



Office of the Governor of Guam

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

23 MAR 2005

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 27 (EC), "AN ACT TO AMEND SECTIONS 18121 AND 18122 OF CHAPTER 18 OF TITLE 16 GUAM CODE ANNOTATED, AND SECTION 3423 OF ARTICLE 4, DIVISION 1, CHAPTER 3, TITLE 11 GUAM CODE ANNOTATED; AND TO ADD A NEW SECTION 3228, ARTICLE 2, DIVISION 1, CHAPTER 3, TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO ASSISTING OUR TOURISM INDUSTRY BY ALLOWING THE CONSUMPTION ON ALCOHOL RESTRICTIVELY WITHIN LIMOUSINES AND CHARTERED VEHICLES TRAVELING ON PUBLIC HIGHWAYS AND ROADS," which I signed into law on March 21, 2005 as Public Law 28-22.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Senator Edward J.B. Calvo
ACKNOWLEDGEMENT RECEIPT
Rec'd by: [Signature]
Print Name & Initial

Time: 1:45
Date: 3-25-05

0088

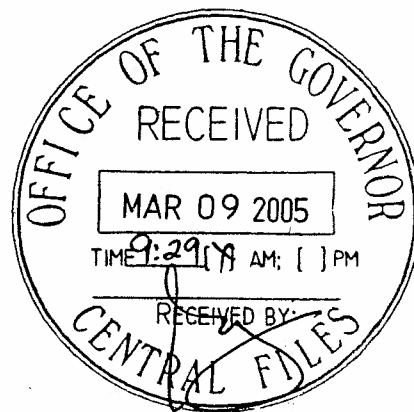
Office of the Speaker
MARK FORBES

Date: 3-24-05
Time: 4:53pm
Rec'd by: Janice
Print Name:
28-05-0088



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

March 9, 2005



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

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 27(EC), 33(EC), 49(EC); and Substitute Bill Nos. 13(LS) and 18(LS) which were passed by *I Mina' Bente Ocho Na Liheslaturan Guåhan* on March 8, 2005.

Sincerely,

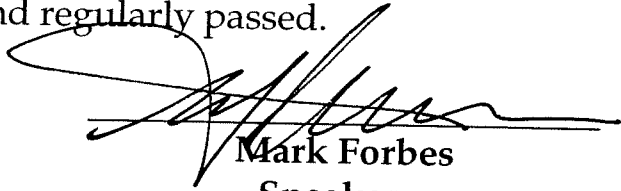
EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (5)

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

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

This is to certify that Bill No. 27 (EC), "AN ACT TO AMEND SECTIONS 18121 AND 18122 OF CHAPTER 18 OF TITLE 16 GUAM CODE ANNOTATED, AND SECTION 3423 OF ARTICLE 4, DIVISION 1, CHAPTER 3, TITLE 11 GUAM CODE ANNOTATED; AND TO ADD A NEW SECTION 3228, ARTICLE 2, DIVISION 1, CHAPTER 3, TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO ASSISTING OUR TOURISM INDUSTRY BY ALLOWING THE CONSUMPTION OF ALCOHOL RESTRICTIVELY WITHIN LIMOUSINES AND CHARTERED VEHICLES TRAVELING ON PUBLIC HIGHWAYS AND ROADS," was on the 8th day of March, 2005, duly and regularly passed.



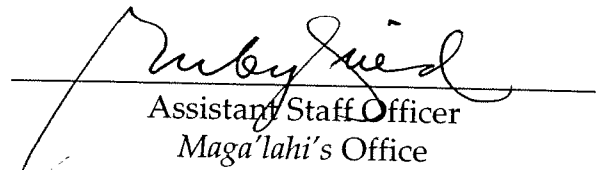
Mark Forbes
Speaker

Attested:



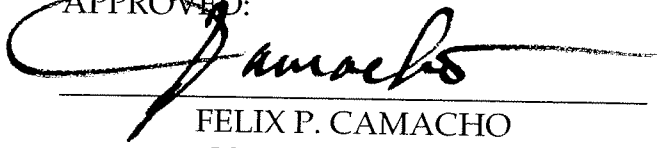
Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 09 day of March, 2005,
at 9:29 o'clock A.M.



Ruby Reid
Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 3/21/05

Public Law No. 28-22

I MINA BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 27 (EC)

As amended by the Committee on Criminal Justice,
Public Safety, Youth and Foreign Affairs
and further amended on the Floor.

Introduced by:

Edward J.B. Calvo
Mark Forbes
A. R. Unpingco
F. B. Aguon, Jr.
J. M.S. Brown
B. J.F. Cruz
Mike Cruz
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
A. B. Palacios
R. J. Respicio
Ray Tenorio
J. T. Won Pat

AN ACT TO AMEND SECTIONS 18121 AND 18122 OF CHAPTER 18 OF TITLE 16 GUAM CODE ANNOTATED, AND SECTION 3423 OF ARTICLE 4, DIVISION 1, CHAPTER 3, TITLE 11 GUAM CODE ANNOTATED; AND TO ADD A NEW SECTION 3228, ARTICLE 2, DIVISION 1, CHAPTER 3, TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO ASSISTING OUR TOURISM INDUSTRY BY ALLOWING THE CONSUMPTION OF ALCOHOL RESTRICTIVELY WITHIN LIMOUSINES AND CHARTERED VEHICLES TRAVELING ON PUBLIC HIGHWAYS AND ROADS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Section 18121 of Chapter 18 of Title 16 of the Guam Code
3 Annotated is hereby *amended* to read:

4 "§18121. Possession of Opened Container in a Motor Vehicle.

5 a) It shall be a misdemeanor for any person to transport or
6 possess in any moving vehicle upon a public highway, street or alley
7 any alcoholic beverage, or any intoxicating beverage, *except* in the
8 original container which shall *not* have been opened and from which the
9 original cap or seal shall *not* have been removed, *unless* the opened
10 container be in a sealed, secured or rear compartment *not* accessible to
11 the driver or any other person in the vehicle while it is in motion. Any
12 person violating the provisions of this Section and its Subsections shall
13 be deemed guilty of a misdemeanor.

14 b) The provisions of Subsection (a) of this Section shall *not* apply
15 to the passenger area of a bus or limousine provided the operator is
16 enclosed within a driver's compartment *not* accessible to passengers,
17 clients or customers where alcohol is present while the vehicle is in
18 motion.

19 c) No employee, driver or agent of any limousine or bus
20 company shall consume, nor be permitted to consume, any alcoholic
21 beverage while on duty.

22 d) Unless authorized by license and as prescribed by the
23 Alcoholic Beverage Control Board by regulation, no alcoholic beverage
24 shall be sold, offered or consumed by any person within the premises of
25 any limousine or bus. Each limousine and bus authorized by this Act to

1 sell, offer or allow alcoholic beverage within the premises of the
2 limousine or bus shall be individually licensed and shall be required to
3 display such license within the limousine or bus. The license shall
4 include the vehicle identification number of the vehicle.

5 e) No alcoholic beverages shall be sold, offered or consumed by
6 any person within the premises of any limousine or bus, *except* during
7 hours prescribed by the Alcoholic Beverage Control Board.

8 f) The exemption in Subsection (b) of this Section shall *not* apply
9 if any passenger is a minor below the age of eighteen (18)
10 unaccompanied by a parent or legal guardian. It shall be the duty of the
11 driver of the vehicle to verify the age of all passengers.

12 g) As used in this Section:

13 1) 'Bus' means a vehicle chartered for transportation of
14 persons for hire. It shall *not* mean a school bus transporting
15 children, open vehicles resembling trolleys, or a vehicle operated
16 pursuant to a public or private franchise operating over a
17 regularly scheduled route; and

18 2) 'Limousine' means a chauffeur-driven motor vehicle,
19 other than a bus or taxicab, designed and used for transportation
20 of persons for compensation."

