

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
40-35 (COR)	Telo T. Taitague	AN ACT TO AMEND § 3229(c)(7) OF ARTICLE 2, CHAPTER 3, DIVISION 1, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE "ALCOHOLIC BEVERAGE COMPLIANCE FEES AND FINES FUND."	2/6/19 3:02 p.m.						

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

Bill No. *40-35 (WR)*

Introduced by:

Telo T. Taitague 

**AN ACT TO *AMEND* § 3229(c)(7) OF ARTICLE 2,
CHAPTER 3, DIVISION 1, TITLE 12, GUAM CODE
ANNOTATED, RELATIVE TO ESTABLISHING THE
“ALCOHOLIC BEVERAGE COMPLIANCE FEES AND
FINES FUND.”**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that P.L. 31-199 was enacted on April 2, 2012 providing for the proper
4 conduct of sampling and tasting events for alcoholic beverages or distilled spirits.
5 Included in the measure is a provision for those holding a valid off-sale license,
6 wholesale dealers' license, or agent's license to provide advanced notice of
7 planned events to the Alcoholic Beverage Control Board, together with a non-
8 recurring fee of twenty-five dollars (\$25.00) per event. An expedited processing
9 fee of fifty dollars (\$50.00) is assessed for all notice submissions received less than
10 five (5) business days from a planned event. Non-recurring and expedited
11 processing fees are required to be deposited into an account called the “Alcoholic
12 Beverage Compliance Fees and Fines Fund.” However, *I Liheslatura* finds that
13 said Fund has yet to be established.

2019 FEB -6 PM 3:02 

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

12
13 **Section 2.** § 3229(c)(7) of Article 2, Chapter 3, Division 1, Title 12, Guam
14 Code Annotated, is *amended*, to read:

15 “(7) Monies Collected from Assessment of Fees. All monies collected
16 for the non-recurring fee and/or the expedited processing fee shall be
17 deposited into an separate account called the “Alcoholic Beverage
18 Compliance Fees and Fines Fund- (Fund)” which is hereby created, separate
19 and apart from all other funds of the government of Guam. Deposits into the
20 Fund shall not be commingled with other funds administered by the
21 Department of Revenue and Taxation and the Alcoholic Beverage Control
22 Board, and shall be kept in a separate bank account. The bank account shall
23 be established and maintained by the Department of Revenue and Taxation
24 and the Alcoholic Beverage Control Board, and its funds shall only be
25 available for use as stipulated herein. The Administrator, with Board
26 approval, shall be authorized to use the monies collected for programs to
27 promote compliance with liquor laws, business development, and

1 improvement of interagency and interoffice functions. Such programs may
2 include, but are not limited to, enforcement; public service announcements
3 promoting responsible drinking and driving practices; youth programs;
4 education; and Alcoholic Beverage Control Board and administrative
5 meetings.”

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