ARTICLE 1, BOTH OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE "ALCOHOLIC BEVERAGE COMPLIANCE FEES AND FINES FUND."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Public Law 31-199 was enacted on April 2, 2012 providing for the proper conduct of sampling and tasting events for alcoholic beverages or distilled spirits.

Included in the measure is a provision for those holding a valid off-sale license, wholesale dealers' license, or agent's license to provide advanced notice of planned events to the Alcoholic Beverage Control Board, together with a non-recurring fee of Twenty-five Dollars ($25.00) per event. An expedited processing fee of Fifty Dollars ($50.00) is assessed for all notice submissions received less than five (5) business days from a planned event. Non-recurring and expedited processing fees are required to be deposited into an account called the "Alcoholic Beverage Compliance Fees and Fines Fund;" however, *I Liheslatura* finds that said Fund has yet to be established.

It is, therefore, the intent of *I Liheslaturan Guåhan* to establish the "Alcoholic Beverage Compliance Fees and Fines Fund" consistent with the provisions of Public Law 31-199 and Public Law 32-051, which added further amendments in 2013 to the Alcoholic Beverage Control Law requiring proper education and training of point of sale employees, including servers and sellers, and their supervisors and managers. Moreover, it is the intent of *I Liheslatura* for payments received through the implementation of Public Law 31-199 and Public Law 32-051, and related provisions in Title 11 GCA, Chapter 3 to be deposited in the new "Alcoholic Beverage Compliance Fees and Fines Fund" established by this Act. Funds *shall* be used to help promote responsible drinking and driving practices, youth programs, public service and education programs, and other activities authorized by law.

Section 2. § 3229(c)(7) of Article 2, Chapter 3, Title 11, Guam Code Annotated, is *amended* to read:

"(7) Monies Collected from Assessment of Fees. All monies collected for the non-recurring fee and/or the expedited processing fee *shall* be deposited into the "Alcoholic Beverage Compliance Fees and Fines Fund" in accordance with § 3126 of Article 1 of this Chapter. The Administrator, with Board approval, *shall* be authorized to use the monies collected for programs

to promote compliance with liquor laws, business development, and improvement of interagency and interoffice functions. Such programs may include, but are not limited to, enforcement; public service announcements promoting responsible drinking and driving practices; youth programs; education; and Alcoholic Beverage Control Board and administrative meetings."

Section 3. A new § 3126 is *added* to Article 1 of Chapter 3, Title 11, Guam Code Annotated, to read:

"**§ 3126. Alcoholic Beverage Compliance Fees and Fines Fund.**

The "Alcoholic Beverage Compliance Fees and Fines Fund," (Fund), is hereby created, separate and apart from all other funds of the government of Guam. Monies deposited into the Fund *shall not* be commingled with other funds administered by the Department of Revenue and Taxation (DRT) and the Alcoholic Beverage Control Board, and *shall only* be available for use as stipulated herein pursuant to § 3124.1 of Article 1 and § 3229(c)(7) of Article 2 of this Chapter. Monies collected and deposited into the Fund *shall* be automatically or continually appropriated from the Fund to DRT for its authorized use.

Should the Board be unable to make quorum to approve the use of the monies collected, the Administrator may still be authorized to use the monies collected; provided, that the Administrator notifies the Chairperson of the Board or his/her designee."

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