21 **Section 2. Section 18122 of Chapter 18 of Title 16 of the Guam Code**
22 **Annotated is hereby *amended* to read:**

23 "§18122. **Storage of Opened Container.** A person shall be guilty
24 of a misdemeanor if he or she is the registered owner of any motor
25 vehicle or the driver, if the registered owner is not then present in the

1 vehicle, keeps in a motor vehicle, when the vehicle is upon any
2 highway, any bottle, can, or other receptacle containing any alcoholic
3 beverage which has been opened, or a seal broken, or the contents of
4 which have been partially removed, unless the container is kept in the
5 trunk of the vehicle, or kept in some other area of the vehicle not
6 normally occupied by the driver or passengers, if the vehicle is not
7 equipped with a trunk. A utility compartment or glove compartment
8 shall be deemed to be within the area occupied by the driver and
9 passengers. This Section shall *not* apply to the living quarters of a
10 house, car or camper. This Section shall *not* apply to persons and
11 vehicles exempted by §18121, *supra*."

12 **Section 3. Section 3423, Article 4, Division 1, Chapter 3 of Title 11 of**
13 **the Guam Code Annotated is hereby *amended* to read:**

14 "§3423. **Consumption on Public Highways Forbidden.** A person
15 shall *not* consume any alcoholic beverage on any public highway or
16 road while operating or traveling in a motor vehicle, *unless* exempted by
17 16 GCA §18121."

18 **Section 4. A new Section 3228, Article 2, Division 1, Chapter 3 of**
19 **Title 11 of the Guam Code Annotated is hereby *added* to read:**

20 "§3228. **Mobile License.** A mobile license shall be general only
21 and shall authorize the licensee to sell alcoholic beverages to
22 passengers, clients and customers for consumption only on the premises
23 of a limousine or bus meeting the requirements of 16 GCA §18121. The
24 license shall be restricted to vehicles owned and registered to the
25 licensee and shall be non-transferable. The Alcoholic Beverage Control

1 Board shall, *no later than* June 15, 2005, develop necessary procedures to
2 implement this license and to that end shall issue such rules and
3 regulations as it may deem necessary to implement and enforce this
4 provision.

5 No applicant issued a license under this Section shall authorize any
6 individual to operate a vehicle, as defined herein, who has been
7 convicted of any drug or alcohol-related offense.”

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

6

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN
2005 (FIRST) Regular Session

Date: 3/8/05

VOTING SHEET

Bill No. 27(FC)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.					EA
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.		✓			
CRUZ, Michael (Dr.)		✓			
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert		✓			
LEON GUERRERO, Lourdes A.		✓			
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.		✓			
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.		✓			

TOTAL 8 6 0 0 1

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence

P.L. 28-22



Office of
SENATOR RAY TENORIO
MAJORITY LEADER
CHAIRMAN
COMMITTEE ON CRIMINAL JUSTICE,
PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
167 East Marine Corps Drive
Hagåtña, Guam 96910
671.479.GUAM
671.479.1FAX
raytenorio.com

February 14, 2005

The Honorable Mark Forbes
Speaker
I Mina' Bente Ocho na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

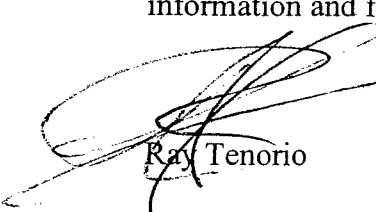
Dear Speaker Forbes:

The Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs, to which was referred, **Bill No. 27(EC), as amended**: "An Act To Amend Sections 18121 And 18122 Of Chapter 18 Of Title 16 Of The Guam Code Annotated And Section 3423 Of Article 4, Division 1, Chapter 3, Title 11 Of The Guam Annotated Relative To Assisting The Consumption Of Alcohol Restrictively Within Limousines And Chartered Vehicles Traveling On Public Highways And Roads", now wishes to report back the same with the recommendation **TO DO PASS**.

The voting record is as follows:

TO PASS	<u>7</u>
NOT TO PASS	<u>Ø</u>
TO REPORT OUT ONLY	<u>Ø</u>
ABSTAIN	<u>Ø</u>
TO PLACE IN INACTIVE FILE	<u>Ø</u>

A copy of the Committee report and other pertinent documents are attached for your information and file.


Ray Tenorio





Office of
SENATOR RAY TENORIO
MAJORITY LEADER
CHAIRMAN
COMMITTEE ON CRIMINAL JUSTICE,
PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
167 East Marine Corps Drive
Hagåtña, Guam 96910
671.479.GUAM
671.479.1FAX
raytenorio.com

February 14, 2005

MEMORANDUM

TO: Committee Members

FROM: Chairman

SUBJECT: Committee Report – Bill No. 27(EC), as amended: An Act To Amend Sections 18121 And 18122 Of Chapter 18 Of Title 16 Of The Guam Code Annotated And Section 3423 Of Article 4, Division 1, Chapter 3, Title 11 Of The Guam Code Annotated Relative To Assisting Our Tourism Industry By Allowing The Consumption Of Alcohol Restrictively Within Limousines And Chartered Vehicles Traveling On Public Highways And Roads.

Transmitted herewith for your information and action is the report in Bill No. 27(EC), as amended, from the Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Public Hearing Sign-in Sheet
4. Notice of Public Hearing
5. Bill No. 27(EC)

Please take appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Ray Tenorio





Office of
SENATOR RAY TENORIO
MAJORITY LEADER
CHAIRMAN
 COMMITTEE ON CRIMINAL JUSTICE,
 PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
 167 East Marine Corps Drive
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 671.479.GUAM
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VOTING RECORD

Bill No. 27(EC), as amended: AN ACT TO AMEND SECTIONS 18121 AND 18122 OF CHAPTER 18 OF TITLE 16 OF THE GUAM CODE ANNOTATED AND SECTION 3423 OF ARTICLE 4, DIVISION 1, CHAPTER 3, TITLE 11 OF THE GUAM CODE ANNOTATED RELATIVE TO ASSISTING OUR TOURISM INDUSTRY BY ALLOWING THE CONSUMPTION OF ALCOHOL RESTRICTIVELY WITHIN LIMOUSINES AND CHARTERED VEHICLES TRAVELING ON PUBLIC HIGHWAYS AND ROADS.

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 RAY TENORIO, Chairman	✓				
 LAWRENCE F. KASPERBAUER Vice Chair	X				
JOANNE BROWN, Member					
 ROBERT KLITZKIE, Member	✓				
 JESSE A. LUJAN, Member	✓				
 ANTONIO R. UNPINGCO, Member	✓				
 FRANK B. AGUON, Member	✓				
BENJAMIN J. CRUZ, Member					
ADOLPHO PALACIOS, Member					
JUDI WON PAT, Member					
RORY J. RESPECIO, Member					
 Mark Forbes, Ex-Officio	✓				



J.R. Rdy *30*
3-4-05

**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION**

Bill No. 27 (EC)

As Amended by the Committee ^{on} Criminal Justice,
And Public Safety, Youth, and Foreign Affairs

and further amended on the Floor.

Introduced by:

E.J.B. Calvo

Mark Forbes

A.R. Unpingco

F.B. [Signature]

**AN ACT TO AMEND SECTIONS 18121 AND
18122 OF CHAPTER 18 OF TITLE 16 OF THE
GUAM CODE ANNOTATED AND SECTION
3423 OF ARTICLE 4, DIVISION 1, CHAPTER 3,
TITLE 11 OF THE GUAM CODE ANNOTATED;
TO ADD A NEW SECTION 3423, ARTICLE 4,
DIVISION 1, CHAPTER 3 OF TITLE 11 OF THE
GUAM CODE ANNOTATED RELATIVE TO
ASSISTING OUR TOURISM INDUSTRY BY
ALLOWING THE CONSUMPTION OF
ALCOHOL RESTRICTIVELY WITHIN
LIMOUSINES AND CHARTERED VEHICLES
TRAVELING ON PUBLIC HIGHWAYS AND
ROADS.**

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

2 **Section 1.** Section 18121 of Chapter 18 of Title 16 of the Guam Code

3 Annotated is amended to read:

4 **"§ 18121. Possession of Opened Container in a Motor**

5 **Vehicle.** Any person who ~~has in his or her possession on his or~~

1 ~~her person, while in a motor vehicle upon a highway, any~~
2 ~~bottle, can, or other receptacle, containing any alcoholic~~
3 ~~beverage which has been opened, or a seal broken, or the~~
4 ~~contents of which have been partially removed shall be guilty~~
5 ~~of a misdemeanor. A. It shall be unlawful for any person to~~
6 ~~knowingly transport or possess in any moving vehicle upon a~~
7 ~~public highway, street or alley any alcoholic beverage, as~~
8 ~~defined within 11GCA §3104, or any intoxicating beverage,~~
9 ~~except in the original container which shall not have been~~
10 ~~opened and from which the original cap or seal shall not have~~
11 ~~been removed, unless the opened container be in the rear trunk~~
12 ~~or a sealed, secured or rear compartment, which shall include~~
13 ~~the spare tire compartment in a station wagon or panel truck,~~
14 ~~or any outside compartment which is not accessible to the~~
15 ~~driver or any other person in the vehicle while it is in motion.~~
16 Any person violating the provisions of this section shall be
17 deemed guilty of a misdemeanor.

1 B. The provisions of Subsection A of this section shall not
2 apply to the passenger area of a bus or limousine ~~buses and~~
3 ~~limousines~~ provided the operator is enclosed within a driver's
4 compartment not accessible to passengers, clients or customers
5 where alcohol is present while the vehicle is in motion.

6 C. No employee, driver or agent of any limousine or bus
7 shall consume, ^{not} be permitted to consume any alcoholic beverage
8 while on duty.

9 ~~E. D. Unless authorized by license, no alcoholic beverage~~
10 ~~shall be sold, offered or consumed by any person within the~~
11 ~~premises of any limousine or bus except as prescribed by the~~
12 ~~Alcoholic Beverage Board by regulation. The operator of said~~
13 ~~vehicle shall have available a copy of a valid business license~~
14 ~~and a Alcoholic Beverage Control general license specifying~~
15 ~~that the business is permitted to offer alcohol for leisure~~
16 ~~purposes on such vehicle.~~

rayt 5A 2

abp 5A 1

Passed FA No. 1
Date: 3/4 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 27

AB Palacios

Senator Proposing Amendment

(Below for Senator to Complete)

Please describe proposed amendment, including where change to occur:

On Page 3 on line13, add the following:

(e) "No alcoholic beverages shall be sold, offered or consumed by any person within the premises of any limousine or bus, except during the hours as prescribed by the Alcoholic Beverage Board"

Yfk: remember rest of subsections.

(Below only for Clerk of Legislature's use and processing)

Date 4 March, 2005

Floor Amendment No. 1 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: ✓

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED



AUTHOR OF AMENDMENT

Concur (initial)



Clerk of Legislature

Speaker

Asst. Amend. Clerk

Engrossment Staff

3
3/4/05

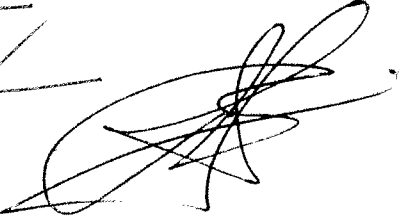
AMENDMENT TO BILL NO.27(EC)
AS AMENDED

BY SENATOR TENORIO

Page 3, line 9, amend to read:

€ D. Unless authorized by license, no alcoholic beverage shall be sold, offered or consumed by any person within the premises of any limousine or bus except as prescribed by the Alcoholic Beverage Board by regulation. Each limousine and bus authorized by this Act to sell, offer or allow alcoholic beverage within the premises of the limousine or bus shall individually be licensed and shall be required to display such license within the limousine or bus. The license shall include the vehicle identification number of the vehicle. The operator of said vehicle shall have available a copy of a valid license and a Alcoholic Beverage Control general license specifying that the business is permitted to offer alcohol for leisure purposes on such vehicle.

Date 3-4-05
No. 2
Passed



pts

stop
FA 4

~~D E.~~ ^F No passenger less than eighteen (18) years of age is permitted to purchase, handle or consume alcoholic beverages or intoxicating beverages. ~~while of said vehicle.~~

^G
~~E F.~~ As used in this section:

ejbc
FA 7

1. "Bus" means a vehicle chartered for transportation of persons for hire. It shall not mean a school bus transporting children or a vehicle operated pursuant to a public or private franchise ~~with a city or town~~ operating over a regularly scheduled route; and

2. "Limousine" means a chauffeur-driven motor vehicle, other than a bus or taxicab designed and used for transportation of persons for compensation.

Section 2. Section 18122 of Chapter 18 of Title 16 of the Guam Code Annotated is amended to read:

"§ 18122. Storage of Opened Container. A person shall be guilty of a misdemeanor if he or she is the registered owner of any motor vehicle or the driver if the registered owner is not then present in the vehicle, keeps in a motor vehicle, when the

Passed FA No. 7
Date: 3/4 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES)

Bill No. 27

Senator Proposing Amendment STW on Pet
Substitute F
Amend E on line 1, p.4 to read: replace E F.

STW
4a
The exemption in Subsection B of this section shall not apply if any passenger is a minor below the age of 18. ^{*unaccompanied by a parent or legal guard*} It shall be the duty of the driver of the vehicle to verify the age of all passengers.

(Below only for Clerk of Legislature's use and processing))

Date 3/4 2005

Floor Amendment No. 4, a of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: ✓

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED



AUTHOR OF AMENDMENT

Concur (initial)

pes
Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk

____ Engrossment Staff

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. _____

EE Calvo

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

add words on p. 4 line ⁷ after persons for hire...
~~except open trolleys.~~

ejbr FA7a after children, open ^{vehicles} trolleys resembling trolleys

(Below only for Clerk of Legislature's use and processing))

Date 3/4, 2005

Floor Amendment No. 7, a of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: _____

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

EE Calvo
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]
Clerk of Legislature

Speaker

Ass't. Amend. Clerk

Engrossment Staff

1 vehicle is upon any highway, any bottle, can, or other
2 receptacle containing any alcoholic beverage which has been
3 opened, or a seal broken, or the contents of which have been
4 partially removed, unless the container is kept in the trunk of
5 the vehicle, or kept in some other area of the vehicle not
6 normally occupied by the driver or passengers, if the vehicle is
7 not equipped with a trunk. A utility compartment or glove
8 compartment shall be deemed to be within the area occupied
9 by the driver and passengers. This section shall not apply to the
10 living quarters of a house car or camper. This section shall not
11 apply to persons and vehicles excepted by §18121 supra."

12 **Section 3.** Section 3423, Article 4, Division 1, Chapter 3 of Title 11 of the
13 Guam Code Annotated is hereby *amended* to read:

14 "§3423. **Consumption on Public Way Forbidden.** A
15 person shall not consume any alcoholic beverage on any public
16 highway or road while operating, or traveling in a motor
17 vehicle unless excepted by 16 G.C.A., §18121."

1 Section 4. A new §3228, Article 2, Division 1, Chapter 3 of Title 11 of the
2 Guam Code Annotated is hereby added to read:

3 “§3228. Mobile License. A mobile license shall be general
4 only and shall authorize the licensee to sell alcoholic beverages
5 to passengers, clients and customers for consumption only on
6 the premises of a limousine or bus meeting the requirements of
7 16 G.C.A. §18121. The license shall be restricted to vehicles
8 owned and registered to the licensee and shall be non-
9 transferable. The Alcoholic Beverage Control Board shall no
10 later than June 15, 2005, develop necessary procedures to
11 implement this license and to that end shall issue such rules
12 and regulations as may deem necessary to implement and
13 enforce this license.” FA 6

14 **Section 4 5. Severability.** If any provision of this Law or its
15 application to any person or circumstance is found to be invalid or contrary to
16 law, such invalidity shall *not* affect other provisions or applications of this
17 Law which can be given effect without the invalid provisions or application,
18 and to this end the provisions of this Law are severable.

Passed FA No. _____
Date: _____ Time: _____

MINA'BENTE OCHO NA LIHESLATURAN GU€ HAN

FLOOR AMENDMENTS/CHANGES
Bill No. 27 (EC)

Edward J.B. Calvo
Senator Proposing Amendment

(Below for Senator to Complete)

Please describe proposed amendment, including where change to occur:

To Amend Senator Lou Leon Guerrero's Amendment by adding after the word "license", on line 13, page 6 the following:

"All applications for a license pursuant to this section shall require the submission of the names and police clearance of all drivers for the vehicles to be licensed; ~~and licenses shall be denied to drivers with prior arrest for driving under the influence of alcohol or other alcohol related offense.~~ Names and police clearances of drivers assigned after issuance of the license shall be promptly submitted to the Alcohol Beverage Control Board."

Date March 4, 2005.

Floor Amendment No. 5 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: _____

Amendment Failed: _____
Amendment Withdrawn: _____



APPROVED AS TO FORM PASSED
SENATOR EDWARD J.B. CALVO
AUTHOR OF AMENDMENT

Concur (initial)

ms
Clerk of Legislature

Speaker

Ass't Amend. Clerk

Engrossment Staff

I MINA'BENTE OCHO NA LIHESLATURAN GUAHAN

**FLOOR AMENDMENTS/CHANGES
Bill No. 27 (EC)**

Senator Proposing Amendment Lou Leon Guerrero

Not see FA 26

Add to line 13 on page 6, after "license", the following:

All applications for a license pursuant to this section shall require the submission of the names and police clearance of all drivers for the vehicles to be licensed, and licenses shall be denied to drivers with prior arrest for driving under the influence of alcohol or other alcohol related offense.

(Below only for Clerk of Legislature's use and processing))

Date 3/4 2005

Floor Amendment No. 3 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: ✓

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

AUTHOR OF AMENDMENT

Concur (*initial*)

ms
Clerk of Legislature

Speaker

Ass't. Amend. Clerk
Engrossment Staff

Passed FA No. _____
Date: _____ Time: _____

MINA'BENTE OCHO NA LIHESLATURAN GU€ HAN

FLOOR AMENDMENTS/CHANGES
Bill No. 27 (EC)

Edward J.B. Calvo
Senator Proposing Amendment

(Below for Senator to Complete)

Please describe proposed amendment, including where change to occur:

Add to line 13 on page 6 after "license", the following:

"All applications for a license pursuant to this section shall require the submission of the names and police clearance of all drivers for the vehicles to be licensed. Names and police clearances of drivers assigned after issuance of the license shall be promptly submitted to the Alcohol Beverage Control Board."

Date March 4, 2005.

Floor Amendment No. 5 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: _____

Amendment Failed: _____
Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED
SENATOR EDWARD J.B. CALVO
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]
Clerk of Legislature

Speaker

Ass't Amend. Clerk

Engrossment Staff

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 37 (EC)

E. Calvo / R. Lenorio

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Add, after the word "license," on line 13,
page 6: "No applicant issued a license under
this Act shall authorize any individual to operate a
vehicle, as defined herein, who has been convicted
of any drug or alcohol-related offense. Names and
police clearances

(Below only for Clerk of Legislature's use and processing))

Date 3/4, 2005

Floor Amendment No. 6 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

[Signature]
AUTHOR OF AMENDMENT

Concur (initial)

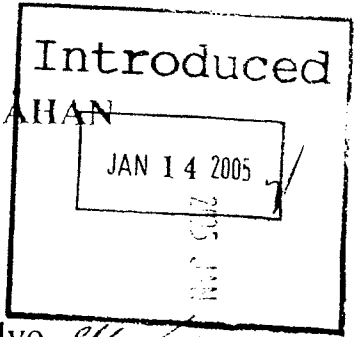
[Signature]
Clerk of Legislature

Speaker

Ass't. Amend. Clerk

Engrossment Staff

MINA' BENTE OCHO NA LIHESLATURAN GUAHAN
2005 (FIRST) Regular Session



Bill No. 27 (EC)

Introduced by:

E.J.B. Calvo
Mark Forbes
A.R. Unpingco

AN ACT TO AMEND SECTIONS 18121 AND 18122 OF CHAPTER 18 OF TITLE 16 OF THE GUAM CODE ANNOTATED AND SECTION 3423 OF ARTICLE 4, DIVISION 1, CHAPTER 3, TITLE 11 OF THE GUAM CODE ANNOTATED RELATIVE TO ASSISTING OUR TOURISM INDUSTRY BY ALLOWING THE CONSUMPTION OF ALCOHOL RESTRICTIVELY WITHIN LIMOUSINES AND CHARTERED VEHICLES TRAVELING ON PUBLIC HIGHWAYS AND ROADS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Section 18121 of Chapter 18 of Title 16 of the Guam Code
3 Annotated is amended to read:

4 "§ 18121. Possession of Opened Container in a Motor
5 Vehicle. Any person who has in his or her possession on his or
6 her person, while in a motor vehicle upon a highway, any
7 bottle, can, or other receptacle, containing any alcoholic
8 beverage which has been opened, or a seal broken, or the
9 contents of which have been partially removed shall be guilty

1 ~~of a misdemeanor.~~ A. It shall be unlawful for any person to
2 knowingly transport in any moving vehicle upon a public
3 highway, street or alley any alcoholic beverage as defined
4 within 11GCA §3104, or any intoxicating beverage, except in
5 the original container which shall not have been opened and
6 from which the original cap or seal shall not have been
7 removed, unless the opened container be in the rear trunk or
8 rear compartment, which shall include the spare tire
9 compartment in a station wagon or panel truck, or any outside
10 compartment which is not accessible to the driver or any other
11 person in the vehicle while it is in motion. Any person
12 violating the provisions of this section shall be deemed guilty
13 of a misdemeanor.

14 B. The provisions of subsection A of this section shall not
15 apply to the passenger area of buses and limousines; however,
16 it shall be unlawful for the driver of the bus or limousine to
17 consume or have in the driver's immediate possession any
18 intoxicating beverage or alcoholic beverage.

1 C. The operator of said vehicle shall have available a copy
2 of a valid business license and a Alcoholic Beverage Control
3 general license specifying that the business is permitted to offer
4 alcohol for leisure purposes on such vehicle.

5 D. No passenger less than eighteen (18) years of age is
6 permitted to purchase, handle or consume alcoholic beverages
7 or intoxicating beverages of said vehicle.

8 E. As used in this section:

9 1. "Bus" means a vehicle chartered for transportation of
10 persons for hire. It shall not mean a school bus transporting
11 children or a vehicle operated pursuant to a franchise with a
12 city or town operating over a regularly scheduled route; and

13 2. "Limousine" means a chauffeur-driven motor vehicle,
14 other than a bus or taxicab designed and used for
15 transportation of persons for compensation.

1 Section 2. Section 18122 of Chapter 18 of Title 16 of the Guam Code
2 Annotated is amended to read:

3 “§ 18122. **Storage of Opened Container.** A person shall
4 be guilty of a misdemeanor if he or she is the registered owner
5 of any motor vehicle or the driver if the registered owner is not
6 then present in the vehicle, keeps in a motor vehicle, when the
7 vehicle is upon any highway, any bottle, can, or other
8 receptacle containing any alcoholic beverage which has been
9 opened, or a seal broken, or the contents of which have been
10 partially removed, unless the container is kept in the trunk of
11 the vehicle, or kept in some other area of the vehicle not
12 normally occupied by the driver or passengers, if the vehicle is
13 not equipped with a trunk. A utility compartment or glove
14 compartment shall be deemed to be within the area occupied
15 by the driver and passengers. This section shall not apply to the
16 living quarters of a house car or camper. This section shall not
17 apply to persons and vehicles excepted by §18121 supra.”

1 Section 3. Section 3423, Article 4, Division 1, Chapter 3 of Title 11 of the
2 Guam Code Annotated is hereby *amended* to read:

3 “§3423. **Consumption on Public Way Forbidden.** A
4 person shall not consume any alcoholic beverage on any public
5 highway or road while operating, or traveling in a motor
6 vehicle unless excepted by 16GCA §18121.”

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

Waiver on Fiscal Note

In accordance with §9105 of Title 2 GCA, I hereby certify that prompt committee action on Bill Number 27 (LS) is necessary for the proper conduct of legislative business. Therefore, I am waiving the requirement for a fiscal note on Bill Number 27 (LS).

Ray Tenorio
Chairman
Committee on Criminal Justice and
Public Safety, Youth, and Foreign Affairs

Committee Report on

Bill Number 27 (EC)

***as amended by the Committee on Criminal
Justice, Public Safety, Youth, and Foreign
Affairs***

“AN ACT TO AMEND SECTIONS 18121 AND 18122 OF CHAPTER 18 OF TITLE 16 OF THE GUAM CODE ANNOTATED AND SECTION 3423 OF ARTICLE 4, DIVISION 1, CHAPTER 3, TITLE 11 OF THE GUAM CODE ANNOTATED RELATIVE TO ASSISTING OUR TOURISM INDUSTRY BY ALLOWING THE CONSUMPTION OF ALCOHOL RESTRICTIVELY WITHIN LIMOUSINES AND CHARTERED VEHICLES TRAVELING ON PUBLIC HIGHWAYS AND ROADS.”

I Mina' Bente Ocho Na Liheslaturan Guåhan
Committee on Criminal Justice, Public Safety, Youth, and Foreign Affairs
Sinadot Ray Tenorio, Ge' hilo

I. OVERVIEW

The Committee on Criminal Justice, Public Safety, Youth, and Foreign Affairs held a Public Hearing on Thursday, February 10, 2005, 9:00 a.m. at *I Liheslaturan Guahan's* Public Hearing Room. Notice of this public hearing was disseminated throughout local media and is attached herein.

a. Senators present:

Senator Ray Tenorio, Chairman
Senator Lawrence F. Kasperbauer, Vice-Chairman
Vice-Speaker Joanne M.S. Brown
Senator Frank Aguon, Jr.
Senator Edward J.B. Calvo
Senator Robert Klitzkie
Senator Adolpho B. Palacios
Senator Antonio R. Unpingco

b. Appearing before the Committee:

Mr. Ray Perez, Captain, Guam Police Department
Mr. John A. Limtiaco, President, Paradise Limousines

c. Written testimony provided:

The Honorable Douglas B. Moylan, Attorney General of Guam
Mr. John A. Limtiaco, President, Paradise Limousines
Mr. Andrew Dames
Mr. Bobby Shringi, Board Secretary, Alcohol Beverage Control Board

II. SUMMARY OF VERBAL TESTIMONIES:

Chairman Ray Tenorio called the Committee on Criminal Justice, Public Safety, Youth, and Foreign Affairs to order and introduced panel members present for the hearing. Senator Edward Calvo, author of Bill No. 27 (EC) followed with introductory comments relative to the intent and purpose behind the proposed legislation. According to Senator Calvo, the introduction of Bill 27 (EC), is in line with the philosophy of reviewing rules, regulations and statutes that are now in the books and are in need of review in order to deal with the present day situation on Guam.

Senator Calvo continued by noting that Guam's economy is driven by the private sector, primarily with service-related operations, which has invited a new part of our visitor industry. Senator Calvo recognized Guam as a destination which tourists consider having their marriage

ceremony take place, also considering other services inclusive of limousine transportation. The author suggested that this proposal attempts to reconcile existing laws that are archaic and are in need of reform embracing the current economic trends and activities of Guam for the public good. The current law in place is restrictive and provides deterrence in situations where drivers of vehicles who have been put in situations where they have been intoxicated cause harm to the general public.

Following comments made by Senator Calvo, Mr. John A. Limtiaco, President of Paradise Limousines, spoke in support of Bill 27 (EC) with a few recommendations that could be integrated into the Bill's final version. Mr. Limtiaco recognized that the proposed legislation needs to incorporate a sealed barrier between the driver and passenger compartment in order to keep alcohol away and out of reach from the vehicle's driver, serving also as a safety component that could protect the driver while he has control of the vehicle.

Mr. Limtiaco indicated that Bill 27 (EC) does not address a general mobile liquor law which the language contained within would allow as currently drafted. Mr. Limtiaco concluded his remarks by emphasizing the need to control any abuse of liquor by individuals within any type of vehicle.

Following Mr. Limtiaco's comments, Captain Ray Perez of the Guam Police Department provided testimony in opposition of the proposed legislation based on some fundamental issues. According to Captain Perez the bill may allow for the existing alcohol statute to be unenforceable to a large degree and regulation of this proposal would be problematic.

Captain Perez proceeded by referencing Section 18121(a) from the Bill's current draft version, suggesting that the original term "possess" should be retained and should read "transport or possess". Captain Perez continued by suggesting that should the definition of 11 GCA 3104 be applied, this may create an unnecessary requirement and may cause complications simply because the bill submits a definition of alcoholic beverages but when you begin to specify, it places a requirement for GPD to actually conduct testing and verification because of the definition.

Additional concerns and general comments presented by Captain Perez with regard to specific language and definitions contained in Bill 27 (EC) include:

- Reference to a rear compartment should be changed to a sealed compartment which is inaccessible when the vehicle is in operation.
- Section 18121(b) - This would allow scrupulous drivers to slide an alcoholic beverage behind them onto the passenger compartment to avoid arrest. If drinking is to be allowed it should be in a vehicle's passenger compartment which is purposely built to prevent a driver's access to alcoholic beverages. The bill does not provide for separation as the passengers side of the front seat of a cab is also a passenger area which is subject to abuse.
- Regulatory issues – There is no provision for promulgation of rules to allow the ABC Commission to control and inspect this activity. Even if rules were established it would be impossible to control and inspect such activity as it is mobile. It would make it difficult for ABC agents to implement covert operations as they do with bars. Violations could be covered up and evidence of non-compliance could be destroyed quickly.
- This measure would compound enforcement in the regulatory requirements with minors. All regulatory requirements currently enforced within a building will be negated when moving into a limousine.

- Have no problems with private businesses in having an opportunity to conduct new forms of business.

Following Captain Perez's comments concerning Bill 27 (EC), Senator Frank Aguon, Jr. suggested that a compromise be generated by continuing the no open container law but if and when specific businesses are allowed the option to entertain guests in a limousine, such businesses shall be tagged and should be identified as operating under such condition. Senator Aguon concluded this part of his remarks by sharing his understanding of what the primary intent of Bill 27 (EC) is and how the Legislature intends to help our island's visitor industry, while ensuring that the safety of island residents and tourists are not jeopardized. Senator Aguon then asked Captain Perez whether or not a compromise he attempted to illustrate would be acceptable.

In response, Captain Perez replied that Senator Aguon's illustration could be acceptable; however, the Legislature must ensure that specific and carefully drafted language be used within the proposed legislation in order to prevent any misinterpretation.

Mr. John Limtiaco respectfully submitted his comments relative to the compromise being discussed between Senator Aguon and Captain Perez, noting that the bill does not apply to private vehicles and is specific to the visitor industry.

Following Mr. Limtiaco's comments, Senator Larry Kasperbauer offered his perspective, recognizing that conditions and activities change as time goes on. Senator Kasperbauer pointed out a bill recently introduced that calls for the prohibition of smoking in restaurants and to an extent within bars. Senator Kasperbauer used these examples in an effort to establish amendments of laws relative to time and societal changes. In his conclusion, Senator Kasperbauer requested clarification on whether or not alcohol would be sold within the vehicle or through a package deal available to customers.

Mr. John Limtiaco responded that most of the legislation he has seen requires that there be a sealed barrier which this bill does not address in its current form. He continued by mentioning that limousines are built to include compartmentalization and that the proposed legislation should include a provision that properly addresses licensing issues, which is directly connected to the issue of who is and who isn't permitted to operate under Bill 27 (EC) and what type of vehicles would be used under the requirements prescribed by law.

Senator Robert Klitzkie followed by questioning who would be serving alcoholic beverages in the case in which the driver of a vehicle is sealed off from passengers. Mr. Limtiaco responded by informing Senator Klitzkie that an attendant or host would probably be present as a measure to keep order and who could determine whether a guest has had too much to drink.

Senator Robert Klitzkie commented that in a bar there is a bartender but in a car there is no attendant. According to the Senator, this may distract the driver therefore creating a potentially dangerous situation if a party (for example) becomes too rowdy. Senator Klitzkie reiterated that it is against the law to serve alcohol to an intoxicated person and that requirement is imposed on the licensee and must be a procedure in place.

Mr. John Limtiaco responded by noting that, perhaps, some type of limitation should be in place with respect to the quantity of liquor available within an acceptable vehicle. However, Mr.

Limtiaco emphasized that people should not always assume the worst case scenario but take a look at the industry and compare it by some research as to what is acceptable.

Senator Adolpho Palacios raised his concerns about chartered buses which would have a larger exposure of alcohol to minors and children, reminding those in attendance that minors are prohibited from entering bars and from consuming alcohol.

Mr. Limtiaco commented that there have been instances where children are present within chartered buses, however, liquor will not be available if there is no adult supervision present to ensure that alcohol is certainly not available to minors. As an example, children are exposed to liquor when they enter a restaurant. Mr. Limtiaco concluded by emphasizing that the industry must and should ensure that such rules are in place.

Senator Adolpho Palacios followed by questioning whether or not this bill would jeopardize federal grant money for highway maintenance. The Senator concluded by indicating his support for small businesses and the concept of innovation, however, cautions those in attendance that the Legislature must not provide opportunities for law-breakers to develop as a result of measures which may not be clear to the general public.

Senator Edward Calvo, author of Bill 27 (EC), concluded his remarks by reminding panel members that should someone get intoxicated and leave a bar, laws currently state that that establishment would still be responsible for the individual. Senator Calvo commented further that there are also laws in place as to the enforceability in current statute. According to Senator Calvo, there are many jurisdictions that allow the use of alcohol in limousines; however, efforts must be made to insure that in the standpoint of public safety, licensure and regulation, that this bill is tightened so that everyone reviewing this proposed measure agrees that a version is acceptable.

III. WRITTEN TESTIMONIES:

The following is a list of individuals that submitted written testimony before the Committee on Criminal Justice, Public Safety, Youth, and Foreign Affairs relative to Bill No. 27 (EC) and are attached herein for review:

- The Honorable Douglas B. Moylan, Attorney General of Guam
- Mr. John A. Limtiaco, President, Paradise Limousines
- Mr. Andrew Dames
- Mr. Bobby Shringi, Board Secretary, Alcohol Beverage Control Board

IV. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee finds it critical that government allow private businesses the opportunity to avail themselves and not go against existing mandates but to offer alcoholic beverages within acceptable vehicles, while ensuring that they are in direct compliance to the law and without eliminating the no open container policy. Additionally, the Committee recognizes the continuation of Guam's eligibility to receive Transportation Equity Act for the 21st Century (TEA-21) grant aid as Federal laws recognize vehicles that are designed, maintained or used primarily for the transportation of people for compensation (i.e. buses, taxi cabs, and limousines).

The Committee finds that there are laws in place as to the enforceability in current statute. There are many jurisdictions throughout the mainland United States that allow for the use of alcohol in limousines and related vehicles.

The Committee on Criminal Justice, Public Safety, Youth, and Foreign Affairs finds that the introduction of Bill 27 (EC), is in line with the philosophy of reviewing rules, regulations and statutes that are now in the books and are in need of review in order to meet the societal changes and the need for economic stability. The Committee finds that Guam's economy is driven by the private sector and it is from the growth and expansion of our island's visitor and services industry where economic stability can embark upon. The Committee finds this legislation as an attempt to reconcile existing laws that may be archaic and in need of reform, ultimately embracing the current economic trends and activities of Guam, which will only serve for the betterment of our island community.

The Committee on Criminal Justice, Public Safety, Youth, and Foreign Affairs, to which Bill No. 27 (EC) **"AN ACT TO AMEND SECTIONS 18121 AND 18122 OF CHAPTER 18 OF TITLE 16 OF THE GUAM CODE ANNOTATED AND SECTION 3423 OF ARTICLE 4, DIVISION 1, CHAPTER 3, TITLE 11 OF THE GUAM CODE ANNOTATED RELATIVE TO ASSISTING OUR TOURISM INDUSTRY BY ALLOWING THE CONSUMPTION OF ALCOHOL RESTRICTIVELY WITHIN LIMOUSINES AND CHARTERED VEHICLES TRAVELING ON PUBLIC HIGHWAYS AND ROADS."** was referred, does hereby submit its findings and recommendations to *I Mina' Bente Ocho Na Liheslaturan Guåhan* **TO PASS** Bill No. 27 (EC) *as amended*.

The Office of Senator Robert Klitzkie
The 28th Guam Legislature

Virtual
Bob's Office

197 Herman Cortes Ave
HAGATNA GUAM 96910

Committee on Calenda

[Bob's Votes & Legislation](#) [About Bob's Office](#) [Contact Bob's Office](#) [Bob Says](#) [Bob in the News](#)

Bill Referral

48
49
50

Bill	Sponsor	Description	Date Introduced	Date Referred	Committee Referred Committee Chair	Public Hearing Deadline**
26	M. Forbes and R. Klitzkie	Repeal Santos Amendment	01/11/05	01/12/05	General Matters, Forbes	05/11/05
Res 10	R.J. Respicio	Amend Standing Rules	01/13/05	01/14/05	Executive Committee	05/13/05
27	E. J.B. Calvo	Consumption of alcohol restrictively within limousines	01/14/05	01/17/05	Criminal Justice, Public Safety, Tenorio	05/14/05
28	R. J. Respicio	Earmark proceeds of GTA sale to DOE	01/14/05	01/17/05	Finance, Taxation & Commerce, Calvo	05/14/05
29	F. B. Aguon	Transfer of former GMTA property & bldg. to Hagatna Mayor's Office	01/17/05	01/20/05	General Matters, Forbes	05/17/05
30	R. J. Respicio	GRT Living Wage Tax Credit	01/18/05	01/19/05	Finance, Taxation & Commerce, Calvo	05/18/05
31	R. J. Respicio	Guam Military Service Relief Act	01/20/05	01/21/05	Tourism, Maritime, Military & Veteran Affairs, Unpingco	05/20/05
32	A.B. Palacios	Handbilling Act	01/20/05	01/21/05	Criminal Justice, Public Safety, Tenorio	05/20/05
33	J.M.S. Brown	Copper Wire Purchase log book of all transactions	01/21/05	01/24/05	Criminal Justice, Public Safety Youth & Foreign Affairs, Tenorio	05/21/05
34	A. R. Unpingco	\$2,000,000 for roadway repairs and resurfacing	01/24/05	01/25/05	Tourism, Maritime, Military & Veterans Affairs	05/24/05
35	J.M.S. Brown	Deappropriate \$50,000 from Legislature and to reappropriate to UOG Inarajan Agri Experiment Station	01/24/05	01/25/05	Executive Committee	05/24/05
36	L. A. Leon Guerrero	Mandatory Public Hearings on substantive resolutions	01/26/05	01/27/05	Executive Committee	05/26/05



Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs
Senator Ray Tenorio, Chairman

Public Hearing
Thursday • February 10, 2005 • 9:00a.m.
I Liheslaturan Guåhan

BILL NO. 27(EC): An act to amend sections 18121 and 18122 of Chapter 18 of Title 16 of the Guam Code Annotated and section 3423 of Article 4, Division 1, Chapter 3, Title 11 of the Guam Code Annotated relative to assisting our tourism industry by allowing the consumption of alcohol restrictively within limousines and chartered vehicles traveling on public highways and roads.

NAME (Please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
Douglas Moylan			/		/	
John Limitiacc	Paradise Limousines	✓	✓	✓		473-4374 Ext. 105
Raymond Perez	QPD	✓			✓	475-8508/9



Office of the Attorney General

Douglas B. Moylan

Attorney General of Guam

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LEGISLATIVE TESTIMONY

Bill Number 27

(Public Hearing on Thursday, February 10, 2005)

The Office of the Attorney General currently is not in support as to the above identified legislation as drafted. The reasons are set forth below.

Subparagraph (c) refers to “a alcoholic beverage control general license specifying that the business is permitted to offer alcohol for leisure purposes on such vehicle.” The questions are whether the Department of Revenue and Taxation actually issues such a license and what is the authority for the Department to issue such a license? One would assume that implied authority is embodied in Bill 27. However, express statutory authority to issue such a license would be better.

Author: General Crimes Division

I believe this is bad policy. We should be limiting alcohol as much as possible on the roads. I have been in both buses and planes where alcohol was freely given and rowdy passengers can be a problem. They can even be a danger to the driver of a bus were there is no firm barrier between the passengers and the driver.

This Bill is missing any reference to the ABC Licensing Board and the licenses given. It refers to the owner of the vehicle having a license to serve alcohol on that vehicle, but not provision n the ABC law to give that license, nor to attach any conditions to that license. This is a serious flaw.

(The Office's testimony provided herein is intended to help the Committee evaluate the legislation. Since our time and staff resources remain scant and this testimony reflects our voluntary assistance, the testimony provided herein shall not be binding upon us, and is subject to our changing position in the event that facts or law are discovered which were not considered at the time of submitting this testimony.)

Legislative Testimony

Finally, this bill, probably unintentionally, now makes it legal for anyone to drink along a public highway. The former law prohibited drinking alcohol on a public way by anyone, in a car or not. The amendment would prohibit only drivers and operators or passengers from drinking, unless exempted by earlier sections of this Bill. Of course, operators are not exempted from the ban here or elsewhere, so this section is ambiguous at best.

Author: Consumer Counsel Troutman

PARADISE LIMOUSINE

P: 671.475.7433 • F: 671.473.4370
P.O. Box 10838 Tamuning, Guam 96913 • USA

February 9, 2005

Honorable Senator Ray Tenorio
Chairman
Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs
Twenty-Eighth Guam Legislature
Hagatna, Guam 96910

Testimony on Bill 27 (EC)

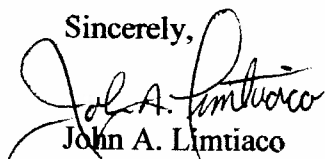
Dear Senator Tenorio,

My name is John Limtiaco and I am the Managing Partner of Paradise Limousine LLC. I am testifying in support of Bill 27 and its intention to allow the consumption of alcoholic beverages in the passenger areas of buses and limousines.

This bill will allow service providers the ability to utilize the full potential of their equipment and further develop the bus and limousine charter business.

It will be important to modify the Alcohol Beverage License Law to accommodate this bill. The areas of the law that will need to be modified include the addition of a mobile liquor license that is specific to buses and limousines. There should also be an equitable adjustment in the fees for a liquor license for limousines and buses. I would suggest that a limousine be charged 25% of the rate of an on-site liquor license and a bus be charged 50% of an on-site liquor license. These suggested rates are in line with the reduce volume of liquor that can be expected to be sold to a limited number of passenger that enter these vehicles.

Sincerely,


John A. Limtiaco
Managing Partner

FAX: 479-1329

February 10, 2005

Written Testimony on Bill 27 (EC)

Honorable Chair Tenorio,

As I flipped through the pages of the Pacific Daily News, I saw, at the corner of my eye, a notice of a public hearing. I looked at the different bills to be heard, and then I saw Bill 27. I read its title and went online to read Bill 27. I was disgusted the moment I read that title, "allowing the consumption of alcohol restrictively within limousines and chartered vehicles, traveling on public highways and roads." I would like to share with you why I believe Bill 27 is not in the best interest of Guam.

How can allowing tourists to get drunk and do foolish things behind the closed doors of a limousine or bus, aid our tourism industry. Do we want to portray Guam as a party destination? Do we want to adopt the term, "What happens on Guam, stays on Guam?" I do not believe that this bill helps us to better serve our guests and their families. Let's focus on Guam's beauty, fiestas, and cultural pride. Let's not turn the focus of this family-destination island into a "party-hearty" island.

How does allowing the consumption of alcohol in a limousine or bus help the image of our island? I would question the true heart of the authors, Senator(s) Edward Baza Calvo, Mark Forbes and Antonio Unpingco. Is this an attempt to further aid our island's economy or aid a special interest relationship? Senators were put into their position to help the people of Guam. Senator Forbes, you ran your last campaign as the "proven leader", how does this bill further prove your leadership? Senator Unpingco, you have always focused your campaign on the family, how does Bill 27 fulfill your "for your family" slogan? I just don't see how Bill 27 helps our people.

Whether or not this is already occurring on our island, regulating it in this matter is not the way to go. This bill will not aid the tourism industry. Bill 27 will negatively impact the youth of Guam, as our island struggles with underage drinking.

Honorable Chair and Senators, ask yourselves, is this the route we want to take in depicting our island? Shall we continue on with this philosophy of allowing such activities to take place on Guam as outlined in Bill 27? How will this impact our merit as the lawmaking body of Guam? Is this bill really made to aid the tourism industry or to cater to special interest groups? And most importantly, am I making a decision based on the interest of my constituents, my people? The government's job is to regulate, not promote. I believe that should the 28th Guam Legislature pass this bill it would be promoting alcohol to our island.

Please consider my argument and my questions. As I am only 16 years old, I am concerned for the youth of Guam and our island's future. I hope you choose to vote down Bill 27. I mean no personal attacks; I only wish that you consider why you make such decisions. Thank you for your time and may God bless Guam this new year.

Sincerely,

Andrew Dames
Andrew Dames
479-9818

REC'D. 11 FEB 05 - 1310
BY <i>Jessica</i>
CoS
SENATOR
ACTION
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From: "Bobby Shringi" <bshringi@moylans.net>

Date: Mon, February 14, 2005 8:15 pm

To: ray@raytenorio.com

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Ray:

Hope that all is well with you. Attached is a testimony for a bill your committee heard at a Public Hearing last Friday. I was unable to attend, and neither was the ABC Chairman Mr. Albert Tsutsui. Anyways, the legislation dealt with legalizing alcohol consumption in a moving limousine and/or chartered bus. Since the ABC office and board does not have much information on the present bill, we don't exactly have a support on lack of support stance on this issue. However, since the topic of amending ABC laws is in place, I would like to sit down with you, and discuss possible amendments to the existing ABC law, because trust me, the laws are about 30 years out dated, and need some major revamping at this time.

If possible, can I set up an appointment with you for the latter part of the week? I have some draft documents that I will share with you, and I am sure that you will agree with me on. Nothing controversial, just cleaning up laws to assure that alcohol is effectively regulated in the territory, and that not too much power is in too few hands.

Thank you very much for your time, and I certainly hope to hear from you soon. Keep up the great job!!

Best Regards,

Bobby

P.S. My cell number is 482-2627 and my contact number is 472-3614 ext. 215, if you need someone to get hold of me.

Attachments:

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Alcohol Beverage Control Board

Compliance Branch, Department of Revenue and Taxation
GOVERNMENT OF GUAM

P.O. Box 23607
GMF, Guam 96921
475-1802/5

Felix P. Camacho- Governor
Kaleo S. Moylan- Lt. Governor

Albert Tsutsui- Chairman
Bobby A. Shringi- Secretary

February 10, 2005

TESTIMONY

Senator Tenorio and members of the 28th Guam Legislature's Committee on Public Safety. My name is Bobby Shringi and I am Secretary of the Alcohol Beverage Control Board. I am representing Chairman Albert Tsutsui, who could not attend this morning. I am here to neither testify in favor of or against legislation to allow limousine services or chartered buses the opportunity to attain an ABC license, due to the fact that members of the ABC Board and Compliance Branch have not reviewed the proposed legislation at this time. What we do plan on doing is reviewing the bill, and providing our input. Don't get me wrong, the licensing would bring in additional revenue towards our economy, and we are firm believers in allowing this to occur, but it's the means of the licensing and the responsibilities of our office that we are more concerned about.

However, what I am here today to request, is since there is proposed legislation in regards to ABC licensing, that I can use this opportunity to address concerns from the ABC perspective that we would like to request our lawmakers to also consider. Issues such as clarifying the closing hours of bars, issuing monetary citations, and revisiting the license fees, are among the key issues that also need to be addressed, to clarify the ABC legislation which has been in existence for so many years. What we do request, is that if the 28th Guam Legislature does plan on making amendments to the present law, that it consider incorporating many other considerations as well; issues from the point of the folks who work with these regulations on a daily basis.

The Board members and Compliance Inspectors, would be more than glad to share with you some of our ideas and concerns, which in turn would create a positive level of compliance of alcohol beverages here on Guam. Today might not be the ideal time, but I certainly will be in touch with you in the coming days and weeks, and possibly set up a meeting with you. I appreciate your time and efforts, and wish you all a warm thank you very much, dang kalu na si' yuous maase and a maraming salamat po.

Regards,

Bobby A. Shringi
Board Secretary

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LIHESLATURAN GUAM
I Mina' Bente Ocho Na Liheslaturan Guahan
 Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs
Senator Ray Tenorio, Chairman & Majority Leader
 Public Hearing, Thursday, February 10, 2005 at 9:00a.m.
 Public Hearing Room; Temporary Legislature, 155 Hesler Place, Hagatna, Guam
 Guam Parole Board Member Nominees: Ms. Soledad H. Chargualaf & Mr. Michael D. Carey

Bill No.:

- 38(EC) Establishing a special allegation to be known as "Crime Against the Community."
- 33(EC) Requiring persons, entities or corporations buying copper wire to maintain a log of purchases made from on-island sources.
- 32(EC) Regulations for the control of handbilling within Tumon or other economic tourism zones.
- 27(EC) Allowing the consumption of alcohol restrictively within limousines and chartered vehicles traveling on public roadways.
- 9(LS) Providing exceptions for prior licenses.
- 6(LS) Regulating the sale of butane, propane and other inhalants to minors.

For ADA Assistance call ADA Coordinator Francis Toves at 479-4826. Please fax written testimony to 479-1329, if you are unable to personally attend the public hearing, or e-mail jessica@raytenorio.com.

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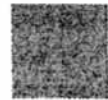
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MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 27 (EC)

Introduced by:

E.J.B. Calvo *EC*
Mark Forbes *MF*
A.R. Unpingco *AR*

**AN ACT TO AMEND SECTIONS 18121 AND 18122
OF CHAPTER 18 OF TITLE 16 OF THE GUAM
CODE ANNOTATED AND SECTION 3423 OF
ARTICLE 4, DIVISION 1, CHAPTER 3, TITLE 11
OF THE GUAM CODE ANNOTATED RELATIVE
TO ASSISTING OUR TOURISM INDUSTRY BY
ALLOWING THE CONSUMPTION OF ALCOHOL
RESTRICTIVELY WITHIN LIMOUSINES AND
CHARTERED VEHICLES TRAVELING ON
PUBLIC HIGHWAYS AND ROADS.**

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

2 **Section 1.** Section 18121 of Chapter 18 of Title 16 of the Guam Code
3 Annotated is amended to read:

4 **"§ 18121. Possession of Opened Container in a Motor**
5 **Vehicle.** ~~Any person who has in his or her possession on his or~~
6 ~~her person, while in a motor vehicle upon a highway, any~~
7 ~~bottle, can, or other receptacle, containing any alcoholic~~
8 ~~beverage which has been opened, or a seal broken, or the~~
9 ~~contents of which have been partially removed shall be guilty~~

1 ~~of a misdemeanor.~~ A. It shall be unlawful for any person to
2 knowingly transport in any moving vehicle upon a public
3 highway, street or alley any alcoholic beverage as defined
4 within 11GCA §3104, or any intoxicating beverage, except in
5 the original container which shall not have been opened and
6 from which the original cap or seal shall not have been
7 removed, unless the opened container be in the rear trunk or
8 rear compartment, which shall include the spare tire
9 compartment in a station wagon or panel truck, or any outside
10 compartment which is not accessible to the driver or any other
11 person in the vehicle while it is in motion. Any person
12 violating the provisions of this section shall be deemed guilty
13 of a misdemeanor.

14 B. The provisions of subsection A of this section shall not
15 apply to the passenger area of buses and limousines; however,
16 it shall be unlawful for the driver of the bus or limousine to
17 consume or have in the driver's immediate possession any
18 intoxicating beverage or alcoholic beverage.

1 C. The operator of said vehicle shall have available a copy
2 of a valid business license and a Alcoholic Beverage Control
3 general license specifying that the business is permitted to offer
4 alcohol for leisure purposes on such vehicle.

5 D. No passenger less than eighteen (18) years of age is
6 permitted to purchase, handle or consume alcoholic beverages
7 or intoxicating beverages of said vehicle.

8 E. As used in this section:

9 1. "Bus" means a vehicle chartered for transportation of
10 persons for hire. It shall not mean a school bus transporting
11 children or a vehicle operated pursuant to a franchise with a
12 city or town operating over a regularly scheduled route; and

13 2. "Limousine" means a chauffeur-driven motor vehicle,
14 other than a bus or taxicab designed and used for
15 transportation of persons for compensation.

1 **Section 2.** Section 18122 of Chapter 18 of Title 16 of the Guam Code

2 Annotated is amended to read:

3 “**§ 18122. Storage of Opened Container.** A person shall
4 be guilty of a misdemeanor if he or she is the registered owner
5 of any motor vehicle or the driver if the registered owner is not
6 then present in the vehicle, keeps in a motor vehicle, when the
7 vehicle is upon any highway, any bottle, can, or other
8 receptacle containing any alcoholic beverage which has been
9 opened, or a seal broken, or the contents of which have been
10 partially removed, unless the container is kept in the trunk of
11 the vehicle, or kept in some other area of the vehicle not
12 normally occupied by the driver or passengers, if the vehicle is
13 not equipped with a trunk. A utility compartment or glove
14 compartment shall be deemed to be within the area occupied
15 by the driver and passengers. This section shall not apply to the
16 living quarters of a house car or camper. This section shall not
17 apply to persons and vehicles excepted by §18121 supra.”

1 **Section 3.** Section 3423, Article 4, Division 1, Chapter 3 of Title 11 of the
2 Guam Code Annotated is hereby *amended* to read:

3 “**§3423. Consumption on Public Way Forbidden.** A
4 person shall not consume any alcoholic beverage on any public
5 highway or road while operating, or traveling in a motor
6 vehicle unless excepted by 16GCA §18121.”

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